

APPENDIX 2

DIRECTOR GENERAL'S REQUIREMENTS



NSW GOVERNMENT
Department of Planning

Contact: Sally Munk
Phone: 02 9228 6498
Fax: 02 9228 6540
Email: sally.munk@planning.nsw.gov.au
Our ref: MP07_0089

Leighton Properties Resorts Pty Ltd
c/o Mr Jim Glazebrook
Jim Glazebrook & Associates Pty Ltd
PO Box 827
MURWILLUMBAH NSW 2484

Dear Mr Glazebrook

Subject: 'LOT 490' TOURIST RESORT, TWEED COAST WAY, SOUTH KINGSCLIFF (07_0089)

The Department has received your application for the proposed tourist resort at Tweed Coast Way in South Kingscliff in the Tweed Shire local government area.

The Director-General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the project application are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with the relevant government agencies including Tweed Shire Council.

Attachment 2 lists the relevant plans and documents which are likely to be required upon submission of your proposal.

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 & CD-ROM) of the EA that will be required.

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

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 EA 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 (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 <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.

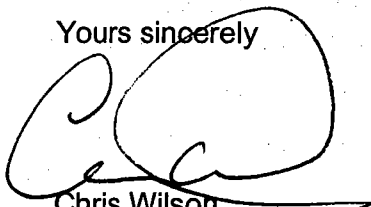
Please note that under section 75U of the Act, Part 3A applications do not require certain permits/approvals required under other legislation. These matters are assessed as part of the Part 3A process. For example, Section 87 permits and Section 90 consents under the *National Parks and Wildlife Act 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, please contact Sally Munk on 9228 6498 or email sally.munk@planning.nsw.gov.au.

Yours sincerely



12.8.08

Chris Wilson
Executive Director
Major Project Assessments
as delegate for the Director-General

Attachment 1

Director-General's Environmental Assessment Requirements

Section 73F of the *Environmental Planning and Assessment Act 1979*

Application number
07_0089
Project
Proposed 'Lot 490' tourist resort and associated facilities, public benefit works and environmental rehabilitation
Location
Lot 490 DP 1095234, part Lot 489 DP 47021 and part Lot 500 DP 727470, Tweed Coast Way, South Kingscliff, Tweed Local Government Area
Proponent
Leighton Properties Resorts Pty Ltd as Trustee for Kingscliff Resort Trust
Date Issued
14 August 2008
General requirements
The Environmental Assessment (EA) for the Project Application must include: ✓ 1. An executive summary; 2. An outline of the scope of the project including: • any development options; • justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest; • outline of the staged implementation of the project if applicable; 3. A thorough site analysis including constraints mapping and description of the existing environment; ✗ 4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans; ✗ 5. Consideration of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>; — 6. Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; — 7. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 8. An assessment of the key issues specified below and a table outlining how and where these key issues have been addressed in the EA; 9. The plans and documents outlined in Attachment 2; and, 10. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading.

Key Issues

The EA must address the following key issues:

1. Strategic Planning

- 1.1 Justify the proposal with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies.
- 1.2 Demonstrate consistency with the Lot 490 Plan of Management (August 2005).

2. Urban Design and Management

- 2.1 Demonstrate suitability of the proposal with the surrounding area in relation to bulk, scale, amenity (including noise) and visual amenity having regard to the *Coastal Design Guidelines of NSW* (2003), the *NSW Coastal Policy 1997* and *SEPP71 – Coastal Protection*.
- 2.2 Outline 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. Outline how the proposed open space areas and recreational facilities link and complement surrounding facilities.
- 2.3 Outline the long-term management plan for the use of the facility as a tourist resort. Include detail on ownership (private or central management), proposed subdivision method (if proposed) and any covenants proposed to control use and occupation of the tourist buildings. Demonstrate that no part of the development will be used for permanent accommodation. Provide details of appropriate mechanisms, including restrictive covenants to ensure that the development is used for short stay tourist uses only.

3. Visual Impact

- 3.1 Address the visual impact of the proposal in the context of surrounding development and relevant mitigation measures. In particular address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places and cumulative impacts.
- 3.2 Use visual aids such as scale model or photomontage to demonstrate visual impacts.
- 3.3 Amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas must be addressed.
- 3.4 An indicative external materials and finishes schedule is to be submitted.

4. Infrastructure Provision

- 4.1 Address existing capacity and requirements of the development for sewerage, water, stormwater, electricity, waste disposal, telecommunications and gas in consultation with relevant agencies. Identify and describe staging, if any, of infrastructure works.
- 4.2 Address and provide the likely scope of any planning agreement and/or developer contributions with Council/ Government agencies.

5. Traffic and Access

- 5.1 Prepare a traffic impact study in accordance with Table 2.1 of the RTA's Guide to Traffic Generating Developments. In particular, assess how the proposal will impact on the overall traffic capacity on the Cudgen Creek Bridge and detail any upgrade works required.
- 5.2 Protect existing public access to and along the beach and coastal foreshore and provide, where appropriate, new opportunities for controlled public access. Consider access for the disabled, where appropriate.

6. Hazard Management and Mitigation

Coastal Processes

- 6.1 Address coastal hazards and the provisions of the Coastline Management Manual. In particular consider impacts associated with wave and wind action, coastal erosion, sea level rise and more frequent and intense storms.

Contamination

6.2	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land.
6.3	Provide an assessment of any limitations that may occur on the site as a result of radioactive soils and if necessary, identify appropriate design considerations or remediation required to address these limitations.
E	Acid Sulfate Soils
6.4	Identify the presence and extent of acid sulfate soils on the site and, where relevant, outline appropriate mitigation measures.
	Bushfire
6.5	Address the requirements of Planning for Bushfire Protection 2006 (RFS).
E	Geotechnical
6.6	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, identify appropriate design considerations that address these limitations.
	Flooding
6.7	Provide an assessment of any flood risk on site in consideration of any relevant provisions of the NSW Floodplain Development Manual (2005) including the potential effects of sea level rise and an increase in rainfall intensity.
6.8	Consider the potential impacts of any filling on the flood regime of the site and adjacent lands and where necessary, identify appropriate mitigation measures.
	Surf Lifesaving
6.9	Prepare a Surf Lifesaving Management Plan detailing how the proposal will provide a safe beach environment for the tourists generated by the development.
E	7. Water Cycle Management
7.1	Identify and outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles which addresses impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sedimentation controls at construction and operational stages.
7.2	Prepare conceptual design layout plan for preferred stormwater treatment train showing location, size and key functional elements of each part of the system.
7.3	Address relevant provisions within the Tweed Urban Stormwater Quality Management Plan and "Development Design Specification D7 – Stormwater Quality" in the Tweed Shire Development Control Plan 2008.
7.4	Consider the nature and profile of the groundwater regime under the site, and any hydrologic impacts which would affect its depth or water quality, result in increased groundwater discharge, impact on the stability of potential acid sulfate soils in the vicinity, or affect groundwater dependent native vegetation.
	8. Heritage and Archaeology
8.1	Identify whether the site has any items or areas of Aboriginal significance and identify appropriate measures to preserve any significance. The assessment must address the information and consultation requirements of the draft <i>Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation</i> and <i>Interim Community Consultation Requirements for Applicants</i> .
8.2	Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.
	9. Flora and Fauna
9.1	Assess the potential impacts of the development on flora and fauna taking into consideration impacts on any threatened species, populations, endangered ecological communities and/or critical habitat and any relevant recovery plan in accordance with DECC's <i>Guidelines for</i>

