

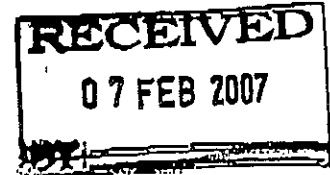


NSW GOVERNMENT
Department of Planning

Contact: Michael Woodland
Phone: (02) 9228 6375
Fax: (02) 9228 6540
E-mail: michael.woodland@planning.nsw.gov.au
Our ref: MP 06_0316
Your ref:
File: S06/01067-1

1 February 2007

Mr Bob Ell
Executive Chairman
Leda Holdings
GPO Box 2522
SYDNEY NSW 2001



Dear Mr Ell,

Proposed Residential Community Development, Cobaki Lakes, Tweed Heads

Thank you for your letter dated 21 November 2006 regarding the above proposal.

I am writing to advise you that the Minister for Planning formed the opinion on 24 January 2007 that your proposal is a Major Project and that Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act) applies.

Pursuant to Section 75M of the Act, the Minister also authorised submission of a Concept Plan for the proposed residential community development. The Director-General's Environmental Assessment Requirements are currently being prepared for this project. You will be advised when they are available.

If you have any questions concerning any of the above matters, please contact Michael Woodland on (02) 9228 6375 or via e-mail to michael.woodland@planning.nsw.gov.au.

Yours sincerely

1.2.07

Chris Wilson
Executive Director
Major Project Assessments

cc: Noel Hodges, Director Planning and Development, Tweed Shire Council
Fax (02) 6670 2483



NSW GOVERNMENT
Department of Planning

Contact: Sally Laing
Phone: 9228 6498
Fax: 9228 6540
Email: sally.laing@planning.nsw.gov.au
Our ref: MP 06_0316
Your ref:

Mr Bob Ell
Executive Chairman
Leda Holdings
GPO Box 2522
SYDNEY NSW 2001

Dear Mr Ell,

Concept Plan Application - Proposed Residential Community Development, Cobaki Lakes, Tweed Heads

As you are aware, the Minister for Planning authorised a concept plan for the proposed residential community at Cobaki Lakes on 24 January 2007. Subsequent to this, Director-General's Environmental Assessment Requirements (DGRs) were issued for the application on 5 March 2007.

Since this time, additional consultation has been undertaken with government agencies, including Council. This consultation has highlighted some additional requirements for inclusion in the DGRs.

Amended DGRs for the concept plan are therefore attached to this correspondence at **Attachment 1**.

Attachment 2 lists the relevant plans and documents which are likely to be required upon submission of your proposal, however, this should be confirmed with the Department prior to lodgement.

It should be noted that the DGRs have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

It would be appreciated if you would contact the Department at least two weeks before you propose to submit the Environmental Assessment for the project to determine:

- the fees applicable to the application;
- consultation and public exhibition arrangements that will apply; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessment that will be required.

A list of some relevant technical and policy guidelines which may assist in the preparation of this Environmental Assessment are attached at **Attachment 3**.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with other

relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessment does not adequately address the DGRs, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent.

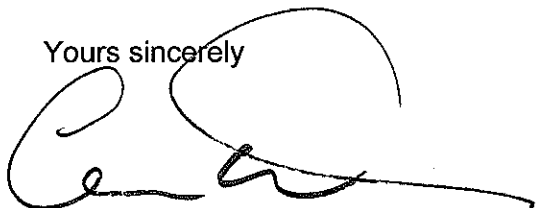
Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days. The Director-General's requirements will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. As a result, the Department would appreciate it if all documents that are subsequently submitted to the Department are in a suitable format for the web, and if you would arrange for an electronic version of the EA to be hosted on a suitable website with a link to the Departments website.

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance (NES), it will require an additional approval under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Commonwealth Department of Environment and Water Resources in Canberra (6274 1111 or <http://www.environment.gov.au>) to determine if the proposal is likely to have a significant impact on matters of NES and would require an approval under the EPBC Act. The Commonwealth Government has accredited the NSW environmental assessment process for assessing any impacts on matters of NES. As a result, if it is determined that an approval is required under the EPBC Act, please contact the Department immediately as supplementary DGRs will need to be issued.

Copies of responses from government agencies to the Department's request for key issues and assessment requirements are enclosed at **Attachment 4**. Please note that these responses have been provided to you for information only and do not form part of the DGRs for the EA.

If you have any queries regarding these requirements, please contact Sally Laing on (02) 9228 6498 or via email to sally.laing@planning.nsw.gov.au

Yours sincerely



21.8.07

Chris Wilson
Executive Director
as delegate for the Director General

Attachment 1

Director-General's Environmental Assessment Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number
06_0316
Project
A Concept Plan for the following: <ul style="list-style-type: none"> • residential development; • town centre; • schools; and • open space.
Location
Lot 1 DP 570076, Lot 2 DP 566529, Lot 1 DP 562222, Lot 1 DP 570077, Lot 1 DP 823679, Lots 46, 54, 55, 199, 200, 201, 202, 205, 206, 209, 228 & 305 DP 755740, Cobaki Lakes, off Piggabeen Road Tweed Heads
Proponent
Leda Manorstead Pty Limited
Date issued
21 August 2007
Expiry date
21 August 2009
General requirements
<p>The Environmental Assessment (EA) for the Concept Plan must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. An outline of the scope of the project including: <ul style="list-style-type: none"> • any development options; • justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest; • outline of the staged implementation of the project if applicable; 3. A thorough site analysis including constraints mapping and description of the existing environment; 4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans. 5. Consideration of impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; 6. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 7. The plans and documents outlined in Attachment 2; 8. A signed statement from the author of the Environmental Assessment certifying that the

- information contained in the report is neither false nor misleading; and
9. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.

