



NSW GOVERNMENT  
**Department of Planning**

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Our ref: MP 06\_0148 Mod 1 and 09\_0060  
File: S09/00409 and S09/0060

Sapphire Beach Development Pty Ltd  
c/- Mr William Jenner  
Development Manager  
Attentus Projects and Properties Pty Ltd  
201/117 Old Pittwater Road  
BROOKVALE NSW 2100

Dear Mr Jenner,

**Director-General's Requirements for Environmental Assessment: Residential subdivision at 740-742 Pacific Highway, Sapphire Beach – 06\_0148 Mod 1 and 09\_0060**

Concept Plan 06\_0148 was approved by the Minister on 9 May 2007. The Concept Plan approval proposed a mixed tourist/residential development providing for 124 dwellings ranging from tourist apartments, to townhouses and villa style housing. The Concept Plan approval also included an approval regime for future applications for the site.

**The Applications**

The Department of Planning (the Department) is now in receipt of the following two associated applications for the site at 740-742 Pacific Highway, Sapphire Beach in the Coffs Harbour LGA:

- **MP06\_0148 Mod 1 – Modification to Concept Plan**

An application that proposes to modify the approved concept plan to accommodate a residential subdivision of 41 lots, and also proposes changes to the staging and future approval regime for the development.

- **MP09\_0060 – Project Application for Stage 1**

A project application for the new Stage 1 of the same development, which comprises demolition of existing buildings and clearing of the site.

**Director-General's Environmental Assessment Requirements**

The Director-General's Environmental Assessment Requirements (DGRs) for the environmental assessment of both applications 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.

**Attachment 3** lists some relevant technical and policy guidelines which may assist in the preparation of the EA.

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.

If the Environmental Assessment (EA) is not exhibited within 2 years of the date of issue of these requirements, you should consult further with the Director-General in relation to the preparation of the EA.

Please 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. Note that you will need to provide a signed statement from a Quantity Surveyor to verify the capital investment value of the project;
- consultation and public exhibition arrangements that will apply; and
- number and format (hard-copy or CD-ROM) of the EA that will be required.

### **Public Exhibition**

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 Environmental Assessment will be made publicly available for a minimum period of 30 days.

### **Matters of National Environmental Significance**

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance (NES), it will require an additional approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Commonwealth Department of the Environment, Water, Heritage and the Arts in Canberra (6274 1111 or [www.environment.gov.au](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.

### **Other approvals**

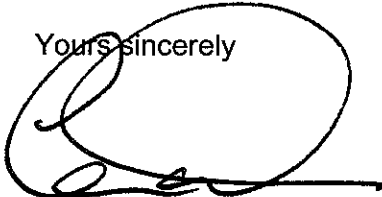
Please note that under section 75U of the Act, Part 3A applications do not require certain permits/approvals required under other legislation. These matters are considered as part of the Part 3A assessment process. For example, Section 87 permits and Section 90 consents under the *National Parks and Wildlife Act 1974* are not required for Part 3A applications. Section 75U applies from the date of issue of the DGRs.

Notwithstanding, the Department still requires an equivalent level of information within the EA as would ordinarily be required for the issue of any such permit/approval to enable an assessment of the relevant works. Please notify the Department should any sub-surface testing be required during the preparation of your EA.

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 or the proposed process, please contact Tom FitzGerald on 9228 6521 or email [thomas.fitzgerald@planning.nsw.gov.au](mailto:thomas.fitzgerald@planning.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Chris Wilson', written over a large, loopy circular flourish.

