

11 November 2005

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Attention: Sam Haddad

Director-General
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2001

Dear Mr Haddad

Seven Mile Beach, Forster

Seven Mile Beach Pty Ltd now seeks approval from the Minister for Planning to carry out the project as outlined in the attached document under Part 3A of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

The application seeks approval for a residential and conservation development ('**Proposed Project**') on land known at the Lakes Way, Forster identified as Lots 103, 142 and 178 DP 753168 ('**Project Site**'). The Proposed Project is more fully described in the attached documentation.

We seek confirmation that the Minister has formed the opinion that the Proposed Project is development of a kind described in Part 1, clause (1)(i) of Schedule 2 of the *State Environmental Planning Policy (Major Projects) 2005* ('**Major Projects SEPP**'). We consider that the Proposed Project is of a kind described in Part 1, clause (1)(i) of the Major Projects SEPP because the development involves the subdivision of land into more than 5 and 25 lots and the erection of buildings greater than 13 metres in height within the coastal zone, within a sensitive coastal location and within a residential or rural/residential zone.

An expeditious decision would permit the Proposed Project, draft LEP and draft DCP to be placed on exhibition concurrently as foreshadowed in the Approval Pathway.

If you have any queries, please do not hesitate to contact us on the numbers indicated below.

Yours faithfully

MINTER ELLISON


John Whitehouse

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Our reference: PLM:JFW:204950281

Enclosure

SYD5_403100_1 (W2003)

MINTER ELLISON GROUP AND ASSOCIATED OFFICES

SYDNEY MELBOURNE BRISBANE CANBERRA ADELAIDE PERTH GOLD COAST DARWIN
HONG KONG SHANGHAI BANGKOK JAKARTA SAN FRANCISCO LONDON
AUCKLAND WELLINGTON

1.0 DEVELOPMENT PROPOSAL

1.1 OVERALL DESCRIPTION

The proposed development is best described as Integrated Eco-Residential, Community Title Subdivision Development, with support Business, Commercial, Recreational and Community Facilities, combined with rehabilitation, enhancement, ongoing maintenance and management of the sensitive receiving ecological environment. The various phases are generally reflective of the individual precincts which have been named after the built or natural feature.

1.2 SUMMARY OF DEVELOPMENT COMPONENTS

The overall proposal incorporates the following development components:

RESIDENTIAL BUILDINGS (316 DWELLINGS AND APARTMENTS)

- 165 x Detached two storey dwelling houses.
- 26 x Attached two storey dwelling houses.
- 9 x Detached three storey dwelling houses.
- Two individual apartment blocks of five stories (The Cove) containing 37 units of 1 to 4 bedrooms with podium retail, restaurant, café, gym and pool.
- Four individual apartment blocks of five stories (The Point) containing 79 units of 1 to 4 bedrooms.

COMMERCIAL BUILDINGS (CONSISTING OF 2000 m² FLOOR SPACE)

- Retail, business, recreation and administration centre

OTHER BUILDINGS

- Child Care facility
- Storage and maintenance sheds
- Bushfire facilities shed
- Bushfire tower; and
- Surf life saving storage facilities

SUBDIVISION AND ENGINEERING COMPONENTS

- Community title subdivision creating development lots complementary to the proposed built development form in a phased fashion, in addition to strata lot subdivision of the proposed apartments and commercial components with a substantial land area held by the community association which includes 38 ha of conservation area land.
- A combination of public and private roads incorporating ancillary parking and bus stops, delivery access ways, cycleways and pedestrian pathways.

- Extensive internal passive and active recreational areas in the form of swimming pools, tennis courts, playgrounds and parklands.
- State of the art water management (including stormwater), sediment and nutrient controls and acoustic boundary fence features.

CONSERVATION COMPONENTS

- Two distinctly, clearly defined conservation areas to be rehabilitated, enhanced and maintained.
- Re-establishment of wildlife corridors and maintenance of existing and rehabilitated corridors.
- Identification, protection and maintenance of identified Aboriginal scar tree.
- Establishment of a bushfire protection regime in the form of asset protection zones and fire trails, maintained under a Bushfire Management Plan.

PLANS

- The following plans are enclosed to provide a summary of the Proposed Project (Nos 6,18,19,21,29,35,46,59, and 60).

EXECUTIVE SUMMARY

This Environmental Assessment Statement (**EAS**) has been prepared in support of the development of land at Seven Mile Beach, identified as Lots 103, 142 and 178 DP 753168 the Lakes Way, South Forster (**Project Site**), containing a total area of 68 hectares. The proposal involves an integrated eco-residential/conservation, community title subdivision development, incorporating 316 dwellings and apartments, with support business, commercial, recreational and community facilities combined with rehabilitation, enhancement, ongoing maintenance and management of the sensitive receiving scenic and ecological natural environment (**Proposed Project**) within a recognized "*sensitive coastal location*".

The proposed residential and support components of the development are situated upon that part of the site previously sand mined and on other parts of the land where the development will not unreasonably compromise the ecological values. The balance of the land consisting of 38 hectares is identified and proposed for environmental protection. The application incorporates enhancement and maintenance measures with the ongoing management forming part of the proposed Community Title management regime, which also includes validation obligations.