Key Issues for Concept Plan Application

The EA for the **Concept Plan** must address the following key issues:

1. Structure Plan – Land Uses, Subdivision and Urban Design

- 1.1 Provide a Structure Plan for the site that identifies location of indicative landuses, densities, road and open space networks, residential development, town/neighbourhood centres and schools and protection of areas of environmental significance. The Structure Plan is to include:
- (a) consideration of the site's context, topography, opportunities and constraints;
 - (b) identification of areas capable of achieving more intensive land uses, that provide increased housing supply and choices and promote social and economic development;
 - (c) consideration to provision of employment lands (other than retail) to assist development of a self-sustaining community;
 - (d) identification of any inconsistencies with the Tweed LEP 2000, relevant DCPs and policies in relation to key planning controls; and
 - (e) consideration of the *Far North Coast Regional Strategy's* Neighbourhood Planning Principles, specifically addressing the need for affordable housing and for housing diversity.
- 1.2 Consideration of the integration and compatibility of the proposed land uses (eg residential properties, town centres, schools, open space and environmental protection areas) and potential impacts such as access arrangements for each use, traffic, buffers, density controls; suitability of the proposed development with the surrounding area and visual impacts in the context of adjoining and surrounding development and from all publicly accessible areas.
- 1.3 Where land proposed for development adjoins land that is currently used for agriculture, a conflict assessment will be required including investigating measures to avoid land-use conflict, consistent with the principles of the Northern Rivers Farmland Protection Project.
- 1.4 Demonstrate the consistency of the proposal with the *NSW Coastal Design Guidelines*, the *Far North Coast Regional Strategy* and *Tweed Council's DCP 16 – Subdivision Manual*.

2. Visual Impact

- 2.1 Address the visual impact of the proposal in the context of surrounding development and relevant mitigation measures. In particular address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places and cumulative impacts. Consideration of the Gold Coast Airport Lighting Zone Map and the Commonwealth *Airports (Protection of Airspace) Regulations*.

3. Traffic Management and Access

- 3.1 Prepare a Traffic Concept Plan in accordance with the RTAs *Guide to Traffic Generating Development* to include:
- (a) Details and analysis of proposed access to the site;
 - (b) Modelling of the traffic impact on the proposal and existing road network;
 - (c) Assessment of the impacts on the existing and proposed road network and infrastructure such as road junctions using AUSTROADS guidelines to identify mitigation measures;

- (d) Impact on the Tugun Bypass, existing Pacific Highway and Kennedy Drive;
- (e) Impact on Boyd Street and identify the necessary mitigation measures required;
- (f) Development of a matrix to identify the timely provision of road infrastructure;
- (g) Connectivity to existing and future adjoining development;
- (h) Mitigation of the impact of road traffic noise and vibration on the existing and proposed development;
- (i) Location of schools and community facilities away from arterial roads;
- (j) Provision of retail and commercial development without direct access to arterial roads;
- (k) Road networks designed to maintain a safe speed environment;
- (l) Provision of at grade or grade separated traffic management treatments to protect all road users at conflict points;
- (m) Provisions for both public and school bus routes; and
- (n) Pedestrian and bicycle connections to community facilities and existing networks.

4. Flora and Fauna

- 4.1 Demonstrate that the development footprint will not adversely impact on existing native flora and fauna. This should include a consideration of the impact of the proposal on wildlife corridors, any remnant bushland, Koala habitat in accordance with SEPP 44 and consultation with Council and threatened species and their habitats in accordance with the draft *Guidelines for Threatened Species Assessment* (July 2005).
- 4.2 Provide a description of the proposed treatment of any ecological buffers, including interaction with the proposed land uses, asset protection zones, stormwater structures, extent of proposed environmental restoration and enhancement works.
- 4.3 Assess proposed native vegetation clearing with consideration of potential impacts and if applicable, provide details of any offset strategy or other suitable mitigation measures to ensure that there is no net loss of native vegetation values.
- 4.4 Consideration of the provision, management and ongoing maintenance of general public open space.
- 4.5 Provide an assessment against SEPP 14 – Coastal Wetlands.
- 4.6 Address the requirements of Council's DCP 25 – Biting Midge and Mosquito Control.

5. Water Management

- 5.1 Address the requirements of relevant flooding data in relation to access to, within and from the site, the location of land uses and minimum site and floor levels.
- 5.2 Address the impact of the development on the Cobaki Broadwater and nearby existing development, in relation to the flood impacts of the proposal.
- 5.3 Consider impacts, if any, associated with climate change and sea level rise.
- 5.4 Identify the impacts of the development on the existing hydrology, hydrogeology, groundwater and geology of the site. Consideration should be given to flood prone areas; the impact on wetlands, riparian zones, and other important habitat areas and the need for buffers to protect environmentally sensitive lands.
- 5.5 Assess the proposal against the recommendations of the framework for coastal lake sustainability assessment, the *Independent Public Inquiry into Coastal Lakes: Final Report (April 2002)* and the *Healthy Rivers Commission Report into Coastal Lakes and Statement of Joint Intent* (all by the Healthy Rivers Commission of NSW), the Northern Rivers Catchment Action Plan and the Cobaki Broadwater Management Plan.
- 5.6 Address concept drainage and stormwater management issues arising from the development. This should include:
 - (a) demonstrating that drainage and stormwater runoff will not have a significant impact on the surrounding environments downstream of the development (especially water, wetlands, and important habitat areas);
 - (b) demonstrating consistency with the *Tweed Integrated Water Cycle Management –*