	<i>Threatened Species Assessment</i> (2005), having particular regard for the Common Blossom – bat and Stinking Laurel. Provide measures for the conservation of flora and fauna, where relevant.
9.2	Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land.
9.3	Address measures to protect and manage the riparian corridor and adjacent aquatic habitats, including SEPP 14 wetland Nos.43c & 43d.
9.4	Consideration of the Tweed Coast Estuaries Management Plan 2004 2008 – Cudgen, Cudgera and Mooball Creeks (May 2005).
9.5	Consider the Tweed Shire Coastline Management Plan and address measures to protect and manage dunal habitat within Lot 500.
10. Noise	
10.1	Address potential noise impacts, in particular road traffic noise, for future residents and appropriate mitigation measures.
11. Social Impact and Equity	
11.1	Prepare a socio-economic impact statement and that incorporates equity considerations having regard to accommodation types, economic impacts (affordability), employment, investment, community networks, public realm, human services and access.
Consultation	
You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:	
(a) <i>Agencies or other authorities:</i>	
• Commonwealth Department of the Environment, Water, Heritage and the Arts; • Tweed Shire Council; • Department of Environment and Climate Change; • Department of Primary Industries; • NSW Rural Fire Service; • Department of Water and Energy; • Roads and Traffic Authority; • Department of Lands; • NSW Police Service; • State Emergency Service; • Surf Life Saving NSW • Northern Rivers Catchment Management Authority; • Local Aboriginal Land Council/s and other Aboriginal community groups; and • Infrastructure providers.	
(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.	
Deemed Refusal Period	
60 days	

Attachment 2

Plans and Documents to accompany the Application

Plans and Documents of the development

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your application:

1. 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.
2. An **aerial photograph** of the subject site with the site boundary superimposed.
3. 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.).
4. 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;
 - significant natural features and water courses, conservation areas, sensitive natural areas and their setbacks;
 - the location and uses of existing buildings, shopping and employment areas;
 - traffic and road patterns, pedestrian routes and public transport nodes; and

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.
5. 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.
6. **Site layout plans** are to show the following:-
 - The location, boundary dimensions, site area and north point of the land, and names of roads fronting the land;
 - Title showing the description of the land with lot and DP numbers etc;
 - Location and details of all proposed roads and footpaths;
 - Location of all structures proposed and retained on site;
 - Cross sections of roads, including gradients, widths, road names, footpaths etc.
 - Existing and proposed finished levels in relation to roads, footpaths and structures;
 - Location and details of access points to the site;

- Existing vegetation on the land and vegetation to be retained;
- Location of services and infrastructure, and proposed methods of draining the land;
- Any easements, covenants or other restrictions either existing or proposed on the site;

7. The **Architectural drawings** are to show the following:

- the location of proposed new buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development;
- floor plans showing layout, partitioning, room sizes and intended uses of each part of the building;
- elevations and sections. The elevations are to indicate height and key datum lines, building length and articulation, the composition of the façade and roof design, building entries (pedestrian, vehicular and service), and profile of buildings on adjacent properties.
- building perspectives showing external finishes, materials and heights;
- the height of the proposed development in relation to the land;
- significant level changes;
- proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate);
- proposed landscaping and treatment of the land (indicating plant types and their height at maturity);
- provisions of access and facilities for people with a disability; and,
- pedestrian access to, through and within the site.

E 8. **Stormwater Concept Plan** – illustrating the concept for stormwater management for the site and must include details of any major overland flow paths through the site, stormwater treatment train and any discharge points to the street drainage system. Where an on-site detention system is required, the type, size and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided;

9. **Landscape Concept Plan** – plan or drawing that shows:

- building footprint of the proposal,
- proposed site entries,
- ramps, stairs and retaining wall levels,
- lines of fencing, security and access points,
- built elements (pergolas, walls, planters, water features),
- trees to remain and trees to be removed,
- deep soil zones,
- the basic detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc);

E * 10. **Construction Management Plan** – a plan which outlines traffic and pedestrian management during construction and management of impacts on amenity of adjoining properties and appropriate mitigation measures including noise, dust and sediment and erosion controls;

11. **View analysis** – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development; and

12. **Shadow Diagrams** – diagrams showing solar access to the site and adjacent properties, including the public reserve, at summer solstice

	(Dec 21), winter solstice (Jun 21) and the equinox (Mar 21 and Sept 21) at 9am, 12 midday, 3pm and 6.30pm.
Specialist advice	Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants in relation to issues including, but not limited to, the following: • Planning • Flora and Fauna; • Bushfire; • Landscaping; • Geotechnical and/or hydrogeological (groundwater); • Stormwater/drainage; • Urban Design/Architectural; • Contamination; and • Acid Sulphate Soils. —
Documents to be submitted	• Both hard copy and electronic versions of the Environmental Assessment will be required to be submitted. Please contact the Department prior to submitting your Environmental Assessment to determine how many copies will be required. • If the Environmental Assessment is bulky, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies.
Electronic Documents	Electronic documents presented to the Department for publication via the Internet must satisfy the following criteria:- ▪ All files should be approximately 5 Mb. ▪ Large files of more than 5 Mb will need to be broken down and supplied as different files.

Attachment 3 State Government technical and policy guidelines

The following list provides relevant technical and Policy Guidelines which may assist in the preparation of the Environmental Assessment. It should be noted, however, that this list is not exhaustive as other documents and policies may need to be reviewed. It is also important to note that not of all of these guidelines may be relevant to your proposal.

The majority of these documents can be found on the relevant Departmental Websites, on the NSW Government's on-line bookshop at <http://www.bookshop.nsw.gov.au> or on the Commonwealth Government's publications website at <http://www.publications.gov.au>.

