



NSW GOVERNMENT  
Department of Planning

Contact: Sally Laing  
Phone: 02 9228 6498  
Fax: 02 9228 6540  
E-mail: sally.laing@planning.nsw.gov.au

Our ref: MP 06\_0153  
File: 9043046-1

Mr Adam Smith  
Planit Consulting  
PO Box 1623  
Kingscliff NSW 2487

Dear Mr Smith

**Director General's Requirements for an Environmental Assessment of a  
Proposed Residential Subdivision and Tourist Resort at Creek Street, Hastings Point**

The Department has received your application for the above Major Project (MP 06\_0153) and has reviewed the supporting Preliminary Assessment.

The Director-General's Environmental Assessment Requirements (DGR's) for the Environmental Assessment of the Major Project are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with all relevant government agencies, including Tweed Shire 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 before 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.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit the Environmental Assessment (EA) for the project to determine:

- the fees applicable to the application;
- relevant land owner notification requirements;
- number and format (hard-copy or CD-ROM) of the EAs that will be required.

A list of relevant technical and policy guidelines which may assist in the preparation of the EA are enclosed at **Attachment 3**.

Prior to exhibiting the EA, the Department will review the document to determine if it adequately addresses the DGR's. 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 DGR's, the Director-General may require the proponent to revise the EA to address these matters.


Following this review period the EA 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 requested, 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.

Finally, if your proposal includes any actions that could have a significant impact on matters of National Environmental Significance, it will require an 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 (02 6274 1111 or [www.deh.gov.au](http://www.deh.gov.au)).

If you have any enquiries about these requirements, please contact Sally Laing, Environmental Planner, Coastal Assessments, on (02) 9228 6498 or via e-mail at [sally.laing@planning.nsw.gov.au](mailto:sally.laing@planning.nsw.gov.au).

Yours sincerely

 28. 10. 06

Chris Wilson  
**Executive Director Major Projects Assessments  
as delegate for the Director General**

# Attachment 1

## Director-General's Requirements

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

Application number	06_0153
Project	Concept Plan application for an 58 lot residential subdivision and tourist resort
Location	Lot 156 in DP 628026 and Lot 10 & 11 in DP 14564, Creek Street, Hastings Point
Proponent	Walter Elliot Holdings Pty Ltd
Date issued	28 October 2006
Expiry date	2 years from date of issue
General requirements	<p>The Environmental Assessment (EA) for the <b>Concept Plan</b> must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary;</li> <li>2. A description of the proposal including: <ul style="list-style-type: none"> <li>- description of the site and surrounds;</li> <li>- suitability of the site for the proposed development;</li> <li>- likely environmental, social and economic impacts;</li> <li>- justification for undertaking the project; and</li> <li>- alternatives considered.</li> </ul> </li> <li>3. A thorough site analysis and description of the existing environment;</li> <li>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. The assessment is to include the nature, extent, and justification for any non compliance, particularly where non compliance results in environmental impacts;</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 potential impacts of the project;</li> <li>7. The plans and documents outlined in <b>Attachment 2</b>;</li> <li>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,</li> <li>9. A detailed assessment of the key issues specified below and a table outlining how and where in the EA document these key issues and the above general requirements have been addressed.</li> </ol>
Key issues	<p>The Environmental Assessment must address the following key issues:</p> <ol style="list-style-type: none"> <li>1. <b>Subdivision Layout, Desired Future Character and Sustainability</b> <ol style="list-style-type: none"> <li>1.1 Assess the suitability of the proposed development with the surrounding area; visual impacts from public locations; subdivision design/layout; pedestrian &amp; bicycle movement to, within and through the site.</li> </ol> </li> </ol>

