



NSW GOVERNMENT  
**Department of Planning**

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Ms Sarah Kelly  
SAKE Development  
11/340 Darling St  
BALMAIN NSW 2041

Our ref: MP 06\_0002  
File ref: 9041497-1

Dear Ms Kelly

**Director General's Requirements for the Environmental Assessment of  
Proposed Subdivision at 1 Survey St, Lennox Head**

The Department has received your application for the proposed subdivision at 1 Survey St, Lennox Head (Application Number: 06\_0002).

I have attached a copy of the Director General's requirements (DGRs) for environmental assessment of the project. These requirements have been prepared in consultation with the relevant government agencies including council.

It should be noted that the Director-General's requirements 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 for the project to determine:

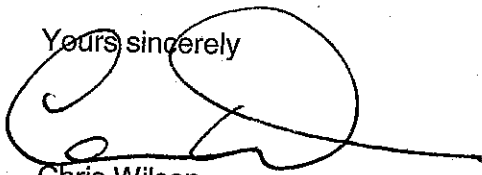
- the fees applicable to the application;
- relevant land owner notification requirements;
- consultation and public exhibition arrangements that will apply;
- options available in publishing the Environmental Assessment via the Internet; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessments that will be required.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department will 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.

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance, it will require an additional 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 (6274 1111 or <http://www.deh.gov.au>).

If you have any enquiries about these requirements, please contact Alix Carpenter on 9228 6313 or via email at [Alix.Carpenter@planning.nsw.gov.au](mailto:Alix.Carpenter@planning.nsw.gov.au)

Yours sincerely

A large, stylized handwritten signature in black ink, appearing to be 'C. Wilson', written over the words 'Yours sincerely'.

15.5.08

Chris Wilson  
**A/Executive Director**  
**as delegate for the Director General**

## Director-General's Requirements

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

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <b>Application number</b>   | MP 06_0002                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Project</b>              | The proposal comprises the following: <ul style="list-style-type: none"> <li>• 45 lot residential development.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Location</b>             | 1 Survey St, Lennox Head (Lot 2 DP 622475)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Proponent</b>            | SAKE Development (Sarah Kelly)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Date issued</b>          | 15/5/06.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Expiry date</b>          | Two (2) years from date of issue.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>General requirements</b> | <p>The Environmental Assessment (EA) 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, including cadastre and title details;</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;</li> <li>• description of design, construction, operation, maintenance and rehabilitation (as may be of the various stages of the project); and</li> <li>• alternatives considered.</li> </ul> </li> <li>3. An assessment of the environmental impacts of the project, with particular focus on the key issues as outlined below;</li> <li>4. How you have identified the environmental impacts of the development;</li> <li>5. Any matters that must be included by any guidelines or draft guidelines issued by the Department of Planning or other relevant agencies;</li> <li>6. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest;</li> <li>7. A draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures; and</li> <li>8. A statement on the validity of the environmental assessment, the qualifications of person(s) preparing the assessment and that the information contained in the environmental assessment is neither false nor misleading.</li> </ol> |
| <b>Key issues</b>           | <p>The EA must focus on the assessment of the key issues specified below or identified in the environmental risk analysis as being of high environmental significance. This assessment should consider:</p> <ol style="list-style-type: none"> <li><b>1. Statutory and other requirements</b> <ol style="list-style-type: none"> <li>1.1. The EA must provide an assessment of the proposal against all relevant legislation and planning provisions which apply to the site, including all relevant draft instruments and provisions, in particular: <ul style="list-style-type: none"> <li>• SEPP 71 – Coastal Protection;</li> <li>• SEPP 26 – Littoral Rainforest;</li> <li>• SEPP 55 – Remediation of Land;</li> <li>• North Coast Regional Environmental Plan 1988;</li> <li>• Ballina Local Environmental Plan 1987;</li> <li>• Ballina DCP No. 1 – Urban Land;</li> </ul> </li> </ol> </li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

- Ballina DCP No.11 – Mosquito Management;
- Ballina DCP No. 13 – Stormwater Management;
- NSW Coastal Policy;
- Coastal Design Guidelines for NSW;
- Draft Far North Coast Regional Strategy;
- Lennox Head Community Aspirations Strategic Plan;
- Lennox Head Structure Plan; and
- Northern Rivers Local Government Development and Design Manual – Version 2.

