



NSW GOVERNMENT
Department of Planning

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Our ref: MP06_0258
Your ref:

Kings Beach No. 2 Pty Ltd
c/- Victor G Feros Town Planning Consultants
195 Dornoch Tce
Highgate Hill
BRISBANE QLD 4101

Dear Mr Feros

Subject: Casuarina Town Centre including 38 lot subdivision, residential, tourist, retail and commercial development, Coast Road, Casuarina Beach (MP 06_0258)

The Department has received your application for the proposed Casuarina town centre including a 38 lot subdivision, residential, tourist, retail and commercial development (Major project: MP 06_0258). The Minister authorised a concept plan to be lodged pursuant to S75M of the *Environmental Planning and Assessment Act 1979* ("the Act") on 9 December 2006.

The Director General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the project for a Concept Plan are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with the relevant government agencies including council.

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 DGRs 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, it will require an additional approval under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of Environment and Heritage in Canberra (6274 1111 or <http://www.deh.gov.au>).

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 Paula Tomkins on 9228 6397 or email paula.tomkins@planning.nsw.gov.au

Yours sincerely

 17/1/07
Yolande Stone
A/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_0258
Project	A Concept Plan for Casuarina town centre including the following: <ul style="list-style-type: none"> • residential development; • tourist development; • retail and commercial development; and • subdivision of land into 38 lots.
Location	Coast Road, Casuarina Beach Part Lot 223 DP 1048494
Proponent	Kings Beach No. 2 Pty Ltd
Date issued	17 January 2007
Expiry date	2 years from date of issue
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; 3. A thorough site analysis 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 as well as impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; 5. 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; 6. The plans and documents outlined in Attachment 2; 7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; 8. An assessment of the key issues specified below and a table outlining how these key issues have been addressed; and 9. a Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project.

<p>Key issues</p>	<p>The EA must address the following key issues:</p> <ol style="list-style-type: none"> 1 Land Use Pattern and Visual Impacts <ol style="list-style-type: none"> 1.1 Consider the integration and compatibility of the proposed land uses (retail, commercial, residential, tourist, open space) across the site with regard to access arrangements, traffic, environmental buffers, density controls and suitability of the land use with surrounding development. 1.2 Justify any inconsistencies in the proposed concept plan for the site from the Development Plan approved by the Land and Environment Court (LEC). 1.3 Justify the size and location of the proposed supermarket anchored retail centre with regard to Tweed Shire Council's Retail Strategy, <i>DCP 11 – Kings Beach</i>, <i>DCP 51 – Tweed Coast Strategy</i> and the objectives of the 2(e) Residential Tourist zone. 1.4 Demonstrate the consistency of the proposed residential subdivision with the <i>NSW Coastal Design Guidelines</i>. 1.5 Outline the works proposed (including subdivision) within the 7(f) Environmental Protection (Coastal Lands) zone and justify any departure from development controls. 1.6 Address visual impact in the context of adjoining and surrounding development in relation to setting, density, built form, building mass, and height as viewed from the public domain including all publicly accessible coastal locations (eg beaches, headlands etc) and relevant mitigation measures. 1.7 Outline the proposed staging of the development and provide supporting plans prepared at an appropriate scale. 2 Public Access to the Foreshore <ol style="list-style-type: none"> 2.1 Consider measures that would be implemented to ensure ongoing public access to the foreshore. Justify any inconsistencies in public access measures from the Development Plan approved by the LEC, in particular, the lack of an esplanade. 3 Traffic Management and Access <ol style="list-style-type: none"> 3.1 Prepare a concept 'Traffic Impact Study' in accordance with the RTA's <i>Guide to Traffic Generating Developments</i>, which addresses, but is not limited to the following matters: <ul style="list-style-type: none"> • The capacity of the road network to safely and efficiently cater for the additional traffic generated and, if necessary, mitigation measures required to ensure efficient functioning of the road network; • Access to and within the site, in particular the impact of the establishment of a new intersection onto Tweed Coast Road; and • Servicing and parking arrangements, in particular the provision of adequate public parking along the foreshore. 3.2 Consider existing public transport to and from the site and additional demands for such transport. 3.3 Consider pedestrian and cycle access both to and within the site.
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	<p>4 Water Cycle Management & Watercourses</p> <p>4.1 Address potential impacts on water quality of both surface and groundwater.</p> <p>4.2 Address and outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles, including impacts on the surrounding environment.</p> <p>5 Hazard Management and Mitigation</p> <p>5.1 Address the requirements of <i>Planning for Bushfire Protection 2001</i> (or relevant policy).</p> <p>5.2 Identify any contamination on site (particularly the presence of radioactive sands) and, if necessary, appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land.</p> <p>5.3 Identify the presence and extent of acid sulfate soils on the site and, if necessary, appropriate mitigation measures.</p> <p>6 Infrastructure</p> <p>6.1 Address existing capacity and requirements of the development for sewerage, water, electricity, telecommunications, waste disposal and gas in consultation with relevant agencies.</p> <p>7 Flora and Fauna</p> <p>7.1 Outline measures for the conservation of flora and fauna and their habitats within the meaning of the <i>Threatened Species Conservation Act 1995</i>, in particular, the Common Blossom Bat habitat identified within and adjacent to the site.</p> <p>7.2 Consider impacts of clearing of native vegetation.</p> <p>8 Heritage</p> <p>8.1 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> and <i>Interim Community Consultation Requirements for Applicants</i>).</p> <p>8.2 Identify any other items of European heritage significance and provide measures for conservation of such items.</p> <p>9 Planning Agreements and/or Developer Contributions</p> <p>9.1 Address and provide the likely scope of any planning agreement and/or developer contributions with Council/ Government agencies.</p>
<p>Consultation</p>	<p>You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:</p> <p>(a) <i>Agencies or other authorities:</i></p> <ul style="list-style-type: none"> • Tweed Shire Council; • Department of Environment and Conservation; • Roads and Traffic Authority; • NSW Rural Fire Service; • Department of Lands; and