17. 4. 09

Chris Wilson  
**Executive Director**  
as delegate for the Director-General

*Encl.*

# Attachment 1

## Director-General's Environmental Assessment Requirements

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

<b>Application numbers</b>
06_0148 Mod 1 and 09_0060
<b>Projects</b>
<p><b>Concept plan modification</b> (06_0148 Mod 1): An application to modify the concept plan to accommodate a proposed residential subdivision of 41 lots at 740-742 Pacific Highway, Sapphire Beach:</p> <ul style="list-style-type: none"> <li>removal of the tourist component use of the site,</li> <li>replacement of residential flat buildings with detached dwellings,</li> <li>increase in number of lots subdivided from 26 to 41,</li> <li>reduction in gross floor area of development by approximately 10,000m<sup>2</sup>,</li> <li>reduction in communal open space by approximately 2,300m<sup>2</sup>,</li> <li>amended staging and future approval regime.</li> </ul> <p><b>Project application</b> (09_0060): a project application for the new Stage 1 of the same development which comprises:</p> <ul style="list-style-type: none"> <li>demolition of existing buildings/structures and redundant services,</li> <li>clearing of vegetation on the site (excluding 7A zone and dune),</li> <li>preparation of site for subdivision.</li> </ul>
<b>Location</b>
Lots 100 & 101 DP 629555 and Lot 2 DP 800836, 740-742 Pacific Highway, Sapphire Beach, Coffs Harbour
<b>Proponent</b>
Sapphire Beach Development Pty Limited
<b>Date issued</b>
17 April 2009
<b>General requirements (06_0148 Mod 1 and 09_0060)</b>
<p>The Environmental Assessment (EA) for both the <b>Concept plan modification (06_0148 Mod 1)</b> and <b>Project Application (09_0060)</b> must include:</p> <ol style="list-style-type: none"> <li>An executive summary;</li> <li>A detailed description of what is proposed, including:             <ul style="list-style-type: none"> <li>An outline of the scope of the project;</li> <li>Discussion of different development options considered;</li> <li>Justification for the proposed modification taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest; and</li> <li>Detail of the proposed changes to staged implementation of the project;</li> </ul> </li> <li>A thorough site analysis including constraints mapping and description of the existing environment;</li> <li>Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from</li> </ol>

- environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans;
5. Consideration of the consistency of the applications with the objects of the *Environmental Planning and Assessment Act 1979*;
  6. Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*;
  7. An assessment of the potential impacts of the applications and a draft Statement of Commitments, outlining best practice environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts;
  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; and
  10. An assessment of the key issues specified below, and a table outlining where in the EA these key issues have been addressed.

#### **06\_0148 Mod 1: Key Issues for the Concept Plan Modification.**

The EA for the **concept plan modification** must address the following key issues and have particular regard to where the concept plan modification differs from the original concept plan approval:

#### **1. Strategic Planning**

- 1.1 Justify the proposed modifications with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies.

#### **2. Subdivision Design, Layout and Desired Future Character**

- 2.1 Demonstrate the consistency of the proposed modifications 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.
- 2.2 Detail proposed site specific controls for new housing within the subdivision (if proposed) noting that the provisions of Coffs Harbour City Council's Residential Tourist Lands DCP contains limited controls for dwellings. Include details of potential building envelopes, built form and design quality controls and the means for implementing them.
- 2.3 Demonstrate the consistency of the proposed subdivision design and layout with the *Coastal Design Guidelines for NSW*, the *North Coast Urban Design Guidelines 2009*, *NSW Coastal Policy 1997* and *SEPP 71 – Coastal Protection*.
- 2.4 Identify the type of subdivision proposed across the site ie. community, Torrens, strata. A draft community management statement should be provided if community title is proposed.
- 2.5 Provide details of any staging that demonstrates the lots will be released in an orderly and coordinated manner.
- 2.6 Provide details of 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.
- 2.7 Appropriately address the interface between private and public space as it relates to the proposed modification.