Aspect	Policy /Methodology
Biodiversity	
Flora and Fauna	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Department of Planning 2005)
	Threatened Species Management Manual (NPWS, 1998)
Fish and Aquatic Ecosystems	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
Coastal Planning	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, NSW Government, 1997
	Coastal Design Guidelines for NSW, PlanningNSW, February 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
Bushfire	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
Contamination of Land	
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
Environmental Management Systems	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
Heritage	
Aboriginal	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A (Planning 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)
	NSW Heritage Manual (NSW Heritage Office, 1996)
Noise	
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)
Rehabilitation	
	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"

Aspect	Policy /Methodology
Safety and Hazards	Electrical Safety Guidelines (Integral Energy)
Soils	Acid Sulfate Soil Manual (ASSMAC)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
Traffic & Transport	Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03)
	Guide to Traffic Generating Developments (RTA, 2002)
Urban Design: Cycleway/Pathway Design	Guidelines for the Design and Construction of Paths and Cycleways along Watercourses and Riparian Areas (Version 2) (DIPNR/DNR)
Water	Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
Floodplain	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
	Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007)
Groundwater	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
Stormwater	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
Waterways	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)

Attachment 4
Agency Responses to Request for Key Issues
For Information Only



Ms Joanna Bakopanos
A / Director, Coastal Assessments
Planning NSW
GPO Box 39
SYDNEY NSW 2001

28 July 2008

Attention: Ms Sally Munk

Dear Ms Munk

Re: Request for provision of details of key issues and assessment requirements MP07-0089

Thank you for your letter of 21 July 2008 requesting the NSW Department of Primary Industries (DPI) provide details of key issues and assessment requirements on the above mentioned proposal. DPI is generally satisfied with the scope of issues and assessment requirements already identified by Planning.

DPI's responsibility also covers 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. The following matters are highlighted to ensure they are adequately investigated:

Buffers to aquatic habitats

Effective assessment of the proposal requires Issue 9.3 to be addressed in a manner that outlines where buffer distances commence and how this was determined and what the management / activities / infrastructure is to be undertaken or located within these areas (both during and after construction) and the degree of compatibility. Beyond this issue it is noted, for instance, that the 50 metre riparian buffer depicted in Figure 7 *Indicative Constraints Plan* commences a good distance into a SEPP 14 Wetland area and identified saltmarsh communities are located within the buffer rather than being protected by it. It is an increasingly accepted position that SEPP 14 Wetlands and saltmarsh communities should themselves receive adequate (perhaps a 50 metre) buffer and that infrastructure should not be located within riparian habitat buffers. The Aquatic Habitat Protection Unit will need to see clear demonstration indicating that the saltmarsh and riparian vegetation communities which are important components of fish habitat will receive adequate protection.

FISHERIES MANAGEMENT DIVISION
AQUATIC HABITAT PROTECTION BRANCH

1243 Bruxner Highway
WOLLONGBAR NSW 2477

ABN 51 734 124 190
www.dpi.nsw.gov.au
Tel: 02 6626 1269
Fax: 02 6626 1377

The original copy of this letter has been printed on both sides of the page to reduce waste of valuable natural resources



Access points and boardwalk

Public and private access tracks / boardwalks that transect the Cudgen Creek riparian buffer zone should be indicated and adequately described indicating how the layout and design will minimise impacts on aquatic habitats during construction and operation. Furthermore the proposal should indicate how public and private spaces are to be delineated to ensure that confusion regarding access opportunities, particularly amongst holidaying recreational fishers does not result with the subsequent impact on quality recreational fishing opportunities.

For further enquiries please contact me on (02) 6626 1397.

Yours sincerely

Patrick Dwyer
Fisheries Conservation Manager (North)

FISHERIES MANAGEMENT DIVISION
AQUATIC HABITAT PROTECTION BRANCH

1243 Bruxner Highway
WOLLONGBAR NSW 2477

ABN 51 734 124 190
www.dpi.nsw.gov.au
Tel: 02 6626 1269
Fax: 02 6626 1377



**TWEED
SHIRE
COUNCIL**

Please Quote
Council Ref:

DA1190/115 Pt 4

Your Ref No:

MP07_0089 File S07/01106

For Enquiries
Please Contact:

Lindsay McGavin

Telephone Direct

(02) 6670 2450

8 August 2008

[dltr]

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Attention: Sally Munk
NSW Department of Planning
Major Project Assessment
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam;

Re: MP07_0089, Lot 490 Eco Tourism, Tweed Coast Road, South Kingscliff

I refer to the DoP letter dated 21 July 2008 in which you request a review of the preliminary assessment and Draft Director General Requirements for MP07/0089.

I apologise for the delay in getting this response to you.

Your correspondence was forwarded to various Council Officers and their comments are detailed below. Some of the comments require specific amendments to the DGR's while others aim to provide your Department with background information to enable a proper assessment of the application.

Council's Senior Town Planner - Ms Denise Galle

An ongoing issue facing the Tweed is how to manage tourist development. The latest trend is for tourist units to be individually sold which is obviously permissible; however, the problem arises when unaware individuals purchase the property intending to live in it permanently. Unless there is a clear restriction on title (by way of a S88B Instrument) and clear conditions of consent detailing what constraints apply to tourist development, these developments can become an enforcement nightmare. In the past Council has imposed restrictions on title detailing that tourist resorts can not be occupied for more than 40 consecutive days by an individual or no more than a total of 90 days in any 12 month period. If this type of restriction is made clear on the covenant for the land and duplicated on any conditions of consent this will alert potential purchasers of the constraints of the property and will enable enforcement by the local authority accordingly.

This is considered extremely important to this development as the Plan of Management has always stipulated that the site shall be used for Eco Tourism.

Furthermore, car parking requirements and S64 & S94 Contributions for tourist development are substantially different to that of a permanent residence.

Accordingly under the DGR Heading 2 Urban Design & Management the following should be inserted;



CIVIC AND CULTURAL CENTRE, MURWILLUMBAH
PO BOX 816, MURWILLUMBAH NSW 2484
TELEPHONE: (02) 6670 2400 FAX: (02) 6670 2429

PLEASE ADDRESS ALL COMMUNICATIONS TO THE GENERAL MANAGER
ABN 90 178 732 496
www.tweed.nsw.gov.au

- 2.3 *Outline the long term management plan for the use of the facility as a tourist resort. Detail whether the units will be kept in single ownership and managed centrally, or, if they intend to be individually sold please detail the proposed subdivision method (Strata/Community Title/Torrens). Detail what constitutes tourist development, and draft a suitable Section 88B covenant to alert potential purchasers that no permanent occupation can occur from the tourist buildings.*

The use of Crown Land for private development purposes is a sensitive issue. Core issues arising from this could include accessibility to the foreshore areas, accessibility through the tourist resort itself, affordability (low cost housing) and the overall social impact of the development.

