



NSW GOVERNMENT

**Department of Planning**

Contact: Alix Carpenter  
Phone: 02 9228 6313  
Fax: 02 9228 6540  
Email: [alix.carpenter@planning.nsw.gov.au](mailto:alix.carpenter@planning.nsw.gov.au)  
Our ref: MP 06\_0321  
Your ref: S06/01239/1

Madeleine Faught  
Earth Process Ecological Services  
220 Dingo Lane  
MYOCUM NSW 2482

Dear Ms Faught,

**Major Project application (MP 06\_0321) – Tourist Facility ‘Jindawalla’ Coast Road, Lennox Heads**

The Department has received your application for the proposed tourist facility in Lennox Heads on 27 November 2006.

The Department has consulted Ballina Council and other State government agencies during preparation of the Director General's Environmental Assessment Requirements (DGRs) for your proposal. These agencies have highlighted a number of significant environmental constraints affecting this site, particularly visual impacts, impacts on threatened species and their habitats and proposed stormwater, drainage and sewerage management, which may limit the development opportunities for the site. Copies of responses from government agencies to the Department's request for key issues and assessment requirements are enclosed.

Despite these concerns, should you wish to continue with the preparation of an Environmental Assessment (EA), DGRs have been prepared for the proposal and are at **Attachment 1**. These requirements have been prepared in consultation with the relevant government agencies including council and identify significant issues and constraints which need to be resolved prior to the submission of an EA.

**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 EA 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 EA are attached at **Attachment 3**.

Prior to exhibiting the EA, 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 EA does not adequately address the DGRs, the Director-General may require the proponent to revise the EA to address the matters notified to the proponent.

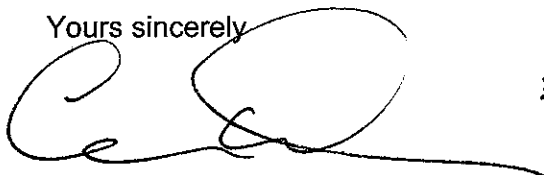
Following this review period the EA will be made publicly available for a minimum period of 30 days. The Director-General's requirements will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. As a result, the Department 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, 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>).

Please note that the responses enclosed at **Attachment 4** have been provided to you for information only and do not form part of the DGRs however all issues raised should be addressed in your EA.

If you have any queries regarding these requirements, please contact Alix Carpenter on 9228 6313 or email [alix.carpenter@planning.nsw.gov.au](mailto:alix.carpenter@planning.nsw.gov.au).

Yours sincerely



3.4.07

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*

<b>Application number</b>
06_0321
<b>Project</b>
Project Application for: <ul style="list-style-type: none"> <li>consolidation of Lot 2 DP 778022 and Lot 4 DP 582045; and</li> <li>construction of a tourist resort including 21 tourist apartments, manager's unit, 2 luxury apartments, guest facilities with restaurant, bar and conference rooms, spa treatment centre and environmental education facility.</li> </ul>
<b>Location</b>
Lot 2 DP 778022, Lot 4 DP 592045 and Lot 2 DP 587685, Coast Road and Blue Seas Parade, Lennox Heads
<b>Proponent</b>
Earth Process Ecological Services
<b>Date issued</b>
<b>Expiry date</b>
2 years from date of issue
<b>General requirements</b>
<p>The Environmental Assessment (EA) for the <b>Project Application</b> must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary;</li> <li>2. An outline of the scope of the project including:             <ul style="list-style-type: none"> <li>any development options;</li> <li>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;</li> <li>outline of the staged implementation of the project if applicable;</li> </ul> </li> <li>3. A thorough site analysis including constraints mapping and description of the existing environment;</li> <li>4. Consideration of any relevant statutory and non-statutory provisions and identification of any inconsistencies with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans.</li> <li>5. Consideration of impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>;</li> <li>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;</li> <li>7. The plans and documents outlined in <b>Attachment 2</b>;</li> </ol>

8. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;
9. A detailed breakdown of the capital investment value of the project; and
10. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.