#### **3. Visual Impact**

3.1	Address the visual impact of the proposed modification in the context of surrounding development and relevant mitigation measures. Where relevant, address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places and cumulative impacts.
<b>4. Traffic and Access</b>	
4.1	Assess the implications of the proposed modification on traffic and transport in the area. Have particular regard to changes to vehicle movements, parking, access/egress to and from the site, and the interface with the recently approved Pacific Highway upgrade – Sapphire to Woolgoolga.
4.2	Outline whether arrangements for public access to and along the beach and coastal foreshore will be changed as a result of the proposed modification.
<b>5. Hazard Management and Mitigation</b>	
<i>Coastal Processes</i>	
5.1	Assess the potential impacts of sea level rise and an increase in rainfall intensity on the flood regime of the site and adjacent lands. In doing so consider the provisions of the <i>Draft Sea Level Rise Policy Statement, DECC/DoP, 2009</i> and <i>Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007)</i> .
5.2	Provide details of any proposed measures adopted to avoid or mitigate any adverse impacts as a result of the proposed modification. Include as a minimum any changes to mitigate flooding or oceanic inundation concerns over flood prone areas of the site, cut and fill areas, building platforms, minimum freeboard, and construction requirements.
<i>Bushfire</i>	
5.3	Address the requirements of <i>Planning for Bush Fire Protection 2006</i> (NSW Rural Fire Service).
<i>Geotechnical</i>	
5.4	Outline how the proposed modification alters geotechnical considerations for development on the site at all stages of development, and detail any mitigation measures proposed.
<b>6. Integrated Water Cycle Management (IWCM)</b>	
7.1	Assess whether the proposed modification will change the nature or extent of the impacts of the development on surface water hydrology and quality during both construction and occupation of the site.
7.2	Present a modified plan detailing measures for IWCM based on Water Sensitive Urban Design principles. This plan must address impacts both onsite and on the surrounding environment, stormwater management, drainage and water quality controls for the catchment, water saving measures for the site, and erosion and sedimentation controls at operational stage. This plan must also include a conceptual design layout plan for the preferred stormwater treatment train showing location, size and key functional elements of each part of the system.
<b>7. Flora and Fauna</b>	
8.1	Assess whether the proposed modification will change impacts to flora and fauna. This assessment must give particular regard to proposed vegetation removal, the dune system and the environmental protection zone. Describe the actions that will be taken to avoid or mitigate impacts or to compensate for unavoidable impacts (where relevant).
8.2	Identify and discuss impacts of the proposed modification on vegetation (including the

previously identified 97 trees) located outside the 7A Environmental Protection zone. Describe the actions that will be taken to avoid or mitigate impacts or compensate unavoidable impacts, where relevant.	
<b>8. Acoustic/Noise</b>	
9.1	Discuss whether any impacts on future residents from road traffic noise from the adjacent Pacific Highway will be altered by the proposed modification, and detail proposed mitigation measures.
<b>9. Socio-economic Impacts</b>	
10.1	Discuss how the proposed modifications will change social and economic context of the project in terms of infrastructure requirements, public transport, community services and facilities (including schools and medical services).
<b>Consultation</b>	
You should undertake an appropriate and justified level of consultation with the following agencies (where relevant) during the preparation of the Environmental Assessment:	
(a) <i>Agencies or other authorities:</i>	
<ul style="list-style-type: none"> <li>• Coffs Harbour City Council;</li> <li>• NSW Department of Environment and Climate Change;</li> <li>• NSW Rural Fire Service;</li> <li>• Roads and Traffic Authority;</li> </ul>	
(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.	
The consultation process and the issues raised should be described in the Environmental Assessment.	
<b>Deemed Refusal Period</b>	
<b>60 days</b>	

<b>09_0060: Key Issues for the Project Application for Stage 1</b>	
The EA for the <b>Project Application</b> must address the following key issues:	
<b>1. Compliance with Requirements for the Concept Plan</b>	
1.1	The Environmental Assessment for Stage 1 must demonstrate consistency with the proposed modification to concept plan (MP06_0148 Mod 1), consistency with all relevant DGRs detailed above in Part A, and the following additional matters:
<b>2. Site Preparation Activities</b>	
2.1	Provide a detailed site survey showing existing and proposed contours, levels and quantities of cut and fill earthworks, and provide details of the source of fill including types of material and soils.
2.2	Discuss and detail measures that address how demolition in environmentally sensitive areas (e.g. the dune system) will be managed to avoid any adverse environmental impacts.
2.3	Submit the Demolition Management Plan as required by condition C5 of the original concept plan approval.