The applicant should be required to address these matters of equity within a detailed social impact assessment and a detailed low cost housing (affordability) feasibility Study.

Accordingly under a New DGR Heading **11 Social Impact & Equity** the following should be inserted;

- 11.1 *Prepare a Socio Economic Impact Statement that incorporates equity considerations having regard to economic impacts, employment, investment, community networks, public realm, human services and access.*

- 11.2 *Prepare a Low Cost (affordability) assessment that details how this development will provide a variety of tourist type accommodation within the development.*

The provision of lifesaving facilities along public beaches is an ongoing issue facing all coastal Council's.

The applicant should be required to address how this development will cater for surf lifesaving facilities either independently or in conjunction with adjoining lifesaving clubs.

Accordingly under DGR Heading **6 Hazard Management & Mitigation** the following subheading and requirements should be inserted:

Surf Lifesaving Provisions

- 6.0 *Prepare a Surf Lifesaving Management Plan detailing how this development will provide a safe beach environment for the tourists generated by this development*

Council's Specialist Planner/Ecologist - Ms Sandy Pimm

Council has been involved in promoting and managing the restoration of riparian and dunal corridors for the coastal area of South Kingscliff stretching for more than five kilometres to the immediate south of Lot 490. The applicant has consulted with Council prior to preparation of conservation and restoration plans for the subject lots, thus it is hoped that matters raised previously will have been addressed in any subsequent plan. The importance of a comprehensive management plan to guide on-ground works and define measurable performance criteria cannot be over-estimated in terms of ensuring goals are achieved. The DGR's refer to "protecting" and "conserving" flora and fauna and wildlife corridor values, without specific reference to restoring the habitat values of the sites, an essential action for a degraded environment.

Accordingly under the DGR Heading **9 Flora and Fauna** the following should be inserted:

- 9.3 *Address measures to protect and manage the riparian corridor and adjacent aquatic habitats. Provide a management plan for the riparian corridor sufficient to mitigate all potential direct and indirect impacts to the riparian corridor and Cudgen Creek and to guide on-ground ecological restoration activities over a minimum five-year period.*
- 9.4 *Consider the Tweed Coast Estuaries Management Plan 2004 2008 - Cudgen, Cudgera and Mooball Creeks (May 2005). Detail to scale the treatment of the 50m buffer, including areas to be restored to local native riparian communities, areas to be planted and any recreational or engineering infrastructure proposed within the zone. Detail the width at all locations of any required asset protection zone.*
- 9.5 *Consider the Tweed Shire Coastline Management Plan and address measures to protect and manage dunal habitat within Lot 500. Detail to scale the treatment of Lot 500, including areas to be restored to local native dunal communities, areas to be planted and any recreational or engineering infrastructure proposed within the zone. Detail the width at all locations of any required asset protection zone. Provide a management plan sufficient to guide on-ground ecological restoration activities over a minimum five-year period.*
- 9.6 *With regard to threatened species, quantify the amount of Blossom Bat habitat to be lost as a result of the development and detail specific compensatory measures sufficient to offset this loss.*

In relation to Recreational Infrastructure - under the Heading 2 Urban Design & Management the following should be inserted;

- 2.4 *Outline how the proposed open space and recreational facilities link and complement surrounding facilities and comply with relevant Council development control plans, guidelines and strategies, in particular DCP Section A5 and Cudgen Creek Draft Recreation and Access Plan.*

Council's Coordinator Environment & Health - Ms Doreen Harwood

Key Issues

Construction Operations Assessment and Management Plan required – Noise, dust, water quality/sediment and erosion control etc. The subject site adjoins an existing residential area as well as environment protection zones. Should any fill be required for the site, truck movements and routes need to be considered within the noise impact assessment.

Details of any dewatering proposed will be required.

Fill material – the method of any fill to be determined. By way of road or hydraulically transported material? Should the fill be transported hydraulically then consideration of water quality of slurry waters impact on ground water quality. Fill operations along the coast previously have returned the waters to the sand mine operations. (It is noted that no pipeline for transportation has been considered.)

Food Premises Construction

AS1668 Ventilation and Air Handling

AS3666 Air handling and water systems, Public Health Act considerations

Swimming Pools/Spa Pools – Public Health Act considerations

External Lighting Impacts including security lighting.

Internal road network adequacy to cater for emergency vehicles and waste collection vehicles

Solid Waste Storage

Evacuation Management Plan in the event of disasters (such as tsunami, fire, flood)

Contamination

- 6.3 *Site assessment for radioactive residues shall include monitoring at depth as well as surface. Aerial photography (1970) indicates significant sand mining activities on the subject site. Monitoring will need to include the 7(f) and 7(a) areas as these will be available for public access and placement of infrastructure.*

Note: Extensive comment has previously been provided to NSW Planning regarding such matters.

Limitations/extent of any monitoring should be reflected in any conditions of consent to ensure that any future earthworks outside of monitoring/remediation for this DA requires a further DA.

Acid Sulfate Soils

- 6.4 *Management Plan if necessary, needs to address management during disturbance due to placement of service infrastructure and any dewatering of trenches for installation of infrastructure.*

Noise

- 10.1 *Note: Historically any development (not just residences were considered) within 32m of the centreline of Casuarina Way required amelioration measures to mitigate adverse noise impacts.*

Operations Phase: Noise Impact Assessment considerations to include operations of outdoor amphitheatre, restaurant, conference centre, traffic, maintenance shed, markets, external unenclosed public places (usually included in response to Smoke-free Environment Act restrictions), swimming pool, services such as pumps and motors (air-conditioning, water heat pumps, filters).

Council's Flooding & Stormwater Engineer- Mr Danny Rose

The following comments are provided in relation to flooding and stormwater drainage requirements for the proposed development, which should be included in the DGRs.

4. Infrastructure Provision

Item 4.1 should include *stormwater drainage*.

6. Hazard Management & Mitigation

Flooding is adequately addressed by items 6.7 and 6.8.

7. Water Cycle Management

Neighbouring developments in South Kingscliff have been required to infiltrate all roofwater generated from the development for storms up to the 3 month ARI event intensity. This requirement should also be applied to the subject development, and as such, needs to be specifically addressed in the Stormwater Management Plan for the site.