## **Key Issues**

The EA must address the following key issues:

### **1. Strategic Planning**

- 1.1 Justify the proposal with reference to relevant local, regional and State planning strategies. Address the provisions of the Lennox Head Community Aspirations Strategic Plan and the Lennox Heads Structure Plan. Provide justification for any inconsistencies with these planning strategies.
- 1.2 Demonstrate the suitability and permissibility of any development proposed in the 7(d) *Environmental Protection – Scenic/ Escarpment Zone* with the relevant planning controls.

### **2. Urban Design, Visual Impact and Sustainability**

- 2.1 Demonstrate suitability of the proposal with the surrounding area in relation to bulk, scale, amenity (including noise) and visual amenity having regard to the *Coastal Design Guidelines of NSW (2003)* and the *NSW Coastal Policy 1997*.
- 2.2 Address the cumulative impacts, in terms of amenity, traffic (where relevant), water catchment and environmental protection, of the proposal in relation to the proposed 45 lot residential subdivision currently being assessed by the Department for Lot 2 DP 622475 and also on the Cape Byron Marine Park area.
- 2.3 Address the visual impact of the proposal in the context of surrounding development, including from the Coast Road, Lennox Point Headland, surrounding residential areas and Lennox Head beach, 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. Amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas must be addressed.
- 2.4 Demonstrate compliance with BASIX.

### **3. Traffic and Access**

- 3.1 Prepare a traffic impact study in accordance with Table 2.1 of the RTA's *Guide to Traffic Generating Developments* which addresses, but is not limited to the following matters:
  - Total impact of existing and proposed development on the overall local road network;
  - Intersection sight distances;
  - Existing and proposed access conditions, taking into consideration that access to the site from Coast Road is not preferred;
  - Details of servicing and parking arrangements;
  - Improvements for road junctions;
  - Connectivity to existing developments;
  - Impact on transport (public and school bus routes);
  - Provisions for pedestrian, alternative transport modes such as bicycles; and
  - Road traffic noise.

3.2	Measures to protect existing public access to and along the beach and coastal foreshore and provide, where appropriate, new opportunities for controlled public access. Consider access for the disabled, where appropriate.
<b>4. Hazard Management and Mitigation</b>	
<i>Coastal Processes</i>	
4.1	Address coastal hazards and the provisions of the Coastline Management Manual. In particular consider impacts associated with wave and wind action, coastal erosion, climate change, sea level rise and more frequent and intense storms.
<i>Contamination</i>	
4.2	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of <i>SEPP 55 – Remediation of Land</i> and the <i>Contaminated Land Management Act 1997</i> .
<i>Acid Sulfate Soils</i>	
4.3	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures.
<i>Bushfire</i>	
4.4	Address the requirements of <i>Planning for Bush Fire Protection 2006</i> (RFS).
<i>Geotechnical</i>	
4.5	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.
<i>Flooding</i>	
4.6	Provide an assessment of any flood risk on site in consideration of any relevant provisions of the <i>NSW Floodplain Development Manual (2005)</i> .
4.7	Consider the potential impacts of any filling on the flood regime of the site and adjacent lands.
<b>5. Water Cycle Management</b>	
5.1	Address and outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles. The project layout should ensure the retention of natural drainage patterns (both surface and groundwater flow) and any related aquatic ecosystems.
5.2	Assess the impacts of the proposal on surface and groundwater hydrology and quality and pollution of waters during both construction and occupation of the site.
5.3	Assess the proposal against the Statement of Joint Intent established by the Healthy Rivers Commission, particularly the river flow and water quality objectives.
5.4	Document the measures that will be implemented to achieve the above outcomes.
5.5	Address the ability of the proposal to ensure the retention of natural drainage patterns (both surface and groundwater flow) and any related aquatic ecosystems.
5.6	Address the requirements of Council's Combined DCP Chapter 13 – Stormwater Management.
<b>6. Heritage and Archaeology</b>	
6.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance (refer to draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation and

