



NSW GOVERNMENT
Department of Planning

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Email: paula.tomkins@planning.nsw.gov.au
Our ref: MP 07_0009
Your ref: BA040015

Wave Break Properties Pty Ltd
c/- LandPartners
Attn: Steven Smith
PO Box 292
BALLINA NSW 2478

Dear Mr Smith

Subject: Skennars Head Coastal Village (MP 07_0009)

The Department has received your application for the proposed Skennars Head Coastal Village (MP 07_0009). On 14 September 2007 the Minister formed the opinion that your Project is one to which Part 3A of the Environmental Planning and Assessment Act 1979 applies. In addition, the Minister authorised the lodgement of a concept plan pursuant to S75M of the Act.

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

It is noted that the site is currently the subject of a rezoning process with Ballina Shire Council. Please be advised that an Environmental Assessment for the proposal cannot be placed on public exhibition until the draft Local Environmental Plan has received a certificate certifying that it may be publicly exhibited under s65 of the Act.

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;
- whether the proposal requires an approval under the Commonwealth *Environment Protection and Biodiversity Act 1999* (EPBC Act) and any assessment obligations under that Act;
- 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.

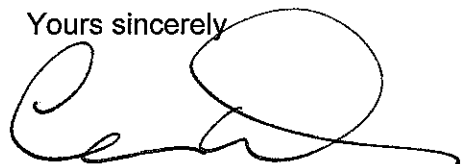
Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days. The Director-General's requirements will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. 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 Department's 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 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 Paula Tomkins on 9228 6397 or email paula.tomkins@planning.nsw.gov.au.

Yours sincerely



23.9.07

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: MP 07_0009

Project:

A **Concept Plan** for Skennars Head Coastal Village comprising:

- a residential subdivision of approximately 350-400 lots; and
- village centre (neighbourhood shops, café, community uses and open space).

A **Project Application** comprising:

- a residential subdivision of approximately 250-280 lots.

Location: Lots 1 and 2 DP 784864, Lots 50, 66 and 76 DP 755684, Lot 1 DP 184117 and Lot 1 DP 449851, The Coast Road, Skennars Head

Proponent: Wave Break Properties Pty Ltd c/- LandPartners

Date issued: 23 September 2007

Expiry date: 2 years from date of issue

General requirements

The Environmental Assessment (EA) must include:

PART A: Concept Plan Application

1. An executive summary;
2. An outline of the scope of the project including:
 - 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 and Development Control Plans;
5. Consideration of impacts, if any, on matters of national environmental significance under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*;
6. Consideration of principles of ecological sustainable development (ESD);
7. 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;
8. The plans and documents outlined in **Attachment 2**;
9. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;
10. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project;
11. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.

PART B: Project Application

1. The matters listed above in Part A, and
2. A detailed description, including plan details, of the project application component.

Key Issues for the Concept Plan

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. Provide justification for any inconsistencies with these planning strategies.
- 1.2 Demonstrate consistency with the Sustainability Criteria set out in the relevant Regional Strategy (including draft Regional Strategies).

2. Land Use Pattern

- 2.1 Consider the integration and compatibility of the proposed land uses (retail, community uses, residential and open space) across the site with regard to access arrangements, traffic, environmental buffers, density controls and suitability of the land use with surrounding development.
- 2.2 Demonstrate the consistency of the proposed subdivision design and layout with the *Coastal Design Guidelines for NSW*, *NSW Coastal Policy 1997* and *SEPP 71 – Coastal Protection*.
- 2.3 Address the provision of buffers to proposed development on site. Specifically consider buffers for the SEPP 14 wetlands, threatened species and/or their habitats and asset protection zones.
- 2.4 Identify any potential impacts of the proposal on adjacent Crown Reserve 1010068 and the Ballina Coastal Reserve system.
- 2.5 Address any potential impacts of the proposal on existing agricultural lands both within and adjacent to the site.

3. Visual Impact

- 3.1 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 (including views from The Coast Road) and cumulative impacts.

4. Infrastructure Provision

- 4.1 Address existing capacity and requirements of the development for sewerage, water, electricity, waste disposal, telecommunications and gas in consultation with relevant agencies. Identify and describe staging, if any, of infrastructure works.
- 4.2 Address and provide the likely scope of any planning agreement and/or developer contributions with Council/ Government agencies. Note: It is preferred that the dedication of 7(f) zoned land to Council not occur in stages.