Council's Systems Engineer - Mr Peter Pennycuik

Water Supply:

Tweed Shire Council Consolidated DCP Part B9 provides guidelines for water supply works associated with development in this locality.

Water is available through a main in Casuarina Way at the Southern Boundary of this site. This main has been progressively relocated and upgraded as the road in which it was located has been realigned and constructed as Casuarina Way (B9.6.3 Planning Strategies TSC.S.6.5 & 6.6). At this location, a temporary connection from the new main at the northern end of the Salt Village development and its original alignment in Lot 500 is in place.

When the realigned Casuarina Way was constructed ahead of the development of Lot 490, the realignment was deferred until the development of Lot 490 was to proceed.

Although the development may not require an upgrade of the main to provide Peak Instantaneous Demand (PID), Council desires to upgrade this section of the main to complete an upgraded alternative supply route through which water may be supplied to Kingscliff or to Tweed Coast in the event of supply interruptions through the normal mains. Council will be prepared to contribute the marginal cost difference to provide this upgrade between the Cudgen Creek Bridge and the northern end of Salt Village development.

The 100 diameter main shown as entering Lot 49 from the 250 main in Lot 500 will not be available as the connection to the proposed Lot 1. Water connections to the proposed Lots 1 and 2 will be at a suitable point to be agreed on the frontages to Casuarina Way.

Sewer:

As it stands at present, neither of the proposed lots are connected to sewer. The point of connection to Council's Sewerage System is the intersection Tweed Coast Road and Cudgen Road (DCP Section B9.6.3 Planning Control/Action TSC.6.9).

The previous development of Salt Village has provided much of the necessary infrastructure, but still requires the upgrading of the Sewerage Pump Station SPS4030, Point Break Circuit and duplication of the Cudgen Creek Sewer Rising Main crossing.

Council will be providing the necessary augmentation of pumping capacity at SPS4030 from S64 Developer Contributions, but the duplication of the Cudgen Creek crossing is to be provided by the developers of Salt and/or Lot 490. A steel enveloper was placed under Cudgen Creek when the original crossing was constructed for the purpose of the future installation of the duplicate main. This is required before either Seaside City or Lot 490 can be connected, and may be provided by either development or both developments jointly.

The actual connection of the sewer may be at the collector manhole of SPS4030 or if it can be demonstrated that there is adequate capacity, at the 225 sewer in Casuarina Way at the northern boundary of Salt Village.

Council also requires the dedication of an easement covering the portions of the existing and new sewer rising mains from SPS4030 where they traverse the south west corner of Lot 490 (proposed Lot 2).

S64 Developer Contributions:

Council's normal S64 Water and Sewer Development Contributions shall apply to this development. As this has not been previously connected, no existing credits apply.

Council's Development Engineer - Mr Mick Denny

As part of DA07/0716 (the current proposed subdivision of Lot 490 into two allotments in accordance with the Casuarina Way alignment) Council are not requiring the Department of Lands to undertake any physical construction, however Council is trying to negotiate some survey work and the preparation of a Section 88B Instrument to protect existing infrastructure within the subject site, provide access for Council to this infrastructure (for maintenance and upgrading), as well as clearly identifying infrastructure obligations for any future developer.

As such Council is trying to negotiate the following easements for services and restrictions as to user are created under Section 88B of the Conveyancing Act.

- (a) An easement over the existing sewer rising main within the south western corner of the subject allotment, as identified within Lot 490 DP 1095234 by survey.

Note, at the time of construction of the sewer rising main, Lot 490 was under control of Council as the Tweed Coast Reserves Trust and as such, it was not thought necessary to create an easement over this main within Lot 490. Council was the applicant for this development consent but the construction and commissioning of the main was a condition of subdivision for the Salt development. Council are not aware of a condition of development that requires the developer of Salt to obtain this easement and as such it is required under this consent.

- (b) Restrictions as to user, including but not limited to the following;

- Prior to any development of either of proposed Lots 1 or 2, a Sewerage and Water Management Plan must be submitted to and approved by Tweed Shire Council, confirming how these lots will be appropriately serviced.
- Council's existing 450mm dia water main within the Casuarina Way road reserve shall be extended to the bridge to the north crossing of Cudgen Creek on an approved alignment, at the time of any development of either of proposed Lots 1 or 2, whichever being the first.
- If not already installed at the time of first development of either of proposed Lots 1 or 2, an appropriately sized sewer rising main shall be extended through the existing 400mm dia steel enveloping conduit under Cudgen Creek and connected to the existing 225mm dia PVC PN16 sewer rising main either side of the conduit.
- Proposed Lot 2 is to have a minimum 50m buffer to Cudgen Creek (measured from mean high water mark).

Any Section 88B Instrument creating restrictions as to user or easements which benefit Council shall contain a provision enabling such restrictions or easements to be revoked, varied or modified only with the consent of Council.

Dot Point one above - It is considered that the above proposed Restrictions as to user be applied so as to ensure that future developers/lessees are aware that water supply and sewerage are not currently available to the proposed lots and that Council has certain requirements of the developer of this land.

Dot Point two above - Council currently has a 250mm main running through lot 500 and then in an easement at the rear of properties in Cathedral Court. The main followed the route of the original road from Kingscliff to Bogangar. To date, each developer along the route has relocated the main to the through route through their developments and upgraded the main to 450mm diameter in the process. Lot 490 and Lot 500 are the last sections that need to be relocated. Might want to confirm this with Peter Pennycuik

Dot Point three above - The developer of Salt provided the conveyancing main and regional sewerage pump station to serve the entire area. It also provided a conduit for the future upgrading of the sewer rising main crossing of Cudgen Creek at Lot 490. It is considered the

responsibility of the developers of the other two developments, Lot 490 and Seaside City to provide the additional crossing of the creek by installing a pipe in the conduit provided and connecting it to the existing mains in place either side of the creek. Unless the developers of the two sites reach an agreement on cost sharing, it is the responsibility of the first developer requiring connection to provide the additional crossing. Council will be providing the upgrade of the pump station by installing the additional pump required.

A Traffic Study is required to determine if the proposed development will result in any traffic capacity issues on the bridge to the north crossing of Cudgen Creek.

In relation to Traffic - under the Heading 5 Traffic & Access the following should be inserted;

5.3 Outline how the proposed development will impact on the overall traffic capacity on the Cudgen Creek Bridge to the north and detail any upgrade works as a result of the proposed development.

In addition to the above Council requirements please find attached correspondence from the "Salt Village Residents Association Incorporated". This communication raised issues of visual amenity, noise and, safety.

Please review these comments and consider amending the Director General Requirements to reflect the above and attached comments.

Thankyou for the opportunity to respond to this proposed application.