1.2. The assessment is to include the nature, extent and justification for any non compliance, particularly where non compliance results in environmental impacts and consideration of alternative / compensatory works to address these impacts.

1.3. Clearly delineate staging, if any, of the proposal, both descriptively and on plans.

1.4. Provide maps showing the locality of the proposal in a regional and local context. Photographs of the site's key attributes may provide useful documentation. (Refer to Attachment 1. for further information requirements)

## **2. Impacts on waterways, stormwater management and water quality**

2.1. Submit a Stormwater Management Plan which demonstrates the means and adequacy of stormwater management within the site, in particular detailing measures to show that the quality and quantity of stormwater will not adversely affect the downstream property and receiving environment.

2.2. Stormwater management should provide for off-line treatment of all stormwater runoff prior to discharge.

2.3. The cumulative impact of a fully developed catchment and the capacity of the existing stream channel to carry additional catchment runoff particularly in extreme storm events is to be addressed.

2.4. Provide a detailed map showing the linkages between the existing waterway and the proposed wetlands No. 2 and 3.

2.5. Prior to determining the final location of stormwater treatment ponds, consult with Ballina Shire Council to determine appropriate responsibility of ongoing management and maintenance of stormwater associated with the subdivision.

2.6. Demonstrate that there is no inconsistency with any relevant Statement of Joint Intent established by the Healthy Rivers Commission which applies to the site.

2.7. Demonstrate that the proposal is acceptable in terms of the achievement or protection of the Department of Environment and Conservation's River Flow Objectives and Water Quality Objectives ([www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)).

2.8. Demonstrate consistency with the requirements of the Rivers and Foreshores Improvement Act for any proposed works within 40m of a watercourse.

## **3. Flora and fauna impacts**

3.1. Ensure areas of Littoral Rainforest are protected in accordance with the Lennox Head Structure Plan, particularly in relation to buffers and wildlife corridors. Please note there are currently discrepancies between areas that Council has identified as littoral rainforest and the areas identified in the Major Project Application,

these areas will need to be resolved.

3.2. Address impacts on threatened species having regard to the draft Guidelines for Threatened Species Assessment, 2005 prepared by the Department of Environment and Conservation (DEC) and the Department of Primary Industries (DPI) and the Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities 2004 prepared by DEC.

3.3. Address measures to protect Coastal Fontainea which is listed as an Endangered species. In particular, a field survey of the site should be conducted and documented in accordance with the draft "Guideline for Threatened Species Assessment" and the "Species Profile and Environmental Impact Assessment Guidelines for the Coastal Fontainea *Fontainea oraria*" in the Recovery Plan for the Coastal Fontainea. This should specifically address considerations and thresholds set out in Step 3 and Step 5 of the draft guideline.

3.4. Consult with the DEC with regard to an appropriate buffer from the proposed housing lots 38 & 39. Currently DEC recommends that a buffer of at least 50m be provided to protect the Coastal Fontainea and be in accordance with Council's draft Plan of Management for Bush Regeneration for Amber Creek Reserve, however it is noted that the proposed buffer is shown to be 15m.

3.5. Address any proposed native vegetation clearing and responsibilities under the *Native Vegetation Act 2003*.

#### **4. Aquatic Habitats**

4.1. Consult with the DPI regarding appropriate buffers to the watercourse. Currently DPI recommends, in accordance with Policy and Guidelines – Aquatic Habitat Management and Fish Conservation, that buffer be at least 50m.

4.2. If appropriate address any requirements under the Fisheries Management Act 1994.

#### **5. Geotechnical**

5.1. A detailed geotechnical assessment is required to establish certainty regarding the site stability and suitability for the proposal. This should consider the Australian Geomechanics Society Landslide Risk Management Guidelines 2000.

#### **6. Erosion and Sediment Control**

6.1. Address and recommend appropriate measures to provide best management practice, monitoring and ongoing maintenance for sediment and erosion control.