6.2	Interim Community Consultation Requirements for Applicants). Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.
<b>7. Flora and Fauna</b>	
7.1	Conduct a field survey of the site and document findings in accordance with the draft <i>Guideline for Threatened Species Assessment</i> .
7.2	Outline potential impacts of the proposal on aquatic and terrestrial flora and fauna and their habitats (within the meaning of the <i>Threatened Species Conservation Act 1995</i> and the <i>Fisheries Management Act 1994</i> ), including the area identified as Littoral Rainforest under SEPP 26. Provide measures for their conservation and actions that will be taken to mitigate impacts or compensate to prevent unavoidable impacts, where relevant.
7.3	Outline potential impacts on the extent, species and community composition, condition and function of native vegetation, including those associated with clearing, and provide a Vegetation Management Plan to offset negative impacts and rehabilitate the site with local native vegetation, including: <ul style="list-style-type: none"> <li>• Identified actions,</li> <li>• Measurable performance targets,</li> <li>• Implementation timeline,</li> <li>• Monitoring and reporting provisions, and</li> <li>• Measures to secure rehabilitated and remnant areas of vegetation against future clearing or management failure.</li> </ul>
7.4	Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land.
7.5	Address measures to protect and manage the riparian corridor and adjacent aquatic habitats.
<b>8. Noise</b>	
8.1	Address potential noise impacts for future residents and appropriate mitigation measures ensuring that the proposal is designed, constructed, operated and maintained so that there are no adverse impacts from noise.
<b>9. Socioeconomic Impacts</b>	
9.1	Address the potential social and economic impacts of the development.
<b>10. Utilities Infrastructure</b>	
10.1	Prepare a utility and infrastructure servicing report (including plans) for the site that includes: <ul style="list-style-type: none"> <li>(a) identification and location of existing and future utility and infrastructure servicing the site;</li> <li>(b) demonstration that the site can be satisfactorily serviced for utility services; and</li> <li>(c) augmentation works necessary to fully service the project, accompanied by indicative cost of these works.</li> <li>(d) details of the proposed non-potable water and effluent storage dams.</li> </ul>
10.2	Any on-site sewerage management system and associated reuse proposal must demonstrate that an adverse impact on the water quality of any surface or groundwater systems or on any rainforest or wetland area will not occur.
<b>11. Planning Agreements and/ or Developer Contributions</b>	
11.1	Address and provide the likely scope of any planning agreement and/or developer contributions with Council/ Government agencies.

<b>12. Development Staging</b>
12.1 Identify staging (if any) 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.
<b>13. Off-site Impacts</b>
13.1 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.
<b>Consultation</b>
<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"> <li>• Ballina Council;</li> <li>• Department of Environment and Conservation;</li> <li>• Department of Primary Industries;</li> <li>• NSW Rural Fire Service;</li> <li>• Department of Natural Resources;</li> <li>• Roads and Traffic Authority;</li> <li>• Cape Byron Marine Park Authority; and</li> <li>• JALI Local Aboriginal Land Council.</li> </ul> <p>(b) <i>Public:</i></p> <p>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>
<b>Deemed Refusal Period</b>
<b>120 days</b>