Yours faithfully

A handwritten signature in dark ink, appearing to read "L. McGavin", with the word "per." written below it.

Lindsay McGavin
Manager Development Assessment Unit

Salt Village Residents Association Incorporated

Ms Denise Galle
Tweed Shire Council
PO Box 816
Murwillumbah NSW 2484

LOT 490
LN: 26174, 73704
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Dp 1095234

RE: LOT 490, KINGSCLIFF *Casuarina Way, Casuarina.*

Dear Denise,

In discussions with Mr Phil Fogarty of Department of Lands, Salt Village Residents Association (SVRA) were recommended to write to you expressing some concerns we have as the closest neighbour to the development.

SVRA are particularly worried that due to the fact we are the neighbour of the development, our concerns are possibly different to balance of Kingscliff community and may be overlooked in the planning assessment of Leighton's proposed project.

SVRA have attended all three of the Community Reference Group (CRG) meetings and have expressed a concern that, as the closest neighbour, it is difficult to make comments about our thoughts on the plan due to the lack of design detail of the actual resort and facilities.

Our primary issues are of visual amenity, noise and safety.

SVRA have raised two major issues and would like to get an indication from Council if these can be incorporated in the Leighton proposal by Council. Lands Department indicated Council are responsible for these items.

1. In relation to the design and function of the public carpark, SVRA are very concerned about the safety of this carpark at night and have requested two design considerations be incorporated;
 - a. The ability for the lot 490 resort to lock the carpark at night - some spaces could be made available 24 hours down the northern end of Lot 490. Salt residents are already experiencing issues with vandalism and safety along the beachfront path which will be exacerbated with a large carpark in this location. This will also cause problems for the Lot 490 resort guests.
 - b. The design of the carpark be such that it incorporates traffic calming measures and some significant internal vegetation breaks so it doesn't become one large

Salt Village Residents Association Incorporated

shopping centre style carpark. A suggestion in the CRG meetings was the carparking was a less formal style as used in the area extending to the end of the spit at Kingscliff.

2. SVRA have a concern that in trying to place 180 dwellings on the site Leighton's will need to clear the majority of the site to allow for construction of the resort to occur. SVRA have requested a significant tree survey to occur and then a master plan be created for public comment showing how those trees will be retained on site. Leighton's have given a commitment to retain all significant trees but SVRA cannot see how this can be done on all versions of the master plans tabled to date.

The main issue from SVRA point of view is that we don't want to overlook a sea of buildings and immature vegetation on a development we believed was meant to be a "quality ecotourism resort, combining a range of recreational options while ensuring protection and enhancement of the site's environmental values"

SVRA have also requested a vegetated buffer mound be located along Casuarina way and along the southern boundary of lot 490 to protect the sites environmental values.

SVRA are yet to be provided through the CRG any details of how the 180 units on the site warrant classification as a quality ecotourism site.

Please find attached SVRA's list of concerns tabled to Leighton's during the CRG which also included a marked up master plan clearly showing SVRA design suggestions. We trust that you have been provided with these and our marked up plan.

Please note that SVRA have always understood a quality ecotourism resort was intended for the site. Our major overriding concern is that we end up with a high density development of 180 apartments, highly visible from both Casuarina Way and Salt's northern boundary.

A well designed eco resort planned around the existing trees with appropriate vegetation buffers to Casuarina way and Salt will however, be well received by the Salt community.

Yours Sincerely



0403168751

Nell Stead

President

Salt Village Residents Association

svrassoc@bigpond.com

PO BOX 1798

Salt Village Residents Association Incorporated

10 June 2008

The below notes were formulated at the Salt Village Residents Association Inc. meeting 4 June. The following is not intended to be our complete notes as the full details of the Leighton's Resort Facilities design has not been provided. SVRA inc., wish to express their concern at Leighton's advice that the design of the Resort itself is not subject to comment, as this has already been agreed to be the Lands Department.

SVRAinc. advise that they acknowledge and agree that Louise Byer and Tony Cannon are the chosen representatives for SVRAinc., to attend all Kingscliff Resort Committee meetings.

SVRAinc., has requested that Leighton attend our residents meeting 9 July, 2008, 7pm, Mantra Tennis Pavilion for the purpose of presenting their proposal and answering questions from residents.

SVRAinc., have tabled a plan showing design suggestions which would make the proposed plan more amenable. The plan identifies the following notes;

1. Full perimeter buffer mound and noise retention & security fence which includes the Southern boundary to Lot 490.
2. Car Park
 - Remains with Resort as lease hold management
 - Resort controls carpark
 - See design of car park to enhance traffic control
 - Shorten carpark to buffer Salt, Cathedral Court
 - Able to lock at night
 - Regular maintenance to keep clean
 - Screen out car park from Salt
 - Car park system
3. Provide plan of all existing mature vegetation on site and demonstrate how design has protected these trees.
4. Upgrade Casuarina Way road from rural - Stormwater plan for road - Landscape Casuarina Way in keeping with theme established by Salt
5. Height Limit - SVRA inc confirmed Leighton's advice that the height limit of all buildings is two storey maximum and that non reflective roof material will be used.

Salt Village Residents Association Incorporated

6. Public Facilities - SVRAinc would like to see facilities that are not duplicated already provided at Salt Village. Would like to see public boat storage for kayaks, canoes, and are able to access those during the day at their discretion. Salt Village supports the inclusion of netball, basketball courts for public, and a boat jetty to be used for fishing.
7. SVRAinc question what is the purpose of Interpretation Centre, meaning of Hollistic Centre.
8. Salt Surf Living Saving Club will be patrolling this resort and are seeking a financial contribution proportional to the resorts project. The provision of a second manned Lifeguard tower at Resort.
9. Bikeway Design to prevent power driven bikes
10. Design Casuarina Way Underpass so accessible to Public and connects to existing bike path without going into Kingscliff Resort.
11. SVRAinc., would request Leighton discuss their Safety and Security Plan with Mark Gardner, Kingscliff Police Officer, to ensure there is no loss of security to Salt Residents.
12. SVRAinc requested Leighton's Salt Village, Casuarina and Sea Side City, to work on a vandal proof lighted bike way plan with ground level footpath wash lights to enhance safety of the bikeway at night.

Your reference : MP_07_0089
Our reference : FIL06/2036-02 DOC08/33931
Contact : Kirsty Sutherland, 66402511

Heather Warton
Director Urban Assessments
GPO Box 39
SYDNEY NSW 2001

COASTAL
URBAN ASSESSMENTS
RECEIVED

- 8 AUG 2008

- 5 AUG 2008

u an
8/8/08
To
Joanna
Bakopanos

Attention: Ms Joanna Bakopanos

Dear Ms Bakopanos

RE: REQUEST FOR KEY ISSUES AND ASSESSMENT REQUIREMENTS- TOURIST RESORT AND ASSOCIATED FACILITIES, SOUTH KINGSCLIFF.