- 1.2 Provide details of proposed staging and assessment of implications in terms of impact on subdivision design and infrastructure provision.
  - 1.3 Consider the *Coastal Design Guidelines for NSW* and *SEPP 71 – Coastal Protection*.
- 2. Water**
- 2.1 Submit a Water Cycle Management Plan which demonstrates the means and adequacy of managing stormwater within the site, in particular detailing measures to show that the quality and quantity of stormwater from the developed site will not adversely affect the downstream receiving environment (Christies Creek, Cudgera Creek and SEPP 14 Coastal Wetland No.50) and the existing stormwater drainage patterns/regime.
  - 2.2 Demonstrate how the principles of Water Sensitive Urban Design will be incorporated into the development.
  - 2.3 Identify whether any proposed works will intersect the watertable and therefore require dewatering. If necessary, identify the extent of dewatering required.
  - 2.4 Consideration of the Tweed Coast Estuaries Management Plan 2004–2009 for Cudgen, Cudgera and Mooball Creeks (Australian Wetlands, 2004).
- 3. Flooding**
- 3.1 Provide an assessment of the risk of flooding at the site due to proximity of Cudgera and Christies Creeks and the Pacific Ocean.
  - 3.2 Provide an assessment of proposal against the relevant provisions of the *Floodplain Development Manual* (NSW Government, April 2005), Tweed LEP 2000 and Council's DCP No.5 *Development of Flood Liable Land*.
  - 3.3 Consideration of the impacts of inundation of the site by highest astronomical tides
- Note: The study should include a detailed understanding of flood behaviour across a full range of floods (including the Probable Maximum Flood event) for catchment and ocean based flooding; their likelihood of occurrence; associated consequences in terms of danger to personal safety; access and evacuation requirements in the event of a major flood; the flooding impact of filling on surrounding properties and on the development itself; and, any proposed mitigation measures.*
- 4. Flora and Fauna**
- 4.1 Provide a preliminary desktop assessment of the threatened species that occur or are likely to occur on or within at least a 5km radius of the site.
  - 4.2 Provide a field survey and assessment of all threatened or vulnerable flora and fauna species and their habitats, populations and Endangered Ecological Communities (EECs), including (but not limited to) saltmarsh communities, the Koala, Grey-headed Flying Fox, Little Bent Wing Bat and the Glossy Black Cockatoo, which may be present on the site.
- Note: Information on threatened species and Recovery Plans can be obtained from the BioNet website ([www.bionet.nsw.gov.au](http://www.bionet.nsw.gov.au)) or the DEC threatened species website ([www.environment.nsw.gov.au/threatspec/index](http://www.environment.nsw.gov.au/threatspec/index)). Field surveys of the site should be undertaken in accordance with the DEC's Draft "Guidelines for Threatened Species Assessment" (July 2005).*

- 4.3 Identify measures to protect or mitigate for any adverse impacts on threatened or vulnerable fauna and flora species and their habitats, including adequate buffers, revegetation/rehabilitation, and the long-term protection of aquatic habitats and threatened fauna and flora species.
- 4.4 Address any proposed native vegetation clearing and responsibilities under the *Native Vegetation Act 2003*.
- 4.5 Identify measures to enhance or rehabilitate degraded and environmentally sensitive areas within the site.
- 4.6 Demonstrate that the proposal (including walking tracks, boardwalks etc) will be designed such that there are no adverse impacts on fish movement.
- 5. Aboriginal and European Heritage**
  - 5.1 Submit an Aboriginal and European cultural heritage assessment, if relevant. The report should detail the nature and extent of impacts on Aboriginal and European cultural heritage values across the project area and identify measures to avoid or mitigate adverse impacts on cultural heritage values.
- 6. Contamination and remediation of site**
  - 6.1 Identify any areas of contamination on site and provide details of measures to ensure these can be managed.
  - 6.2 Consider the *Managing Land Contamination: Planning Guidelines – SEPP 55 – Remediation of Land*.
  - 6.3 Provide evidence of soil investigations which identify whether the site contains acid sulfate soils (ASS).
  - 6.4 Provide a detailed ASS Management Plan.
- 7. Geotechnical**
  - 7.1 Submit a geotechnical assessment report that details appropriate geotechnical investigations to establish certainty in terms of site stability and suitability for the proposal.
- 8. Bushfire**
  - 8.1 Demonstrate compliance with the relevant provisions of *Planning for Bushfire Protection (PBP) 2001* and *Australian Standard 3959 – Building in Bush Fire Prone Areas*.
- 9. Traffic & Access**
  - 9.1 Provide an appropriate traffic assessment addressing the relevant provisions in Table 2.1 of the RTA's *Guide to Traffic Generating Developments*.
  - 9.2 Address issues associated with site access, internal traffic movement / hazards, the road system capacity, integration with adjacent urban areas, local traffic speed, environment and facilities for pedestrians, cyclists (internal and external connections) and public transport.
  - 9.3 Address issues associated with the extension of Creek Street, in particular upgrading of the carriageway and the intersection with Coast Road, and the impacts on the Environmental Protection Zone 7(1) (Habitat) within which the road is proposed.
- 10. Riparian Corridor & Foreshore Access**
  - 10.1 The EA must consider access to the riparian corridor and foreshore of Christies and Cudgera Creeks. Issues to consider include:
    - Securing public access to the creek foreshore and adjacent