The subject land is within the coastal zone and a "*sensitive coastal location*" as it adjoins the Booti Booti National Park and is therefore subject to the provisions of *State Environmental Planning Policy No. 71 - Coastal Protection*, (**SEPP 71**). In addition the proposed project is development of a kind described within schedule 2 of *State Environmental Planning Policy (Major Projects) 2005*, in that it involves buildings and structures that are greater than 13 metres in height and subdivision of residential land, the subject of creation by a DLEP, into more than 25 lots. The recently sanctioned Part 3A provisions of the E P & A Act 1979 (**EP&A Act**) allow for the Minister administering the Act, to form the opinion that the Proposed Project is a project to which Part 3A applies, thereby making the Minister the consent authority. Such a decision would also enable exhibition to be undertaken within a complementary timeframe of the consideration of the LES, DLEP and DDCP.

Submissions made in respect of the proposed development, LES, Draft LEP and DDCP can therefore be considered simultaneously by the Council and the Minister, concurrent with obligations and considerations under SEPP 71.

The primary issues of state and regional significance relate to the development of land in a "*sensitive coastal location*" within the coastal zone and the protection of land of ecological and scientific value. The main issues which are addressed in the LES include flooding, drainage, water quality management, threatened species and habitat assessment, innovative housing design and construction, lot sizes, residential density, traffic management and bushfire protection.

The permitting statutory framework for assessment of the application will be Great Lakes Council LEP 1996 (Amendment No 45) (**LEP**) and Development Control Plan No 34 (**DCP**) both of which are currently draft documents.

Over the past three years there have been considerable negotiations and discussions between the proponent (**Wise Property Group P/L**), Council and government agencies as to an appropriate development/conservation outcome for the land.

All parties have agreed that the land is not suitable for general development purposes and that an innovative response will be required that is "tailor made" to the subject site. That is, the site can only be developed for a form of development that responds to and respects the significant features of the site and which provides for an integrated solution.

Although a previous development consent of 1996 vintage, for an extensive tourist complex and golf course over the land, remains current, a rezoning of the land from 1(c) Future Urban Investigation would be required (consistent with the adopted Forster Tuncurry Conservation and Development Strategy) in order to accommodate the new innovative development approach.

Council initiated this process at its meeting of 10 February 2004 when it resolved to prepare a Draft Local Environmental Plan (**DLEP**) for the subject land. The Department of Planning (**DoP**) subsequently advised Council that a Local Environmental Study (**LES**) was required to be prepared in accordance with the Environmental Planning and Assessment Act, 1979 and NSW Coastal Policy.

Council subsequently engaged Bennell & Associates in July 2005 to prepare the LES. This followed the proponents agreement to fully fund the cost of preparing the LES/LEP. The primary purpose of the LES is to provide comprehensive information on the constraints and opportunities to development on the land and to provide the justification for the rezoning of the land for a combination of low density residential and other associated purposes.

The LES contains the following specific comprehensive environmental assessment reports relating to the land and proposed development;

1. bushfire protection assessment and plans;
2. Aboriginal heritage impact assessment;
3. social impact assessment;
4. landscape design report;
5. odour monitoring and modelling report;
6. traffic assessment;
7. stormwater management plan;
8. geotechnical assessment;
9. groundwater monitoring report;
10. acid sulphate soils assessment;
11. hollow-bearing tree assessment;
12. squirrel glider habitat management plan;
13. squirrel glider trapping and tracking report;

14. community extension program;
15. bushland management plan;
16. eastern habitat corridor restoration plan;
17. pest species management plan;
18. tree management plan;
19. ecological site management plan;
20. eight part test under section 5A of the *Environmental Planning and Assessment Act 1979* with respect to endangered ecological communities;
21. species impact statement based on the Director-General's requirements;
and.
22. Conservation and Landuse Management Plan and an Environmental Validation Report.

Council subsequently considered a report on the LES/LEP and resolved at its meeting of 27 September 2005, to adopt the LES for the Seven Mile Beach site, seek a Section 65 certificate from the Department of Planning for the exhibition of draft Amendment No 45 to the Great Lakes Local Environmental Plan 1996.

Council also resolved to adopt, for exhibition purposes, draft Development Control Plan No 34 and upon receipt of a Section 65 certificate, exhibit these documents concurrently for a period of one (1) month.

The draft LEP has the objective of providing for an innovative form of development whilst at the same time ensuring the balance of the land that is of high environmental value, is protected and properly managed in perpetuity. To achieve this, the draft LEP proposes to create a new 2(g) Eco-Residential/Conservation zone with clear objectives that state the desired outcome of integrating sensitively designed development with the natural features of the land.

In summary, the LEP aims to:

- introduce a new 2(g) Eco-Residential/Conservation zone to the parts of site where appropriate residential and other associated uses can be supported;
- apply a 7(a1) Environmental Protection zone to the balance of the land (about 38ha or 55%);
- introduce the same provisions for the 7(a1) zone as previously adopted by Council;
- require the development on the land to be consistent with the comprehensive DCP;
- prohibit the erection of any dwellings within the 7(a1) zone as dwellings should be restricted to the area deemed suitable by the LES;
- enable a maximum of 1,000m² of retail and commercial floor space to be developed on the land.

The draft LEP also calls up a DCP which specifically identifies mechanisms to only permit subdivision under the Community Land Development Act, 1989, to require rehabilitation of degraded areas, and to undertake numerous other measures to integrate development with the natural values of the land. It is also intended that the development be integrated so that the buildings and subdivision are undertaken concurrently as dictated by the design component of the DCP.

Regarding the requirement for a DCP to be adopted under clause 18 of SEPP 71, prior to approval of the Proposed Project, the draft DCP will meet these requirements under clause 18(2) of SEPP 71 without needing to amend SEPP 71 or Great Lakes LEP.