I refer to your request for the Department of Environment and Climate Change (DECC) requirements for the environmental assessment (EA) in regard to the above proposal received by DECC on 23 July 2008.

DECC has considered the details of the project as provided by the Applicant and has identified the information it requires to assess the project concept plan in Attachment A. The proponent should ensure that the EA is sufficiently comprehensive and detailed to determine the extent of the impact of the proposal.

In summary, DECC's recommended key information requirements for the project are:

1. the impacts on local surface water quality;
2. the impacts of the project on threatened species and their habitat;
3. the impacts of the project on Aboriginal cultural heritage values;
4. an assessment of any land contamination and;
5. the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts identified in 1-4 above.

Site Specific Information Requirements

It is noted that the development site contains three Endangered Ecological Communities (EEC's), a SEPP 14 wetland and a known location of the threatened plant *Stinking laurel*. It is recommended that, as a minimum, 50m vegetated buffers be provided to these high conservation areas to assist in minimising impacts from informal access, weed invasion, rubbish dumping and domestic animals. Given the proximity of the EEC identified within the core development envelope, it is likely that this high conservation area will be subject to greater impacts from the proposed development than those situated closer to Cudgen Creek and as such specific measures to minimise these impacts must be considered. Furthermore, any proposed removal of EEC vegetation for the provision of Asset Protection Zones will not be supported by DECC.

Should you require any further information please contact Kirsty Sutherland on (02) 66402511.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jon Keats', written in a cursive style.

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

Att: Attachment A DECC EA Requirements
Attachment B Guidance Material

Attachment A – Department of Environment and Conservation's Environmental Assessment Requirements

Environmental impacts of the project

1. The following environmental impacts of the project need to be assessed, quantified and reported on:
 - Water quality
 - Contaminated Land
 - Noise
 - Threatened Species
 - Aboriginal cultural heritage
2. These should be assessed in accordance with the relevant guidelines listed in Attachment B.
3. Describe mitigation and management options that will be used to prevent, control, abate or mitigate identified environmental impacts associated with the project and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
4. Based on the information provided to the Department of Environment and Climate Change (DECC), the applicant will not require an Environment Protection Licence because the activity is not scheduled under the *Protection of the Environment Operations Act 1997*.

Water quality

The environmental outcomes for the project in relation to water should be:

- There is no pollution of waters during the construction and operational phases of the development;
- There is no inconsistency with any relevant Statement of Joint Intent established by the Healthy Rivers Commission; and
- It is acceptable in terms of the achievement or protection of the River Flow Objectives and Water Quality Objectives.

The Environmental Assessment (EA) should document the measures that will achieve the above outcomes.

Contaminated Land

The EA must document the identification, assessment and management of any land contamination to ensure that the land is not allowed to be put to a use that is inappropriate because of the presence of contamination. Under the *Contaminated Land Management Act 1997* there is a responsibility to notify the DEC of sites that pose a significant risk of harm to human health or the environment.

Noise

The environmental outcomes should include the following:

- The proposal must be designed, constructed, operated and maintained so that there are no adverse impacts from noise (including traffic noise).

Impacts of the project on threatened species and their habitat

Vegetation Clearing

The vegetation on site has the potential to support a wide range of threatened flora and fauna species. Any identified threatened species should be discussed in detail.

The EA will need to include a comprehensive assessment of the following:

1. A field survey of the site should be conducted and documented in accordance with the draft "Guideline for threatened species assessment" and "Threatened Biodiversity and Threatened Species Assessment – Guideline For Developments and Activities".
2. Likely impacts on threatened species and their habitat need to be assessed, evaluated and reported on. The assessment should specifically report on the considerations listed in Step 3 of the draft guideline.
3. Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on threatened species and their habitat. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
4. The EA needs to clearly state whether it meets each of the key thresholds set out in Step 5 of the draft guideline.

Impacts of the project on Aboriginal cultural heritage values

1. The EA should address and document the information requirements set out in the draft "Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation" involving surveys and consultation with the Aboriginal community.
2. Identify the nature and extent of impacts on Aboriginal cultural heritage values across the project area.
3. The extent and significance of this site will need to be assessed and preferably any development in this area would avoid disturbance of the site.
4. Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on Aboriginal cultural heritage values. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
5. The EA needs to clearly demonstrate that effective community consultation with Aboriginal communities has been undertaken in determining and assessing impacts, developing options and making final recommendations.

Note: If the EA is relying on past surveys that they should check that the work is consistent with the requirements within the above 3A guidelines.

Attachment B - Guidance Material

Water quality

- National Water Quality Management Strategy: Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)
- NWQMS Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC 2000)
- Healthy Rivers Commission Report into Coastal Lakes and Statement of Joint Intent
- The relevant targets within the State Water Management Outcomes Plan

Wastewater

- National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC 1997)
- National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC 2000)
- Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)
- Environment and Health Protection Guidelines: 'Onsite Sewage Management for Single Households', February 1998 (Silver Book).

Stormwater

(Note: some of these documents will be revised in 2006)

- Managing Urban Stormwater: Soils and Construction (NSW Landcom, 2004)
- Managing Urban Stormwater: Source Control (EPA 1998)
- Managing Urban Stormwater: Treatment Techniques (EPA 1998).

Contaminated Land

- Managing Land Contamination: Planning Guidelines - SEPP55 - Remediation of Land, Department of Urban Affairs and Planning and NSW EPA, 1998:
- Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites (Environment Protection Authority (EPA) 1997);
- Contaminated Sites – Guidelines on Significant Risk of Harm and Duty to Report (EPA, 1999).

Noise and vibration

- NSW Industrial Noise Policy (EPA, 1999)
- NSW Environmental Criteria for Road Traffic Noise (EPA, 1999)
- Chapter 171 Noise Control Guideline, *Construction Site Noise, Environmental Noise Control Manual*, 1994.

Threatened Species Impacts

- Threatened Biodiversity and Threatened Species Assessment – Guideline For Developments and Activities – Working Draft 2004. Available from DEC.
- Draft Guidelines For Threatened Species Assessment - Available from Department of Planning.

Assessing Aboriginal Cultural Heritage Impacts

- Draft Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation - Available from Dept of Planning
- Interim Community Consultation Requirements for Applicants
- Aboriginal Cultural Heritage Standards and Guidelines Kit - Available shortly on-line through DEC's webpage.