## Attachment 2

### Plans and Documents to accompany the Application

<b>Plans and Documents of the development</b>	<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"> <li>1. The <b>existing site survey plan</b> is to be drawn to 1:500 scale (or other appropriate scale) and show: <ul style="list-style-type: none"> <li>• the location of the land, the measurements of the boundaries of the land, the size of the land and north point;</li> <li>• the existing levels of the land in relation to buildings and roads;</li> <li>• location and height of existing structures on the site; and</li> <li>• location and height of adjacent buildings and private open space.</li> </ul> </li> <li>2. An <b>aerial photograph</b> of the subject site with the site boundary superimposed.</li> <li>3. A <b>Site Analysis Plan</b> 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.).</li> <li>4. A <b>locality/context plan</b> drawn to 1:500 scale (or other appropriate scale) should be submitted indicating: <ul style="list-style-type: none"> <li>• significant local features such as parks, community facilities and open space, water courses and heritage items;</li> <li>• the location and uses of existing buildings, shopping and employment areas;</li> <li>• traffic and road patterns, pedestrian routes and public transport nodes; and</li> <li>• 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.</li> </ul> </li> <li>5. The <b>Environmental Assessment</b> in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.</li> <li>6. The <b>Architectural drawings</b> are to be drawn to scale and illustrate the following general features: <ul style="list-style-type: none"> <li>• the location of any existing building envelopes or structures on the land;</li> <li>• the floor plans;</li> <li>• the location of lifts, stairs and corridors;</li> <li>• adaptable housing requirements;</li> <li>• section plans;</li> <li>• fenestrations, balconies and other features;</li> <li>• communal facilities and servicing points;</li> <li>• the height of the proposed development in relation to the land;</li> <li>• significant level changes;</li> <li>• parking and vehicular access arrangements; and</li> </ul> </li> </ol>
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	<ul style="list-style-type: none"> <li>pedestrian access to, through and within the site.</li> </ul> <p>7. <b>Elevations</b> – of the proposed buildings drawn to the same scale as the architectural drawings. The elevations are to indicate height and key datum lines, building length and articulation, the composition of the façade and roof design, existing buildings on the site, building entries (pedestrian, vehicular and service), and profile of buildings on adjacent properties.</p> <p>8. <b>Stormwater Plan</b> - illustrating 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;</p> <p>9. <b>Erosion and Sediment Control Plan</b> – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site;</p> <p>10. <b>Landscape Plan</b> – plan or drawing detailing 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);</p> <p>11. <b>Construction Management Plan</b> – a plan which outlines traffic and pedestrian management during construction and management of impacts on amenity of adjoining properties and appropriate mitigation measures including noise, dust and sediment and erosion controls;</p> <p>12. <b>View analysis</b> – artist's impression, photomontages, scale model, etc of the proposed development in the context of the surrounding development.</p> <p>13. Indicative <b>external materials and finishes schedule</b>.</p>
<b>Specialist advice</b>	<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"> <li>Flora and Fauna;</li> <li>Bushfire;</li> <li>Landscaping;</li> <li>Geotechnical and/or hydro geological (groundwater);</li> <li>Stormwater/drainage;</li> <li>Urban Design/Architectural;</li> <li>Contamination in accordance with the requirements of SEPP 55; and</li> <li>Acid Sulphate Soil Management Plan.</li> </ul>
<b>Documents to be submitted</b>	<ul style="list-style-type: none"> <li>1 hard copy of the Environmental Assessment;</li> <li>1 set of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and</li> <li>1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below).</li> <li>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.</li> </ul>

**Electronic Documents**

Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-

- 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 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
<b>Biodiversity</b>	
<b>Flora and Fauna</b>	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Department of Planning 2005)
<b>Fish and Aquatic Ecosystems</b>	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Threatened Species Management Manual (NPWS, 1998)
<b>Coastal Planning</b>	
	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)
<b>Bushfire</b>	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
<b>Contamination of Land</b>	
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
<b>Environmental Management Systems</b>	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
<b>Heritage</b>	
<b>Aboriginal</b>	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A ( Planning 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
<b>Non-Indigenous</b>	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)
	NSW Heritage Manual (NSW Heritage Office, 1996)
<b>Noise</b>	
	Environmental Criteria for Road Traffic Noise (EPA, 1999)

Aspect	Policy /Methodology
	Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)
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)
<b>Floodplain</b>	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
<b>Groundwater</b>	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
<b>Stormwater</b>	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
<b>Waterways</b>	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)

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