	<p><i>Context and Strategy Study (March 2006)</i>; and</p> <p>(c) the identification of any on-site treatment of stormwater and waste water, including recycling, Water Sensitive Urban Design, the need to incorporate dual use reticulation, and drainage infrastructure</p>
6. Contamination and Acid Sulfate Soils	
6.1	Identify potential contamination, acid sulfate soils, and other geotechnical issues on the site and address these in accordance with relevant legislation, planning instruments, and guidelines
7. Noise Impacts	
7.1	Demonstrate that the proposal will be designed, constructed, operated and maintained so that there is no unacceptable level of noise impacts (including traffic noise) on amenity in the locality.
7.2	Consideration of the possible impacts of aircraft noise from the Gold Coast Airport.
8. Bushfire Risk	
8.1	Demonstrate that the future development of the site is consistent with the <i>Planning for Bushfire Protection 2006</i> .
9. Heritage	
9.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance (refer to <i>draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i>).
9.2	Identify any other items of European heritage significance and provide measures for conservation of such items
10. Utilities Infrastructure	
10.1	Prepare a utility and infrastructure servicing report (including plans) for the site that includes: <ul style="list-style-type: none"> (a) identification and location of existing and future utility and infrastructure servicing the site; (b) demonstration that the site can be satisfactorily serviced for utility services; and (c) augmentation works necessary to fully service the project, accompanied by indicative cost of these works
11. Future Demographics	
11.1	Identify the likely future community to occupy the site and forecast the community services and facilities required. This Report should: <ul style="list-style-type: none"> (a) identify the likely demographics and community context after analysing and considering similar development within the region; (b) provide an analysis of demographic projections; (c) identify existing facilities and services and the projected demand the development will have on them, as well as any other implications that might arise; (d) detail strategies and actions to satisfy the future demands for facilities and to mitigate any impacts on existing facilities and services required for the development; and (e) identify future facilities and services that will be required as a result of the development
12. Planning Agreements and/ or Developer Contributions	
12.1	Address and provide the likely scope of any planning agreement and/or developer contributions with Council/ Government agencies, including the RTA.
13. Development Staging	

13.1 Identify staging of the development and demonstrate that land supply and demand will be released in an orderly and coordinated manner and will occur in conjunction with associated facilities and services.

14. Off-site Impacts

14.1 Demonstrate that the development will not have any adverse impacts on adjoining lands. This is to include consideration of adjacent land uses, water quality, water quantity, erosion, sedimentation, fire management, fencing, and access.

Consultation

You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:

(a) *Agencies or other authorities:*

- Tweed Shire Council;
- Department of Environment and Conservation;
- Roads and Traffic Authority;
- Department of Natural Resources; and
- NSW Rural Fire Service.

The following agencies and authorities should also be consulted, where relevant:

- Ministry of Transport;
- Department of Education & Training;
- Local Aboriginal Land Council and any relevant local aboriginal organisations;
- Department of Primary Industries;
- Department of Housing;
- NSW Health Department, including North Coast Area Health Service;
- NSW Heritage Office;
- Gold Coast Airport Pty Ltd;
- Northern Rivers Catchment Management Authority;
- Utility and infrastructure providers; and
- NSW Emergency Service agencies.

(b) *Public:*

Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.

The consultation process and the issues raised should be described in the Environmental Assessment.

Deemed Refusal Period

120 days

Attachment 2

Plans and Documents to accompany the Application

Plans and Documents of the development

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your **Concept Plan** application:

1. The **existing site survey plan** is to be drawn to 1:500 scale (or other appropriate scale) and show:
 - the location of the land, the measurements of the boundaries of the land, the size of the land and north point;
 - the existing levels of the land in relation to buildings and roads;
 - location and height of existing structures on the site; and
 - location and height of adjacent buildings and private open space.
2. An **aerial photograph** of the subject site with the site boundary superimposed.
3. A **Site Analysis Plan** must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways etc.).
4. A **locality/context plan** drawn to 1:500 scale (or other appropriate scale) should be submitted indicating:
 - significant local features such as parks, community facilities and open space, water courses and heritage items;
 - the location and uses of existing buildings, shopping and employment areas;
 - traffic and road patterns, pedestrian routes and public transport nodes; and
 - The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation.
5. The **Environmental Assessment** in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.
6. The **Concept Drawings** (where relevant) are to be drawn to scale and illustrate the following general features:
 - The location of any existing building envelopes or structures on the land;
 - Section plans;
 - Communal facilities and servicing points;
 - The height of the proposed development in relation to the land;
 - Significant level changes;
 - Parking and vehicular access arrangements; and
 - Pedestrian access to, through and within the site.
7. **Shadow Diagrams** – for buildings comprising 2 or more storeys are to show solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.

	<p>8. Other plans including (where relevant):</p> <ul style="list-style-type: none"> • Road Hierarchy and Open Space Network Plans – illustrating indicative road and open space networks. • Stormwater Concept Plan - illustrating the concept for stormwater management from the site and must include details of any major overland flow paths through the site and any discharge points to the street drainage system. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided. • Landscape Concept Plan – plan or drawing that shows the basic detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc). • View analysis – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development.
<p>Specialist advice</p>	<p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practicing consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Flora and Fauna; • Bushfire; • Landscaping; • Geotechnical and/or hydro geological (groundwater); • Stormwater/drainage; • Urban Design/Architectural; • Contamination in accordance with the requirements of SEPP 55; and • Acid Sulphate Soil Management Plan.
<p>Documents to be submitted</p>	<ul style="list-style-type: none"> • 1 hard copy of the Environmental Assessment; • 1 set of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); • 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below); and • Additional copies will be requested once the EA has been accepted as a duly made application. If the Environmental Assessment is bulky and lengthy in volume, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies.
<p>Electronic Documents</p>	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> • Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files. • File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files. • Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order. • Graphic images will need to be provided as [.gif] files. • Photographic images should be provided as [.jpg] files. • Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. • Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as



individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order.

Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.

Attachment 3

State Government technical and policy guidelines

The following list provides relevant technical and Policy Guidelines which may assist in the preparation of the Environmental Assessment. It should be noted, however, that this list is not exhaustive as other documents and policies may need to be reviewed. It is also important to note that not of all of these guidelines may be relevant to your proposal.

The majority of these documents can be found on the relevant Departmental Websites, on the NSW Government's on-line bookshop at <http://www.bookshop.nsw.gov.au> or on the Commonwealth Government's publications website at <http://www.publications.gov.au>.