2.4	Prepare and submit a detailed Site Management Plan to address potential adverse impacts as required in Attachment 2 below.
<b>3. Vegetation Removal</b>	
3.1.	Identify and discuss impacts of the proposed demolition and site clearance on any vegetation on the site; including vegetation located outside the 7A Environmental Protection zone (including existing trees, trees proposed to be retained, and vegetation in the dune system). Describe the actions that will be taken to avoid or mitigate impacts or compensate unavoidable impacts, where relevant.
<b>4. Contamination</b>	
4.1.	Provide an appropriately detailed contaminated site assessment in accordance with the <i>National Environment Protection (Assessment of Site Contamination) Measure</i> (National Environment Protection Council, 1999) and all relevant Contaminated Site Guidelines published by the NSW EPA. A site history should also form part of this assessment. In accordance with 10(c) of the approved Statement of Commitments, identify site remediation works required as a result of the above assessment and detail how this will be addressed prior to commencement of works.
<b>5. Noise and Vibration</b>	
5.1.	Provide details of measures proposed to avoid, remedy or mitigate any acoustic, noise or vibration issues resulting from the proposed works. Noise and vibration controls must comply with the <i>Protection of the Environment Operations Act 1997</i> and the technical requirements of the NSW EPA <i>Environmental Noise Control Manual</i> .
<b>6. Aboriginal Heritage</b>	
6.1.	Provide an up-to-date version of the Archaeological Assessment of Indigenous Values as required by condition C8 of the original approval, and including the actions committed to in 8(a) and 8(b) of the approved Statement of Commitments.
<b>7. Owner's Consent</b>	
7.1.	Provide owner's consent for all lots comprising the site.
<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>• Coffs Harbour City Council;</li> <li>• Roads and Traffic Authority;</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>	
60 days	



## Attachment 2

### Plans and Documents to accompany the Application

#### Plans and Documents of the project

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required (where relevant) to be submitted for your **modification to concept plan application (06\_0148 Mod 1)**:

1. The **Environmental Assessment** in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.
2. **Description of the proposed modifications.** The application must provide:
  - A description of the use, activity or works originally approved under the consent that is the subject of the proposed modification,
  - A summary in table format of the conditions to be modified, any additional conditions, and the conditions to remain unchanged,
  - Drawings, plans of management or statements that support the proposed modification.
3. The **existing site survey plan** is to be drawn to 1:500 scale (or other appropriate scale) and show:
  - the location of the land, the measurements of the boundaries of the land, the size of the land and north point;
  - the existing levels of the land in relation to buildings and roads;
  - location and height of existing structures on the site; and
  - location and height of adjacent buildings and private open space.
4. 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).
5. An **aerial photograph** of the subject site with the site boundary superimposed.
6. A **locality/context plan** drawn to 1:500 scale (or other appropriate scale) should be submitted indicating:
  - significant local features such as parks, community facilities and open space, water courses and heritage items;
  - the location and uses of existing buildings, shopping and employment areas;
  - traffic and road patterns, pedestrian routes and public transport nodes
  - 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.
7. A **zoning plan** must be provided which shows the existing zoning overlaid with the proposed development layout. An extract of the land use table or relevant clauses from the subject LEP is required.
8. The **Subdivision Concept plans** (where relevant) are to show the following:
  - 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;
- Location and details of access/egress points to/from the subdivision;
- 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 of services and infrastructure, and proposed methods of draining the land;
- Vegetation retention;
- Type of subdivision proposed (Torrens, strata and/or community title).
- Staging of the development and subdivision

9. The **Architectural Concept drawings** (where relevant) are to be drawn to scale and illustrate the following general features:

- the location of any existing building envelopes or structures on the land;
- the floor plans;
- communal facilities and servicing points;
- the height of the proposed development in relation to the land;
- significant level changes;
- parking and vehicular access arrangements;
- pedestrian access to, through and within the site – with particular regard to public open space.

10. **View analysis** – artist's impression, photomontages, etc. clearly displaying the impact of the proposed development (as modified) in the context of the surrounding development.

11. **Stormwater Management Plan** - illustrating the concept for stormwater management from the site and must include details of any major overland flow paths through the site and any discharge points to the street drainage system. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided;

12. **Landscape Concept Plan** – showing planting design and plant/tree species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised in relation to the treatment of communal/public open space areas, footpaths, driveways and the public domain including details of street trees, furniture, signage, lighting and surface treatments (i.e. pavers).

The following plans and diagrams of your proposal as well as the relevant documents will be required to be submitted for your **project application (09\_0060)** for Stage 1:

1. The **Environmental Assessment** in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.
2. **Site Management Plan** – to avoid, remedy or mitigate adverse effects on the surrounding environment during the operation of Stage 1 works. Include:
  - a list of buildings, structures and roads to be demolished and removed;
  - proposed measures to avoid adverse impacts on aboriginal heritage;