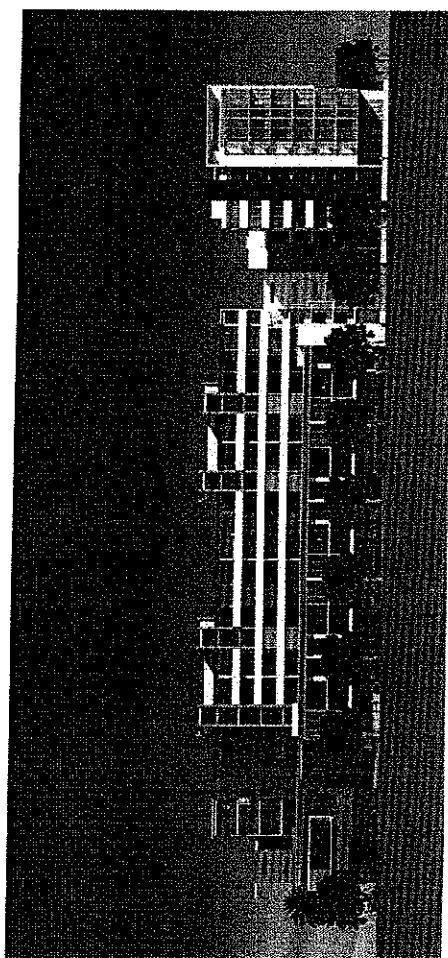
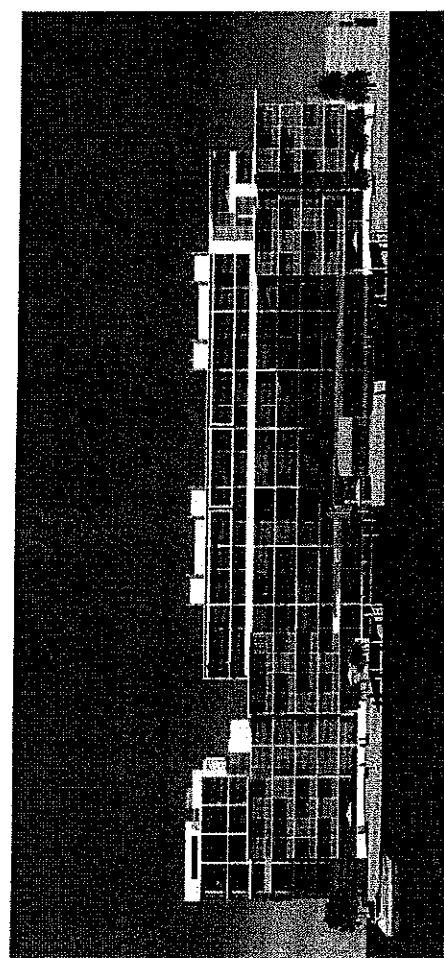
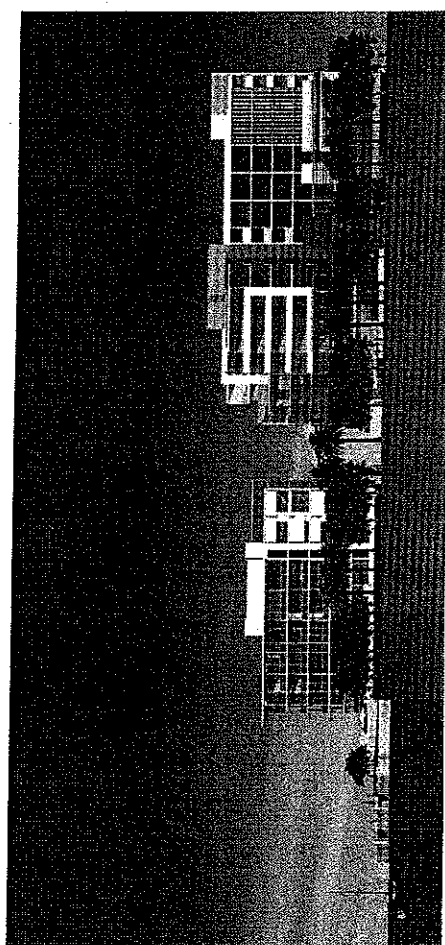