Aspect	Policy /Methodology
Biodiversity	
Flora and Fauna	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Department of Planning 2005)
Fish and Aquatic Ecosystems	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Threatened Species Management Manual (NPWS, 1998)
Coastal Planning	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, NSW Government, 1997
	Coastal Design Guidelines for NSW, PlanningNSW, February 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
Bushfire	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
Contamination of Land	
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
Environmental Management Systems	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
Heritage	
Aboriginal	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A (Planning 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)
	NSW Heritage Manual (NSW Heritage Office, 1996)
Noise	
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)

Aspect	Policy /Methodology
Rehabilitation	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
Safety and Hazards	Electrical Safety Guidelines (Integral Energy)
Soils	Acid Sulfate Soil Manual (ASSMAC) Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
Traffic & Transport	Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03) Guide to Traffic Generating Developments (RTA, 2002)
Urban Design: Cycleway/Pathway Design	Guidelines for the Design and Construction of Paths and Cycleways along Watercourses and Riparian Areas (Version 2) (DIPNR/DNR)
Water	Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
Floodplain	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
Groundwater	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
Stormwater	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
Waterways	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)

Attachment 4
Agency Responses to Request for Key Issues
- For Information Only



**TWEED
SHIRE
COUNCIL**

Please Quote Council Ref: GT1/51 and GT1/52
Your Ref No: MP06_0316 & MP06_0318
For Enquiries Please Contact: Rowena Michel / Lindsay McGavin
Telephone Direct (02) 6670 2423

[dltr]

Document2

24 July 2007

Department of Planning
Coastal Assessments
Att: Heather Warton
GPO Box 39
Sydney NSW 2001

Handwritten notes:
KLM
31/7/07
TO SALES 11/8/07
Kings
Paula Tomkins
26 JUL 2007

Dear Sir / Madam

Request for Key Issues and Assessment Requirements - Cobaki Lakes and Kings Forest Major Project – Concept Plans

Reference is made to your correspondence dated 10 July 2007, requesting details of key issues and assessment requirements which may be included in the Director-Generals Environmental Assessment Requirements for the abovementioned applications.

Please find attached correspondence from Council to Leda Developments in May 2007, outlining Council's key issues and assessment requirements. Of note, consideration should be given to:

- Section A5 of Council's consolidated DCP – Subdivision Manual,
- Provision of employment lands (other than retail) to assist in development of self sustaining communities; and
- Principles of urban design including provision of mixed use development, connectivity and greater use of public transport.

Should you have any queries in relation to the above, please contact Lindsay McGavin or Rowena Michel of Council's Major Assessment Unit on (02) 6670 2468.

Yours faithfully,

Handwritten signature of Lindsay McGavin

Lindsay McGavin
Co-ordinator Major Assessment

Encl.



CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
PO BOX 816, MURWILLUMBAH NSW 2484
TELEPHONE: (02)6670 2400 FAX: (02)6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER
ABN 90 178 732 496
www.tweed.nsw.gov.au



**TWEED
SHIRE
COUNCIL**

Please Quote
Council Ref: **GT1/51**
Your Ref No:
For Enquiries
Please Contact: **Lindsay McGavin**
Telephone Direct: **(02) 6670 2456**

(01)

Document2

2 May 2007

Project 28 Pty. Ltd
PO Box 1914
Surfers Paradise 4217

Dear Sir

Kings Forest Concept Plan

With reference to previous discussions the following comments are made regarding the proposed concept plan-

Depot Road/ Tweed Coast Road Intersection

A detailed traffic assessment and intersection modelling demonstrating that a roundabout (rather than traffic signals) is the best option and details on how pedestrians are to be managed is to be prepared and provided to Council for further assessment and comment. The following comments are made regarding the roundabout proposal-

- The two lane roundabout with unequal approach volumes may be a problem similar to the Chinderah roundabout at the motorway.
- The proposed development to the east of Tweed Coast Road creates a pedestrian attractor requiring pedestrians to cross a four lane arterial road. Roundabouts are poor in providing pedestrian crossing opportunities where as traffic signals are very good in this regard.
- The impact and operation of the proposed school under both intersection treatments needs to be considered.
- The additional right turn lane into the eastern development is not desirable and right turns out of the development would not be permitted. If the adopted intersection treatment is signals a right turn lane into Depot Road will need to be provided to service existing residential development.

Concept Plan

Employment Land

Council supports the objectives and principles outlined in the draft Concept Plan provided by Mr Van Den Brink however it is considered essential that some land be designated for mixed use or other employment generating activities. Council has adopted a policy of self contained dispersed centres in the Shire and Kings Forest provides an opportunity to create a modern, well planned development with mixed use areas where communities can live work and recreate. This concept has proved beneficial in other areas (eg. Varsity Lakes) for both development yields as well as creating a vibrant community. Council is seeking to obtain a similar outcome for the Kings Forest locality.

Development Controls



CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
PO BOX 816, MURWILLUMBAH, NSW 2484
TELEPHONE: 02 6670 2400 FAX: 02 6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER
ABN 90 178 732 496
www.tweed.nsw.gov.au

The concept plan should include development controls such as lot yields/density targets for each precinct and stage. The precincts that include retail and commercial activity should include floor space ratios/targets for these uses. Each precinct/stage should include the type of dwelling mix ratios eg. the percentage of single dwellings, townhouses units etc.

Building design and style requirements/criteria/examples should be included in the plan for the residential and non residential uses.

Community Facilities

Council's section 94 contributions Plan No. 19 Casuarina Beach/Kings Forest identifies the required community facilities for Kings Forest. The sites for the nominated facilities should be identified in the concept plan.

Cycleway

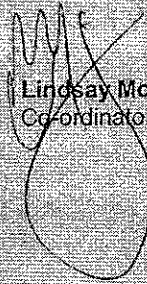
Council's section 94 contributions Plan No. 22 identifies the location of the Shirewide cycleway network. Kings Forest forms part of this network. Discussion regarding the linking of the site to the external network in the initial stages of the development is requested.

Open space

Passive and structured open space needs to be clearly identified in accordance with DCP-16 Subdivision Manual.

Council's welcomes the opportunity to discuss the above matters with you further.