#### **7. Bushfire**

7.1. Demonstrate compliance with Planning for Bushfire Protection (PBP) 2001 and Australian Standard 3959 - Building in Bush Fire Prone Areas.

7.2. The bushfire assessment should specifically address; asset protection zones, control of fuel levels, provision for adequate future water supplies, access and egress, vulnerability of buildings to ignition from radiation and ember attack and fuel management in asset protection zones, in accordance with PBP 2001.

#### **8. Traffic**

8.1. Provide an appropriate traffic report addressing site access, internal traffic movement / hazards, the road system capacity, local traffic speed environment and facilities for pedestrians, cyclists and public transport.

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|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | <p>8.2. Address the provisions of the Northern Rivers Local Government Development and Design Manual – Version 2.</p> <p><b>9. Contamination and remediation of site</b></p> <p>9.1. Identify any areas of contamination on site and provide details of measures to ensure these can be managed in accordance with the <i>Contaminated Land Management Act 1997</i> and <i>State Environmental Planning Policy No 55</i>.</p> <p><b>10. Aboriginal and cultural heritage</b></p> <p>10.1 Address the provisions of the <i>draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i> prepared by the DEC.</p> <p><b>11. Landscaping and Revegetation/ Rehabilitation</b></p> <p>11.1. Prepare a landscape concept plan including indicative species list.</p> <p>11.2. Prepare a tree assessment report for those trees to be removed and those retained.</p> <p>11.3. Provide proposed rehabilitation measures and management measures to be adopted with regard to protection of littoral rainforest from Bitou Bush and other threatening processes.</p> <p><b>12. Design, Visual Impacts and Design Quality Principles</b></p> <p>12.1. Address visual impact including cumulative visual impact of the project in the context of adjoining development, building mass as viewed from public areas including the foreshore. Address consistency with the character of development in terms of the locality, street frontage, scale, built form, aesthetics, energy and water efficiency and safety.</p> <p>12.2. Provide details for proposed works within the 6(a) Open Space zone in Ballina LEP 1987.</p> <p><b>13. Noise</b></p> <p>13.1. Demonstrate that the proposal will be designed, constructed, operated and maintained so that there are no adverse impacts from noise (including traffic noise).</p> <p><b>14. Provision of public service and infrastructure</b></p> <p>14.1. In consultation with relevant agencies, address the existing capacity and requirements of the development for electricity, waste disposal and telecommunications. Identify staging, if any, of infrastructure works.</p> <p>14.2. Address the provision of public services and infrastructure having regard to Council's section 94 Contribution Plans.</p> <p><b>15. Construction Management</b></p> <p>15.1. A Construction Management Plan addressing proposed staging and potential impacts of the proposal on adjoining residential properties including dust and noise will be required in the Statements of Commitments.</p> |
| <b>Consultation</b> | <p>During the preparation of the Environmental Assessment, you <u>must</u> consult with the relevant local, State or Commonwealth government authorities, service providers, community groups or affected landowners. In particular you must consult with;</p> <ul style="list-style-type: none"> <li>• Ballina Shire Council;</li> <li>• NSW Department of Natural Resources;</li> <li>• NSW Department of Planning (Grafton Regional Office)</li> <li>• NSW Department of Environment and Conservation;</li> <li>• NSW Department of Primary Industries;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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|                              | <ul style="list-style-type: none"><li>• NSW Rural Fire Service;</li><li>• NSW Roads and Traffic Authority;</li><li>• Northern Rivers Catchment Management Authority;</li><li>• Telstra;</li><li>• Country Energy;</li><li>• Local Aboriginal Land Council/s; and</li><li>• the local community.</li></ul> <p>The consultation process and the issues raised should be described in the Environmental Assessment</p> |
| <b>Deemed refusal period</b> | <p>Under clause 8E(2) of the Environmental Planning and Assessment Regulation 2000, the applicable deemed refusal period is 120 days from the end of the proponent's Environmental Assessment period for the project.</p>                                                                                                                                                                                           |

## Attachment 1

## Documents to accompany Environmental Assessment

## Plans of the development

As a minimum, you will be required to submit the following plans, architectural drawings and diagrams of your proposal:

1. The **existing site survey plan** is to be drawn to 1:500 scale and show:
  - the location of the land, the measurements of the boundaries of the land, the size of the land and which direction is north;
  - existing significant vegetation, built and topographic features;
  - the existing levels of the land in relation to buildings and roads; and
  - location and height of adjacent buildings and private open space.
2. A **locality plan** drawn to 1:5000 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; and
  - 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.
3. The **subdivision plans** drawn to 1:5000 scale and showing:
  - the measurements of the boundaries of the land, the size of each proposed lot and which direction is north;
  - indicative building envelopes;
  - access points; and
  - areas nominated for environmental protection (buffers) and open space.
4. The **landscape plan** is to be drawn to 1:200 scale and should show:
  - details of public open space;
  - trees to be removed to be shown dotted; and
  - trees to remain and proposed trees/planting including species, height and maturity.



## Technical and policy guidelines

The following list identifies policies that may assist in the preparation of an Environmental Assessment. This list is a guide only, it is the proponent's responsibility to ensure that relevant policies, whether included on this list or not are addressed in the Environmental Assessment.

| 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>Fish and Aquatic Ecosystems</b>           | Policy and Guidelines Aquatic Habitat Management and Fish Conservation (NSW Fisheries, 1999)                                    |
| <b>Terrestrial</b>                           | Threatened Species Management Manual (NPWS, 1998)                                                                               |
| <b>Coastal Planning</b>                      |                                                                                                                                 |
|                                              | Planning guidelines for walking and cycling, DIPNR, Dec 2004                                                                    |
|                                              | NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, UAB, 1997                                         |
|                                              | Integrated Water cycle Management Guidelines for NSW Local Utilities, Oct 2004                                                  |
|                                              | Coastal Design Policy for NSW, Planning NSW, March 2003                                                                         |
| <b>Environmental Management Systems</b>      |                                                                                                                                 |
|                                              | Best Practice Environmental Impact Assessment (Commonwealth DEH, 1995, 0 642 19418 1)                                           |
| <b>Heritage</b>                              |                                                                                                                                 |
| <b>Aboriginal</b>                            | Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A ( Planning 2005)                                 |
| <b>Non-Indigenous</b>                        | Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DEC, 2005) <i>Draft</i>                      |
| <b>Noise</b>                                 |                                                                                                                                 |
|                                              | Environmental Noise Management Manual (RTA, 2001)                                                                               |
| <b>Traffic &amp; Transport</b>               |                                                                                                                                 |
|                                              | Guide to Traffic Generating Development (RTA, 1993)                                                                             |
|                                              | RTAs Road Design Guide (RTA, 1996)                                                                                              |
| <b>Urban Design: Cycleway/Pathway Design</b> |                                                                                                                                 |
|                                              | Guidelines for the Design and Construction of Paths and Cycleways along Watercourses and Riparian Areas (Version 2) (DIPNR/DNR) |
| <b>Water</b>                                 |                                                                                                                                 |
| <b>Stormwater</b>                            | Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"                                     |
|                                              | Managing Urban Stormwater: Construction Activities (EPA, 1988)                                                                  |

| Aspect           | Policy /Methodology                                                                                                                                   |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  | Managing Urban Stormwater: Source Control (DEC, 1998)                                                                                                 |
|                  | Managing Urban Stormwater: Treatment Techniques (DEC, 1998)                                                                                           |
|                  | National Water Quality Management Strategy: Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC, 2000, ISBN09578245 2 1) |
|                  | National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC, 2000)                           |
| <b>Waterways</b> | A Rehabilitation Manual for Australian Streams (Land & Water Australia, 2000, ISBN 0 642 76030 6)                                                     |
|                  | Guideline - Watercourse & Riparian Zone Rehabilitation Requirements (Version 3) (DLWC)                                                                |
| <b>Wetlands</b>  | The NSW Wetlands Management Policy Action Plan (DLWC, 1999)                                                                                           |
|                  | Constructed Wetlands Manual (DLWC)                                                                                                                    |

## Electronic publishing of the Environmental Assessment

Electronic documents presented to the NSW Department of Planning for publication via the Internet will need to meet certain criteria. 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