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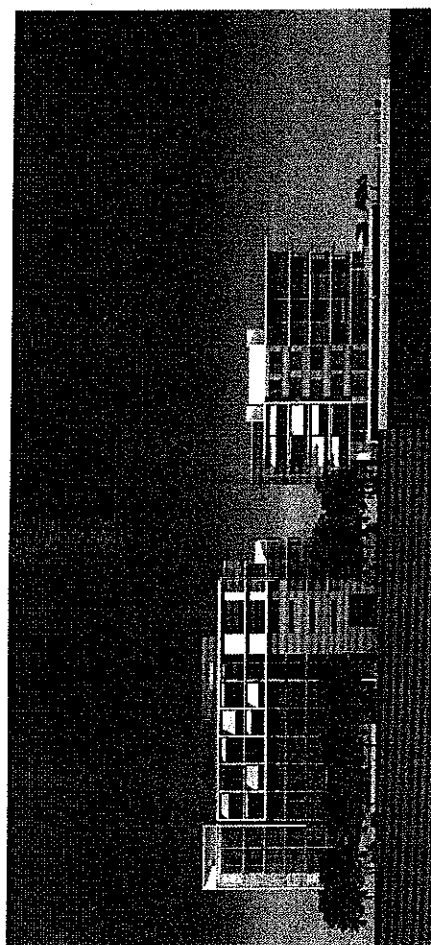
North Elevation