Yours faithfully



Lindsay McGavin
Co-ordinator Development Assessment

Paula Tomkins - Fwd: Cobaki and Kings Forest MP06_0316 & MP06_0318

From: Sally Laing
To: Paula Tomkins
Date: 30/07/2007 3:37 pm
Subject: Fwd: Cobaki and Kings Forest MP06_0316 & MP06_0318

>>> Ray Lawlor 26/07/2007 11:35 >>>

Sally

I had a call from Lesley Greenwood, 9561 8466, Acting Manager Service Planning for Education Department. The Education Department has been liaising with consultants and have identified 2 school sites in each development, however as she says the 'devil is in the detail'- who is going to pay for land acquisition and construction and what are the costs. So for them key issues will be acquisition, construction and timing. The Education Department have a methodology to establish land acquisition costs based on number of dwellings (?) approx. \$3 MIL/ha. She referred to Cabinet committee and interagency discussions about these matters and possibility of land acquisition only being covered by developer contributions etc. She also referred to North Cooranbong - I am not familiar with this but it is apparently a rezoning in Lake Macquarie of a substantial area for residential subdivision?

Ray

Ray Lawlor
Contract Planner
Coastal Assessments
Major Project Assessments
02 9228 6216



Heather Warton
Director Coastal Assessments
Major Projects Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

25 JUL 2007

Attention: Sally Laing, Environmental Planner, Coastal Assessments

Dear Ms Warton

Re: Request for provision of details of key issues and assessment requirements:
MP06_0316 and MP06_0318

Thank you for the opportunity to advise whether any additional key issues should be addressed by the proponent within the Environmental Assessments for these two major residential / town centre developments at Cobaki Lakes and at Kings Forest in Tweed local government area.

The Department requests that a requirement be included that the proponent demonstrate how both proposals will respond to existing and projected needs for housing in Tweed, including the need for affordable housing and for housing diversity. It is further requested that in the future a requirement along these lines be included in similar cases as a matter of course.

Should you require any further information, please contact Philippa Davis, Senior Planner on 8753 8526 or via email to philippa.davis@housing.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Christine Hicks'.

Christine Hicks
Manager
Portfolio Strategy and Planning

20/7/07

To Sally Laing

MW 23/7/07

25 JUL 2007

FILE: 07/237
TRIM: H07/90542

Ms Heather Warton
 Director
 Coastal Assessments
 NSW Department of Planning
 GPO Box 39
 SYDNEY NSW 2001

KA W
31/7/07
TO Secretary
1/8
Paula East

**Re: Request for Provision of Details of Key Issues and Assessment Requirements
 MP 06_0316 & MP 06_0318**

Dear Ms Warton

Thank you for providing NSW Health with the opportunity to review and provide comment on the proposed residential/town centre developments at Cobaki Lakes and Kings Forest, Kingscliff.

I note that the project applications lodged by Leda Manorstead Pty Ltd are for major residential/town centre developments; the Cobaki proposal alone involving a 300 lot subdivision. I would envisage that once the applications have been assessed and more detailed information about projected demographic mix and population numbers for the new developments becomes available, we will be better able to identify the health needs and project the additional demand on health and community services in the region that the new developments will create. However, I would also request that the Department of Planning ensure that the impact on population figures is incorporated into population projections in NSW and for the region.

Having reviewed the documentation pertaining to both proposed developments, I have listed a number of issues below which the Director-General may wish to include in the Environmental Assessment Requirements (DGRs) for each of the applications.

Re: Proposed Residential Community Development at Cobaki Lakes

- The project application mentions that the development will include a town centre and two school sites. However, there is no indication of whether consideration has been given to including a medical/health centre or community facilities within the town centre.
- Consideration should be given to ensuring that key health and community facilities both within, and external to, the development can be accessed by all residents including the aged, children, people with a disability and the economically disadvantaged; through for example the creation of a pedestrian friendly environment and links to public transport.
- Inclusion of bike paths, footpaths (that are wide enough to accommodate wheelchairs/motorised buggies), adequate lighting etc will also encourage participation in healthy activities eg walking, which is a key component of a healthy ageing strategy.
- There is little detail at present as to whether there are plans to ensure access from the residential development to major town centres by transport other than private cars.
- Will the new development include retirement housing?

Re: Concept plan for Kings Forest, Kingscliff

- As above, there is no mention in the project plan as to whether the proposed village centre will include a medical/health facility.
- Whilst it is not clear how many older residents will be accommodated in the retirement housing section of the development, it should be noted that the North Coast Area Health Service already has one of the highest rates of growth for residents over the age of 70 years in NSW.

NSW Department of Health
 ABN 92 697 899 630

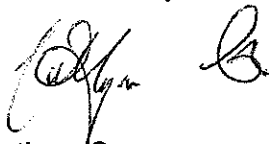
73 Miller St North Sydney NSW 2060
 Locked Mail Bag 961 North Sydney NSW 2059
 Tel (02) 9391 9000 Fax (02) 9391 9101
 Website www.health.nsw.gov.au

- services, community aged care services/packages and residential aged care facilities in the Area.
- It should be recognised that retirees often move into this area with limited extended family, or the resources to support self at home, and will therefore require community support and assistance if they are to age in place.
- Inclusion of recreational opportunities for older residents should therefore be considered to improve community integration, reduce social isolation and promote healthy ageing.

Please note that as discussed with Mr Lawler, a consolidated NSW Health response was not possible within the required timeframe. You may, therefore, wish to contact Clare Gardiner on 9391 9032 should you have any queries pertaining to aged care, or Vicky Sheppard on 9816 0256 for population health issues.

I trust that the information provided above is of assistance. Should you require further information regarding this matter please contact either myself on 02 9391 9476 or Jennifer Sheehan on 02 9391 9514.

Yours sincerely



Cathryn Cox
A/Director
Statewide Services Development Branch

23/7/07

Heather Warton
Director Coastal Assessments
NSW Department of Planning
GPO Box 39
Sydney NSW 2001

26 JUL 2007

RAM
31/7/07
to Sally Laing
Paula Tomkins 11/8/07

Attention: Sally Laing

Dear Sally

**RE: Request for provision of details of key issues and assessment requirements –
MP 06_0316- Cobaki Lakes and MP 06_318- Kings Forest Kingscliff**

Thank you for the opportunity to comment on the above projects.

The Northern Rivers Catchment Management Authority (NRCMA) feels that additional to the DGRs in the letter, the following points should also be addressed by the proponent within the Environmental Assessments.