5. Traffic and Access

- 5.1 Prepare a traffic impact study in accordance with Table 2.1 of the RTA's *Guide to Traffic Generating Developments*.
- 5.2 The Department of Lands notes that there are a number of Crown and unformed Council roads within the site. Address how the proposed development will impact on the management, development and closure/disposal of these roads.
- 5.3 Address the potential impacts of the proposal, if any, on Ballina Council's proposed coastal cycleway between Ballina and Lennox Head.
- 5.4 Address the protection of 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.	
6. Hazard Management and Mitigation	
<i>Coastal Processes</i>	
6.1	Address coastal hazards and the provisions of the Coastline Management Manual and Ballina Shire Coastline Hazard Definition Study. 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>	
6.2	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land.
<i>Acid Sulfate Soils</i>	
6.3	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures with consideration of the <i>Acid Sulfate Soils Manual</i> (ASSMAC, 1998).
<i>Bushfire</i>	
6.4	Address the requirements of <i>Planning for Bush Fire Protection 2006</i> (RFS).
<i>Flooding</i>	
6.5	Provide an assessment of any flood risk on site in consideration of any relevant provisions of the <i>NSW Floodplain Development Manual</i> (2005), including consideration of potential risks associated with climate change.
6.6	Consider the potential impacts of any filling on the flood regime of the site and adjacent lands.
<i>Mosquito Management</i>	
6.7	Address the potential impacts of nearby known and suspected mosquito breeding areas for future residents of the proposal. Consider Chapter 11 of Council's Combined DCP.
7. Water Cycle Management	
7.1	Address and outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles, which addresses impacts on the surrounding environment, drainage and water quality controls for the catchment.
7.2	Assess the impacts of the proposal on surface and groundwater hydrology and quality, in particular the wetlands in the northwest and southwest of the site.
8. Heritage and Archaeology	
8.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance (Aboriginal community consultation should be undertaken in accordance with DEC's <i>Interim Community Consultation Requirements for Applicants</i>).
8.2	Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.
9. Flora and Fauna	
9.1	Outline potential impacts 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>). Provide measures for their conservation, where relevant, including consideration of compensatory habitat.
9.2	Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land.
9.3	Address measures to protect and manage the riparian corridor and aquatic habitats.

10. Noise
10.1 Address potential noise impacts, in particular road traffic noise, for future residents and appropriate mitigation measures.
Key Issues for the Project Application
The EA must address the following key issues:
11. Compliance with the requirements for the Concept Plan
11.1 The EA must demonstrate consistency with all DGRs detailed in Part A, and the following additional matters.
12. Subdivision Design, Layout and Desired Future Character
12.1 Provide details of potential building envelope, built form and design quality controls and the means for implementing them.
12.2 Demonstrate the consistency of the proposal with the character of existing development in terms of the locality, street frontage, scale, building envelopes and future built form controls, aesthetics, energy and water efficiency and safety.
12.3 Outline the long-term management and maintenance of any areas of open space or conservation including ownership and control, management and maintenance funding, public access, revegetation and rehabilitation works and bushfire management.
12.4 Provide a detailed survey showing existing and proposed levels and quantities of fill, if required. Where relevant, provide details of the source of fill including types of material and soils.
13. Socioeconomic Impacts
14.1 Address any potential social or economic impacts of the proposal.
Consultation
<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"> • Ballina Shire Council; • Department of Environment and Conservation; • Department of Primary Industries; • NSW Rural Fire Service; • Department of Natural Resources; • Roads and Traffic Authority; • Department of Lands; and • Jali Local Aboriginal Land Council/s and other Aboriginal community groups. <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>
Deemed Refusal Period
120 days

Attachment 2

Plans and Documents to accompany the Application

Plans and Documents of the development	<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 Concept Plan 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 (including windows, driveways etc.). 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 Subdivision Concept plans are to show the following:- <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 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). 7. 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
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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;

8. **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);
9. **View analysis** – artist's impression, photomontages, etc of the proposed development in the context of the surrounding 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 **Project Application**:

1. The **Environmental Assessment** in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.
2. **Subdivision plans** are to show the following:-
 - The location, boundary dimensions, site area and north point of the land, and names of roads fronting the land;
 - Title showing the description of the land with lot and DP numbers etc;
 - Existing and proposed subdivision pattern including all measurements and sites areas of existing and proposed allotments;
 - Location and details of all proposed roads and footpaths;
 - Location of all structures proposed and retained on site;
 - Cross sections of roads, including gradients, widths, road names, footpaths etc.
 - Existing and proposed finished levels in relation to roads, footpaths and structures;
 - Location and details of access points to the subdivision;
 - Existing vegetation on the land and vegetation to be retained;
 - Location of services and infrastructure, and proposed methods of draining the land;
 - Any easements, covenants or other restrictions either existing or proposed on the site;
 - Type of subdivision proposed (Torrens, strata and/or community title).
3. The **Architectural drawings** are to be drawn to scale and illustrate the following general features:
 - 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
 - pedestrian access to, through and within the site.
4. **Elevations** – of the proposed buildings drawn to the same scale as the architectural drawings. The elevations are to indicate height and key

	<p>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> <ol style="list-style-type: none"> 5. Stormwater Plan – a detailed stormwater management plan for 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; 6. Erosion and Sediment Control Plan – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site; 7. Landscape Plan – plan or drawing that shows the 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 nad surface treatments (i.e. pavers, lawn etc) 8. Construction Management Plan – 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; 9. Operational Management Plan – a plan for the neighbourhood centre which includes, but is not limited to: <ul style="list-style-type: none"> • hours of operation; • security arrangements; • waste management; and • servicing requirements.
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; • Landscaping; • Traffic; • Geotechnical and/or hydro geological (groundwater); • Aboriginal and European heritage; • Stormwater/drainage; • 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"> • 10-15 hard copies of the Environmental Assessment; • 10-15 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 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

Aspect	Policy /Methodology
	construction (Standards Australia, 1989, AS 3671-1989)
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