	<p>environmentally sensitive lands; and</p> <ul style="list-style-type: none"> <li>- Maintenance, protection and ownership of the foreshore and environmentally sensitive lands.</li> </ul> <p>10.2 Demonstrate measures to protect SEPP 14 wetland No.50 to the south of the development and other environmentally sensitive areas within and on the site, including the provision of adequate buffers, management of stormwater and the rehabilitation and enhancement of remnant vegetation.</p> <p><b>11. Provision of public service and infrastructure</b></p> <p>11.1 Address the existing capacity and requirements of the development for water, electricity, waste disposal (including stormwater and sewage) and telecommunications. Identify staging, if any, of infrastructure works.</p> <p><b>12. Earthworks &amp; Filling</b></p> <p>12.1 Provide details of the source of fill including types of material and soils, and details of suitable revegetation planting.</p> <p><b>13. Social Impact &amp; Amenity</b></p> <p>13.1 Provide a social impact assessment that identifies the likely future impacts of the development on the affected community, assesses the impacts in terms of magnitude, significance, duration, the effect on current and future conditions and community services, and outlines possible measures for the management or mitigation of likely impacts.</p>
<b>Consultation</b>	<p>During the preparation of the Environmental Assessment, you should undertake an appropriate and justified level of consultation with the following:</p> <p>(a) <i>Agencies or other authorities:</i></p> <ul style="list-style-type: none"> <li>• Department of Natural Resources;</li> <li>• Department of Planning;</li> <li>• Department of Environment and Conservation;</li> <li>• Roads and Traffic Authority;</li> <li>• Department of Primary Industries;</li> <li>• Tweed Shire Council;</li> <li>• Northern Rivers Catchment Management Authority;</li> <li>• NSW Rural Fire Service; and,</li> <li>• Local Aboriginal Land Council/s.</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>60 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.</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, size of the land and north point;</li> <li>• the existing levels of the land in relation to buildings and roads; and</li> <li>• location and height of existing structures on the site.</li> </ul> </li> <li>2. 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 and view corridors.</li> <li>3. 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; and</li> <li>• traffic and road patterns, pedestrian routes and public transport nodes.</li> </ul> </li> <li>4. The <b>Environmental Assessment</b> in accordance with the Director-General's Environmental Assessment Requirements as outlined in <b>Attachment 1</b>.</li> <li>5. The <b>Subdivision plans</b> are to show the following:- <ul style="list-style-type: none"> <li>• Dimensions of proposed and/or existing allotments;</li> <li>• Location of all structures retained on site;</li> <li>• Vegetation retention and rehabilitation;</li> <li>• Any easements, covenants or other restrictions either existing or proposed on the site; and</li> <li>• Access points.</li> </ul> </li> <li>6. A <b>Water Cycle Management Plan</b> illustrating the overall concept for management of stormwater quality and quantity on the site.</li> <li>7. A <b>Landscape Concept Plan</b> or drawing that shows the basic detail of planting design and plant species to be used, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc). A Vegetation Management Plan should also be provided, if appropriate.</li> </ol>
<b>Specialist advice</b>	<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"> <li>• Flora and Fauna;</li> <li>• Stormwater/drainage;</li> <li>• Bushfire;</li> <li>• Flooding;</li> <li>• Traffic;</li> <li>• Landscaping;</li> <li>• Geotechnical and/or hydrogeological (groundwater, ASS);</li> <li>• Urban Design;</li> <li>• Contamination in accordance with the requirements of SEPP 55;</li> <li>• BCA compliance.</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> </ul> <p>Note: 10 to 15 additional hard copies of the Environmental Assessment and associated plans may be requested once the document is deemed adequate.</p>
<b>Electronic Documents</b>	<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"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• Graphic images will need to be provided as [.gif] files.</li> <li>• Photographic images should be provided as [.jpg] files.</li> <li>• Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each.</li> <li>• 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.</li> </ul> <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>