- The NRCMA is responsible for leading and assisting the community to achieve the targets of the Northern Rivers Catchment Action Plan (CAP). This plan has been endorsed by State Cabinet and assists the Community to achieve the State NRM Targets as determined by the Natural Resources Commission. The applicants should demonstrate how natural resource outcomes resulting from the Concept Plan for the above development are consistent with the targets and intent of the CAP, particularly in relation to the Landuse Planning, Water and Biodiversity targets. (<http://www.northern.cma.nsw.gov.au/pdf/nrcmacap0906.pdf>).
- The NRCMA is also responsible for assisting in the implementation of the *Native Vegetation Act (2003)*. It is recommended that the applicant be required to demonstrate how the Concept Plan complies with the *Native Vegetation Act (2003)* in terms of the removal (if any) of native vegetation in areas where zoning does not provide exemption from this Act.

Yours sincerely



Michael Pitt
General Manager

24 July 2007

Your reference : MP 06_0316
Our reference : FILO7/1148; DOC07/27256
Contact : Kelly Roche, 66402511

Handwritten:
HAW
2/8/07
TO SAULTERS
M 3/8

Heather Warton
Director Urban Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

1 AUG 2007

30 JUL 2007 *P. Tomkins*

Dear Ms Warton

RE: MP 06_0316 Cobaki Lakes major project application - Recommended Information Requirements for Environmental Assessment

I refer to your request for the Department of Environment and Climate Change's (DECC) requirements for the environmental assessment (EA) in regard to the above proposal received by DECC on 12 July 2007.

DECC has considered the details of the project as provided by The Department of Planning (DOP) and the proponent, Leda Manorstead Pty Ltd, and has identified the information it requires to assess the project in Attachments 1. The proponent should ensure that the EA is sufficiently comprehensive and detailed to allow DECC to determine the extent of the impact(s) of the proposal.

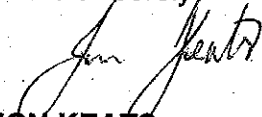
DECC is recommending both comprehensive as well as more specific and targeted environmental assessment requirements.

Justification for each of the key information requirements for the Cobaki Lakes project is summarised below:

1. the impacts on local surface water quality;
2. the impacts of the project on threatened species and their habitat;
3. the impacts of the project on Aboriginal cultural heritage values;
4. an assessment of any land contamination and;
5. the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts identified in 1-4 above.

Should you have any inquiries please contact Kelly Roche on (02) 66402511.

Yours sincerely,



JON KEATS
Head Industry and Waste Unit North Coast
Climate Change and Environment Protection

Att: Attachment A DECC EA Requirements
Attachment B Guidance Material

PO Box 498, Grafton NSW 2460
NSW Government Offices,
49 Victoria Street, Grafton NSW
Tel: (02) 6640 2500 Fax: (02) 6642 7743
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of **Environment and Conservation** NSW

Attachment A – Department of Environment and Climate Change's Environmental Assessment Requirements

Environmental impacts of the project

1. The following environmental impacts of the project need to be assessed, quantified and reported on:
 - Water quality
 - Contaminated Land
 - Noise
 - Threatened Species
 - Aboriginal cultural heritage
2. These should be assessed in accordance with the relevant guidelines listed in Attachment B.
3. Describe mitigation and management options that will be used to prevent, control, abate or mitigate identified environmental impacts associated with the project and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
4. Based on the information provided to the Department of Environment and Climate Change (DECC), the applicant will not require an Environment Protection Licence because the activity is not scheduled under the *Protection of the Environment Operations Act 1997*.

Water quality

The environmental outcomes for the project in relation to water should be:

- There is no pollution of waters during the construction and operational phases of the development;
- There is no inconsistency with any relevant Statement of Joint Intent established by the Healthy Rivers Commission; and
- It is acceptable in terms of the achievement or protection of the River Flow Objectives and Water Quality Objectives.

The Environmental Assessment (EA) should document the measures that will achieve the above outcomes.

Contaminated Land

The EA must document the assessment and management of any land contamination to ensure that the land is not allowed to be put to a use that is inappropriate because of the presence of contamination. Under the *Contaminated Land Management Act 1997* there is a responsibility to notify the DEC of sites that pose a significant risk of harm to human health or the environment.

Noise

The proposal must be designed, constructed, operated and maintained so that there are no adverse impacts from noise (including traffic noise).

Impacts of the project on threatened species and their habitat

Possible impacts of the development proposal include ecosystem modification and habitat loss, habitat fragmentation and isolation, habitat degradation as a result of exotic weed infestation and domestic animal presence, increased recreational use of the high conservation value areas, dumping of garden rubbish, modifications to hydrological regimes and nutrient cycling, and increased stormwater runoff.

The EA will need to include a comprehensive assessment of the above issues and also address the following:

1. A field survey of the site should be conducted and documented in accordance with the draft "Guideline for threatened species assessment".
2. Likely impacts on threatened species and their habitat need to be assessed, evaluated and reported on. The assessment should specifically report on the considerations listed in Step 3 of the draft guideline.
3. Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on threatened species and their habitat. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
4. The EA needs to clearly state whether it meets each of the key thresholds set out in Step 5 of the draft guideline.

Impacts of the project on Aboriginal cultural heritage values

1. The EA should address and document the information requirements set out in the draft "Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation" involving surveys and consultation with the Aboriginal community.
2. Identify the nature and extent of impacts on Aboriginal cultural heritage values across the project area.
3. The extent and significance of sites identified will need to be assessed and preferably any development in this/these area/s would avoid disturbance the site/s.
4. Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on Aboriginal cultural heritage values. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
5. The EA needs to clearly demonstrate that effective community consultation with Aboriginal communities has been undertaken in determining and assessing impacts, developing options and making final recommendations.

Note: If any part of the EA is relying on past surveys, it should be verified that the work is consistent with the requirements within the above 3A guidelines.

Attachment B - Guidance Material

1. Assessing Environmental Impacts

Water quality

- National Water Quality Management Strategy: Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)
- NWQMS Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC 2000)
- Healthy Rivers Commission Report into Coastal Lakes and Statement of Joint Intent
- The relevant targets within the State Water Management Outcomes Plan

Wastewater

- National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC 1997)
- National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC 2000)
- Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)
- Environment and Health Protection Guidelines: 'Onsite Sewage Management for Single Households', February 1998 (Silver Book).