South Elevation

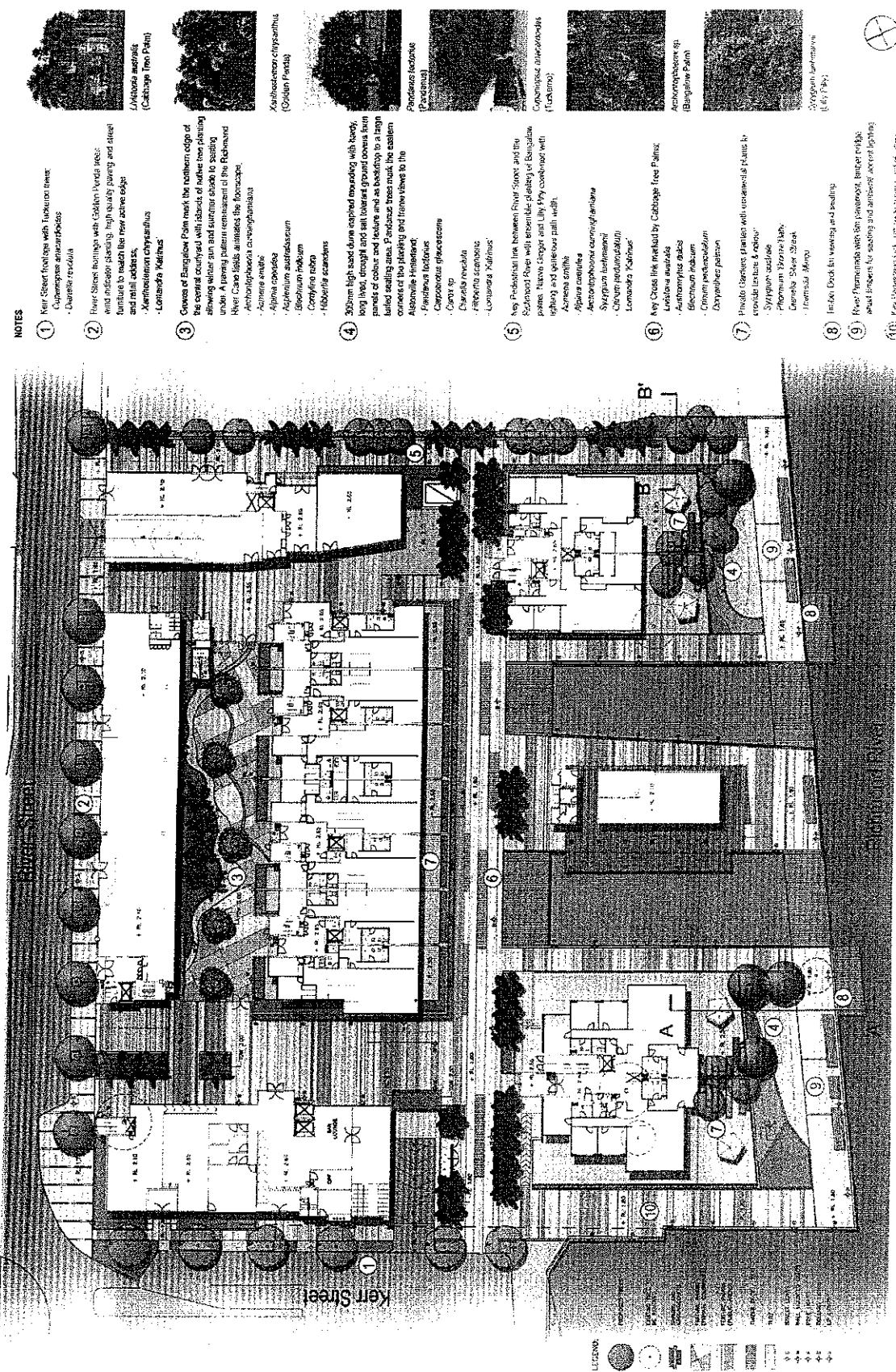


**East Elevation**



West Elevation

[illegible]





The Director  
Urban Assessments  
GPO Box 39  
SYDNEY NSW 2001

Our Ref: GF06 H 186  
Your Ref: MP 05-0009  
Date: 30/10/06

Dear Heather

**Re: Environmental Assessment Exhibition – Major Project 05-0009 Mixed Use  
Development Comprising Tourist, Residential and Retail Uses**

I refer to your letter and attached documents regarding the Major Project application from Sundowner Developments (NSW) Pty Ltd for proposed Ballina Gateway Project Mixed Use Development.

I also refer to the extension of time to 30 October 2006 for submission of comments granted to the Department by your Ms Verity Humble-Crofts. The Department has reviewed the draft Master Plan documents and provides the following comments.

The Department provided owner's consent to lodgement of the Development Application on the 4<sup>th</sup> August this year. That consent was provided without prejudice to allow full consideration of the project under the Environmental Planning and Assessment Act 1979.

However, the application as lodged is not as consented to by the Department. The application that the Department provided owner's consent to lodgement had a maximum height of the buildings on the foreshore at five (5) stories. The application now provides for the maximum height of the foreshore buildings at seven (7) stories.

The Department does not support the lodgement of an amended Development Application that includes additional height on foreshore buildings being sought without the prior consent of the Department. The potential for over-shadowing impact of foreshore buildings on public lands should be considered.

No development or use of Crown land is permitted outside of that authorised by way of the existing tenure.

The Department has issued a licence under the *Crown Lands Act 1989* to the proponents for a period of three (3) years to allow for the occupation of Crown land. Upon construction of the development, the proponents are required to lodge an identification survey and apply to authorise the on-going occupation of affected Crown land.

Native title would need to be addressed by the proponents.

No stormwater from the development is to be directed to the Crown land.


The Department would recommend the installation of guardrails at the waters edge for safety reasons and to trap wind-blown litter.

Unimpeded public access to and along the foreshore shall be provided by the proponents.

As the proposal affects Crown land directly and indirectly the Department would appreciate a copy of the conditions of consent if approved.

Should you require any further information on this matter, please contact Mrs Karen Hembrow on 02 66403407.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. Hembrow', is written above the typed name.

**Karen Hembrow**  
**Program Manager, Land Administration (North Coast)**  
**Crown Lands Division**  
**NSW Department of Lands**

Our reference : GR1879/03 DOC06/51082  
Contact : Krister Waern, 66402503

URBAN ASSESSMENTS  
RECEIVED

13 OCT 2006

The Director  
Urban Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

11 OCT 2006

Dear Ms Warton

**RE: ENVIRONMENTAL ASSESSMENT EXHIBITION – MAJOR PROJECT 05\_0009  
MIXED-USE DEVELOPMENT COMPRISING TOURIST, RESIDENTIAL AND RETAIL USES**

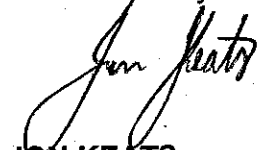
I refer to the Project Application, Environmental Assessment, and accompanying information provided for the above proposal received by DEC on 20 September 2006.

The Department of Environment and Conservation (DEC) has reviewed the information provided, particularly in relation to biodiversity conservation, Aboriginal cultural heritage and pollution control, and has determined that it is able to support the proposal in its current form subject to the implementation of measures outlined in the "Statement of Commitments" (Appendix 14).

As indicated in the Environmental Assessment Report, a section 95 certificate in accordance with the *Threatened Species Conservation Act 1995* has been issued to the DEC's Parks and Wildlife Division (PWD) for the relocation of an osprey nesting pole from the site. It is anticipated that the relocation of the nesting pole will be undertaken by early December 2006 and therefore this issue should not impact on the proposed development. The contact person for the relocation is Mark Pittavino (66270221).