## Attachment 3 Technical and Policy Guidelines

Aspect	Policy /Methodology
<b>Biodiversity</b>	
<b>Flora and Fauna</b>	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Planning 2005)
	Guidelines for Threatened Species Assessment (DEC, 2004) <i>Draft</i>
	Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (DEC, Dec, 2004) <i>Draft</i>
<b>Coastal Planning</b>	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, UAB, 1997
	Coastal Design Guidelines for NSW, PlanningNSW, March 2003
	Planning guidelines for walking and cycling, DIPNR, Dec 2004
<b>Community Consultation</b>	
	Community Involvement Practice Notes and Resource Manual (RTA, 1998)
	Best Practice Community Consultation and Involvement (Commonwealth DEH, 1995, ISBN 0 642 19421 1)
<b>Contaminated Land</b>	
	Managing Land Contamination: Planning Guidelines – SEPP 55 – Remediation of Land, DUAP and NSW EPA, 1998
	Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites (EPA 1997)
	Contaminated Sites – Guidelines on Significant Risk of Harm and Duty to Report (EPA, 1999)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
<b>Heritage</b>	
<b>Aboriginal</b>	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A ( Planning 2005)
	Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DEC, 2005) <i>Draft</i>
	Aboriginal Cultural Heritage Standards & Guidelines Kit (DEC, 1997)
<b>Non-Indigenous</b>	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)
	Assessing Heritage Significance (NSW Heritage Office, 2001)
<b>Statement of Commitments</b>	
	Statements of Commitments Guideline (Draft Outline) (DoP, 2005)
<b>Acid Sulfate Soils</b>	
	Acid Sulfate Soil Manual (ASSMAC)
<b>Traffic &amp; Transport</b>	
	Bus lane/pedestrian/cycleway standards (Austroads/RTA guidelines)
	Traffic Control at Worksites guidelines (RTA, Sept, 2003)
	Guide to Traffic Generating Development (RTA, 1993)
	RTAs Road Design Guide (RTA, 1996)
<b>Urban Design</b>	
	Neighbourhood Character: An Urban Design Approach for Identifying

Aspect Policy /Methodology	
	Neighbourhood Character (PlanningNSW, 1998)
	Residential Densities: A Handbook Illustrating the Urban Design Characteristics of Different Densities (PlanningNSW, 1998)
	Mixed Use in Urban Centres, Guidelines for Mixed Use Development, (PlanningNSW, 2001)
	Better Urban Living: Guidelines for Urban Housing in NSW, (Urban Design Advisory Service & Department of Urban Affairs and Planning, 1998)
Wastewater	
	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC, 1997)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Use of Reclaimed Water (ARMCANZ/ANZECC, 2000)
	Environment and Health Protection Guidelines: Onsite Sewage Management for Single Households (1998) (Silver Book)
	Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)
Water	
<b>Flooding</b>	NSW Floodplain Development Manual (DIPNR, 2005)
	Australian Rainfall and Runoff (Institution of Engineers, revised edition 1997)
<b>Stormwater</b>	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
	Stormwater Outlet Structures to Streams (for pipes, culverts, drains and spillways – Version 1) (DIPNR)
	Managing Urban Stormwater: Construction Activities (EPA, 1988)
	Managing Urban Stormwater: Source Control (DEC, 1998)
	Managing Urban Stormwater: Treatment Techniques (DEC, 1998)
	Better Drainage: Guidelines for the Multiple Use of Drainage Systems (DoP, 1993)
	Draft Australian Runoff Quality (Institution of Engineers, 2003)
	Constructed Wetlands Manual (DLWC, 1998)
<b>Waterways</b>	Estuary Management Manual (DLWC, 1992)
<b>Wetlands</b>	The NSW Wetlands Management Policy Action Plan (DLWC, 1999)
	Constructed Wetlands Manual (DLWC)