Stormwater

- Managing Urban Stormwater: Soils and Construction (NSW Landcom, 2004)
- Managing Urban Stormwater: Source Control (EPA 1998)
- Managing Urban Stormwater: Treatment Techniques (EPA 1998).

Contaminated Land

- Managing Land Contamination: Planning Guidelines - SEPP55 - Remediation of Land, Department of Urban Affairs and Planning and NSW EPA, 1998:
- Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites (Environment Protection Authority (EPA) 1997);
- Contaminated Sites – Guidelines on Significant Risk of Harm and Duty to Report (EPA, 1999).

Noise and vibration

- NSW Industrial Noise Policy (EPA, 1999)
- NSW Environmental Criteria for Road Traffic Noise (EPA, 1999)
- Chapter 171 Noise Control Guideline, *Construction Site Noise, Environmental Noise Control Manual, 1994.*

2. Assessing Threatened Species Impacts

Draft Guidelines For Threatened Species Assessment - Available from Department of Planning.

3. Assessing Aboriginal Cultural Heritage Impacts

- Draft Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation - Available from Dept of Planning
- Interim Community Consultation Requirements for Applicants:
<http://www3.environment.nsw.gov.au/npws.nsf/Content/Protecting+Aboriginal+objects+and+places>
- Aboriginal Cultural Heritage Standards and Guidelines Kit - Available shortly on-line through DEC's webpage.

All communications to be addressed to:

Headquarters
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

Headquarters
NSW Rural Fire Service
15 Carter Street
HOMEBUSH BAY NSW 2127



Telephone: (02) 8741 5555
e-mail: developmentcontrol@rfs.nsw.gov.au

Facsimile: (02) 8741 5550

URE

Director, Coastal Assessments
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

Your Ref: MP 06_0316
Our Ref: S07/0008
G07/2154 CS

ATTENTION: Sally Laing

17 July 2007

Dear Sally,

Re: Request for Provision of Key Issues and Assessment Requirements - MP 06_0316, Cobaki Lakes off Pigabeen Road, Tweed Heads NSW

I refer to your letter dated 10 July 2007 seeking the NSW Rural Fire Service key issues and assessment requirements regarding bushfire protection for the above property in accordance with section 75F (4) of the *Environmental Planning and Assessment Act 1979*.

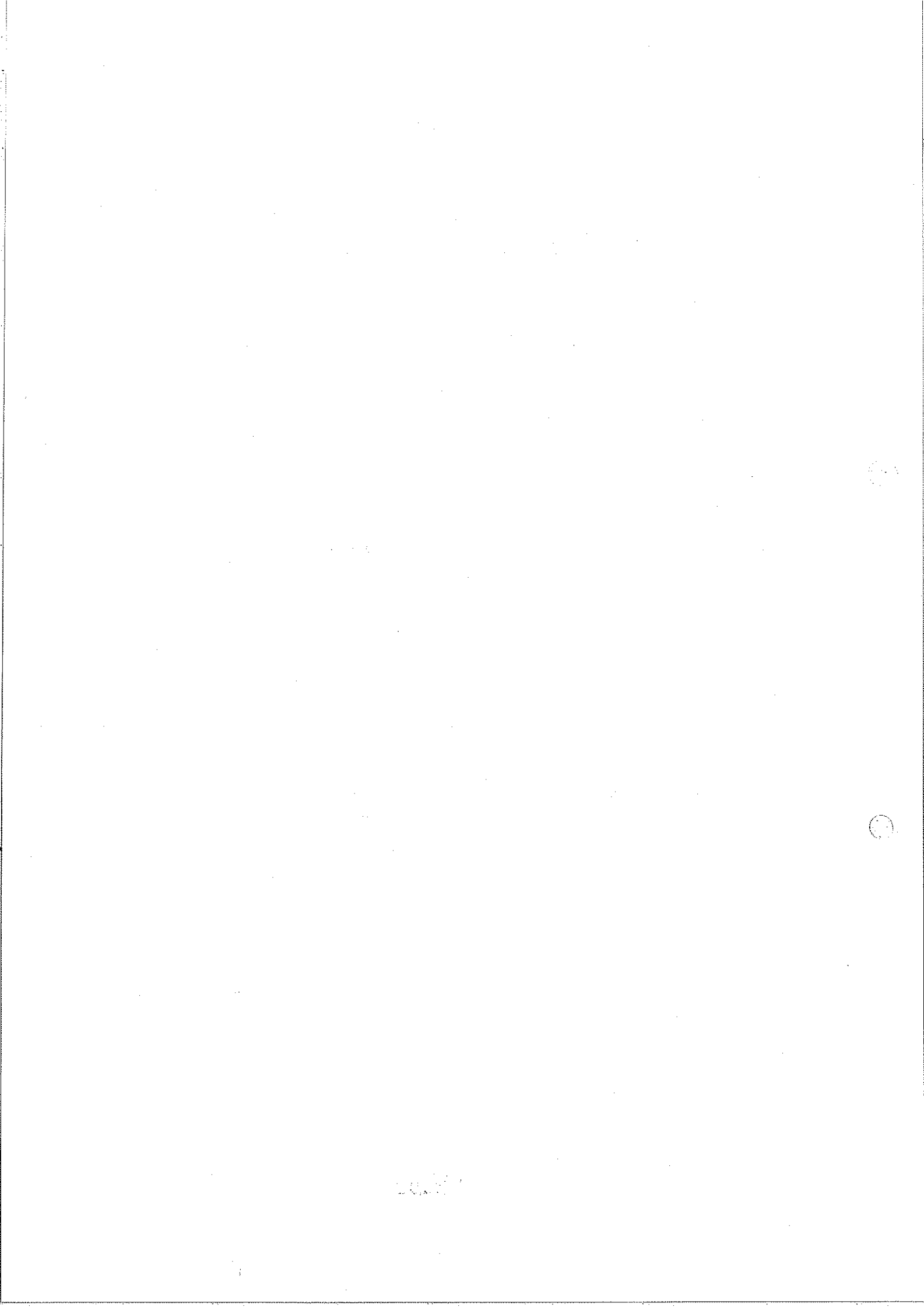
The Rural Fire Service (RFS) advises that the key issues and assessment requirements within our previous correspondence dated 08-Feb-2007 are still considered appropriate.

