



NSW GOVERNMENT
Department of Planning

Contact: Sally Laing
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Email: sally.laing@planning.nsw.gov.au
Our ref: MP 06_0316
Your ref:

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

Dear Mr Eil,

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 AUSTRROADS 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

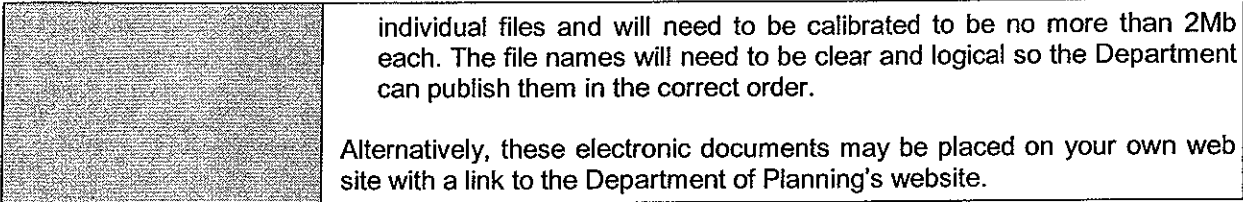
Plans and Documents to accompany the Application

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