Should you have any other inquiries please contact Krister Waern on (02) 66402503.

Yours sincerely



**JON KEATS**  
Head Industry and Waste Unit North Coast  
Environment Protection and Regulation



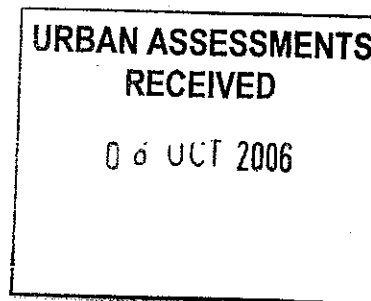


Our Ref:

Ms Heather Warton  
Director, Urban Assessments  
GPO Box 39  
SYDNEY NSW 2001

29 September 2006

Attention: Ms Verity Humble-Croft



Dear Ms Humble-Croft

**Re: Key Issues and Assessment Requirements MP05-0009  
Mixed use development comprising tourist, residential and retail use**

Thank you for your letter which was received on 18 September 2006 requesting the Department of Primary Industries (DPI) provide comment on the above mentioned proposal.

The proposal raises no mining, agriculture or forestry issues.

***Fisheries Issues***

The Fisheries Management Division within NSW Department of Primary Industries has responsibility for managing fish (including aquatic invertebrates), and fish habitat throughout NSW. In addition, the department works to provide quality commercial and recreational fishing, and aquaculture opportunities.

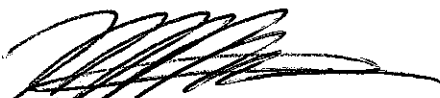
Issues raised by the Aquatic Habitat Protection Unit within DPI centred on provision of clear access for recreational fishers and others along the Richmond River which adjacent to the site is a Recreational Fishing Haven have been provided for in the proposed development. DPI would expect to be made aware, and given an opportunity to comment on any changes to or reductions to the access and amenity along the Richmond River associated with the proposal.

DPI also has a strong interest in ensuring that the facility is designed, constructed and managed in a manner that minimise impacts on aquatic habitats.

Cognisant of these matters NSW DPI has no objection to the proposal contingent upon appropriate and effective use of sediment and erosion control and silt curtains during the construction to avoid plumes of sediment in the estuary, particularly when the revetment wall is constructed.

If you have any further enquiries regarding fisheries issues please contact Mr Patrick Dwyer on (02) 6626 1397.

Yours sincerely



**Senior Fisheries Conservation Manager (North)**

File No: 23.5395/N00799 06/1672  
Mr Greg Sciffer

Director, Urban Assessments  
Department of Planning  
23-33 Bridge St  
SYDNEY NSW 2000

**Proposed Ballina Gateway. River St Ballina**

Dear Sir/ Madam

You are advised that the Regional Development Committee (RDC) met on 20 October 2006 at Coffs Harbour City Council Chambers to discuss the above development application.

The proposed development was considered by the RDC and the following comments in relation to road safety and traffic management are made:

- The discounting used for the proposed development would appear to over estimate the traffic generation from the existing developments. Most of the trips would not be specific to these developments but associate with other land uses. This needs to be re-assessed to identify the real impact of the proposed development and the appropriate contribution rate.
- The RTA indicated that they would prefer the undertaking of road works in preference to a monetary contribution for improvements to the roundabout.
- Proposed northbound left slip lane will conflict with existing pedestrian facilities.
- All road works on the Pacific Highway will require the RTA's approval and a Works Authorisation Deed (WAD).
- The proposed central median in River Street should be continuous from Kerr to Grant Street. Alternative access is available via the Kerr Street entrance.
- All existing access to River and Kerr Street are to be legally and physically closed.
- Due to the limitations of the underground parking/service area larger vehicles will have to utilise the River Street frontage. This will have a greater impact on any on-street loading area, especially for activities associated with the residential component. Further consideration will need to be given to how this will be safely managed.
- The RDC generally supported the improvements shown on the concept plan SKI Re.8.

- 2 -

In view of the above concerns the RDC recommended that the application should be deferred until the impacts can clearly identified and the appropriate improvements to the road network agreed upon with the Council and RTA.

Yours faithfully



Greg Evans *GE*  
A/Regional Manager, Northern Region  
3.11.06

Copy: The General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478