	<ul style="list-style-type: none"> • Department of Natural Resources. <p>(b) <i>Public:</i> 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.</p> <p>The consultation process and the issues raised should be described in the Environmental Assessment.</p>
Deemed refusal period	120 days

Attachment 2

Plans and Documents to accompany the Application

<p>Plans and Documents of the development</p>	<p>The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your application:</p> <ol style="list-style-type: none"> 1. The existing site survey plan is to be drawn to 1:500 scale (or other appropriate scale) and show: <ul style="list-style-type: none"> • 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. 4. A locality/context plan drawn to 1:500 scale (or other appropriate scale) should be submitted indicating: <ul style="list-style-type: none"> • 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 Architectural Concept drawings (where relevant) are to be drawn to scale and illustrate the following general features: <ul style="list-style-type: none"> • the location of any existing building envelopes or structures on the land; • the floor plans; • the location of lifts, stairs and corridors; • adaptable housing requirements; • section plans; • fenestrations, balconies and other features; • 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
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	<ul style="list-style-type: none"> • pedestrian access to, through and within the site. <p>7. The Subdivision Concept plans (where relevant) are to show the following:-</p> <ul style="list-style-type: none"> • General dimensions of proposed and/or existing allotments; • Location of all structures proposed and retained on site; • North point; • Name of the road fronting the site; • Title showing the description of the land with lot and DP numbers etc; • Vegetation retention; • Access points; and • Type of subdivision proposed (Torrens, strata and/or community title). <p>8. The shadow diagrams (where relevant) for developments comprising two 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> <p>9. Other plans including (where relevant):</p> <ul style="list-style-type: none"> • Stormwater Concept Plan - illustrating the concept for stormwater management from the site; • View analysis - artists impression, photomontages, etc of the proposed development in the context of the surrounding development; and • 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).
Specialist advice	<p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Flora and Fauna; • Bushfire; • Traffic; • 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.
Documents to be submitted	<ul style="list-style-type: none"> • 10 hard copies of the Environmental Assessment; • 10 sets 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 • 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.
Electronic Documents	<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

	<p>bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files.</p> <ul style="list-style-type: none"> • 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. <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>
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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
Bushfire	
	Planning for Bushfire Protection 2001 (NSW Rural Fire Service)
Contamination of Land	
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
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)
Soils	
	Acid Sulfate Soil Manual (ASSMAC)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
Traffic & Transport	

Aspect	Policy /Methodology
	Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03)
Water	
	Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
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)