For any enquiries regarding this correspondence please contact Corey Shackleton on 8741 5555

Yours faithfully,

Nika Fomin
Development Control Co-ordinator

The RFS has made getting additional information easier. For general information on *Planning for Bush Fire Protection 2006*, visit the RFS web page at www.rfs.nsw.gov.au and search under *Planning for Bush Fire Protection 2006*.



Director Coastal Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Crown Lands NSW

36 Marina Parade
PO Box 291J
COFFS HARBOUR 2450
telephone (02) 66919613
facsimile (02) 66519975
www.lands.nsw.gov.au

Our Reference: **GF04A3**
Your Reference: **MP 06_0316**

26 July 2007

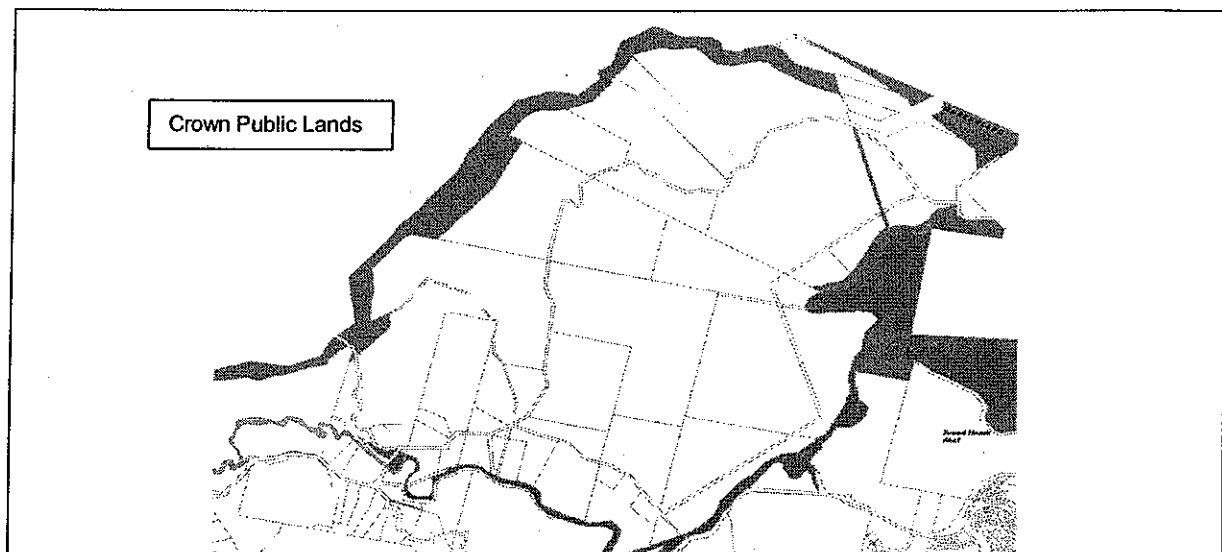
Dear Sir or Madam:

Re: Key Issues – Concept Plan MP 06 0316 Cobaki Lakes.

I refer to your letter dated 10 July 2007 seeking details of key issues and assessment requirements for the proposed Residential Community Development, Cobaki Lakes, Tweed Heads.

The subject development area adjoins various Crown public roads and Crown reserves as shown on the attached diagram and outlined below (subject to survey and verification).

- Lot 7118 DP 1113869 being Reserve 36890 from Sale Licence and Lease Generally
- Lot 710 DP 726654 being Reserve 36890 from Sale Licence and Lease Generally and Reserve 90227 for Future Public Requirements
- Unsurveyed Crown land being Reserve 1011448 for Future Public Requirements
- Unsurveyed Crown land comprising the bed of Cobaki Broadwater and Cobaki Creek being Reserve 56146 from Sale or Lease Generally and Reserve 1011268 for Future Public Requirements



All the abovementioned Crown reserves are also included in Reserve 1012191 for Access and Public Requirements, Rural Services, Tourism Purposes and Environmental and Heritage Conservation, known as the Tweed Coast Regional Crown Reserve, administered by the Department of Lands.

The Department's concerns are limited to the impact of the development on the future use and enjoyment by the general public of adjoining Crown lands. Relevant issues are listed hereunder.

- (1) There are a number of Crown public roads that may need to be closed and acquired by the applicant or transferred to Council's control while others may need to be retained to allow access to adjoining landowners and the foreshore of Cobaki Broadwater
- (2) Sewage and stormwater runoff to be treated on site and not directed onto adjoining Crown lands and Cobaki Broadwater
- (3) Effective erosion and sedimentation mitigation measures in place.
- (4) Discussion of resultant impact of potential exponential increase in visitation and recreational use of Crown lands, in particular Cobaki Broadwater and its foreshore
- (5) Address the potential existence of acid sulphate soils and any impact on Crown lands resulting from its disturbance
- (6) Take into full account climate change and any resultant impact on water levels
- (7) Requires appropriate asset protection zones to allow for protection from bushfire and potentially hazardous falling branches and trees
- (8) Indigenous endemic plantings are encouraged to reduce escape of non-native species thus creating a potential weed management problem on Crown lands
- (9) Marine grasses and water quality of Cobaki Lake to be monitored and managed
- (10) Reiterate the need to address visual impact issues as outlined in the *Director General's Environmental Assessment Requirements*
- (11) Address need for riparian vegetation buffers any related lopping or removal of vegetation for view enhancement purposes
- (12) Provision, management and ongoing maintenance of general public open space and general public access along Cobaki Broadwater and its foreshore
- (13) Given the nature of the Cobaki Broadwater the Department would not consider foreshore works or structures such as dredging, shoreline revetment or erection of jetties for motorised vessels at this stage.

Condition

Please contact me on the above number if you wish to discuss this matter further.

Yours sincerely

Stephen Channells
Crown Lands Division
Department of Lands
COFFS HARBOUR