<http://www3.environment.nsw.gov.au/npws.nsf/Content/Protecting+Aboriginal+objects+and+places>

Sally Munk - RE: Lot 490 Ecotourism Facility - Request for DGRs (MP07_0089)

From: SCIFFER Greg <Greg_SCIFFER@rta.nsw.gov.au>
To: Sally Munk <Sally.Munk@planning.nsw.gov.au>
Date: 11/08/2008 11:57
Subject: RE: Lot 490 Ecotourism Facility - Request for DGRs (MP07_0089)
CC: BALDWIN Michael J <Michael_BALDWIN@rta.nsw.gov.au>, Land Use Northern
 <Land_Use_Northern@rta.nsw.gov.au>

Sally

We have no record of application but that does not mean it is sitting with management and has not been registered in our system. I believe development is located on the western side of the Coast Road just south of the creek and is presently undeveloped.

If so then the following general comments would apply:

- The safety and efficiency of the Coast Road needs to be maintained and any impacts mitigated.
- A traffic study should be undertaken. RTA would recommend using the criteria set out in Table 2.1 of the Guide to Traffic Generating Developments.
- Access should be consolidated and connectivity maintained to adjoining land for future re-development of the site.
- Safety of the existing and proposed road network needs to be assessed, especially road junctions. AUSTROADS guidelines (Pt.5 - Intersections at Grade) should be used to assess any improvements to existing or standards for new junctions. This should take into consideration of impacts and improvements to existing nearby road network and infrastructure.
- Consideration is required to providing adequate safe intersection sight distances.
- Provisions for public transport, bicycle and pedestrian infrastructure and connections.
- Development designed to mitigate impacts of road traffic noise and vibration.
- Adequate provisions for onsite parking and servicing.

Regards

Greg Sciffer

From: Sally Munk [mailto:Sally.Munk@planning.nsw.gov.au]
Sent: Friday, 8 August 2008 4:18 PM
To: Rod Browne; alex.purvis@environment.nsw.gov.au; lew.short@rfs.nsw.gov.au; SCIFFER Greg
Subject: Lot 490 Ecotourism Facility - Request for DGRs (MP07_0089)

Hi All

Just a follow up on the Department's request for key issues and assessment requirements for the above proposal (refer letter dated 21/7/08).

Please be advised that the DGRs will be issued no later than Wednesday 13 August 2008 in accordance with the legislation (28 days).

Your comments would be appreciate no later than **midday Monday 11 August 2008**.

Kind regards
 Sally

Sally Munk
Senior Environmental Planner - North Coast
Coastal Assessments

23-33 Bridge Street
Sydney NSW 2000
Phone: (02) 9228 6498
Fax: (02) 9228 6540
sally.munk@planning.nsw.gov.au

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All communications to be addressed to:

Headquarters
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

wTelephone: (02) 8741 5555

e-mail: development.control@rfs.nsw.gov.au

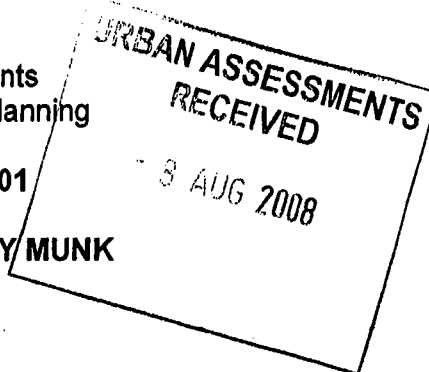
Headquarters
NSW Rural Fire Service
15 Carter Street
HOMEBUSH BAY NSW 2127

Facsimile: (02) 8741 5550



Urban Assessments
Department Of Planning
GPO Box 39
Sydney NSW 2001

Attention: SALLY MUNK



Your Ref: DA MP07 0089
S08/0036
Our Ref: G08/2380
DA08080153197 CS

05 August 2008

Dear Ms. Munk,

**RE: Request for provision of Key Issues and Assessment Requirements –
490//1095234 489//47021 500//727470, TWEED COAST WAY, SOUTH KINGSCLIFF
NSW**

I refer to your letter dated 21-Jul-2008 seeking the NSW Rural Fire Service key issues and assessment requirements regarding bushfire protection for the above property in accordance with section 75F (4) of the *Environmental Planning and Assessment Act 1979*.

The following key issues and assessment requirements shall be included in the Director-Generals environmental assessment requirements.

1. The NSW Rural Fire Service (RFS) notes that the subject site has bush fire issues and is identified as bush fire prone. Future residential or Special Fire Protection Purpose developments are likely to be subject to the requirements of section 100B of the Rural Fires Act 1997 and Section 79BA of the Environmental Planning and Assessment Act 1979.
2. Minimising the impact of radiant heat and direct flame contact by separating the development from the bushfire hazard by identifying the extent to which future development can provide for Asset Protection Zones in accordance with *Planning for Bush Fire Protection 2006*. Setbacks will depend on proximity to vegetation, vegetation type and slope.
3. The ability to provide for adequate egress/access to the proposed development as outlined within 4.1.3 of *Planning for Bush Fire Protection 2006*.
4. The ability to site and provide for adequate future water supplies for bush fire suppression operations.

5. Minimising the vulnerability of buildings to ignition from radiation and ember attack by addressing the construction of assets in accordance with Australian Standard AS 3959 -1999 'Construction of buildings in bush fire-prone areas'.
6. A plan of management will need to include fuel management within the development and maintenance of asset protection zones in accordance with *Planning for Bush Fire Protection 2006* and the Service's document 'Standards for asset protection zones'.

For any enquiries regarding this correspondence please contact Corey Shackleton on 8741 5555

Yours faithfully,



per Nika Fomin
Development Control Co-ordinator

The RFS has made getting additional information easier. For general information on *Planning for Bush Fire Protection 2006*, visit the RFS web page at www.rfs.nsw.gov.au and search under *Planning for Bush Fire Protection 2006*.

Sally Munk - MP07-0089

From: <northern@cma.nsw.gov.au>
To: "Sally Munk" <Sally.Munk@planning.nsw.gov.au>
Date: 29/07/2008 16:51
Subject: MP07-0089

Dear Sally

Thank you for your letter dated 21/7/08 with request for provision of details of key issues and assessment requirements - MP07_0089.

The Northern Rivers CMA has no additional key issues or assessment requirements to those attached.

Should you have any queries in regard to this matter, please contact Peter Boyd, Catchment Coordinator based in our Murwillumbah office on 02 6676 7393.

Regards

Michael Pitt
General Manager

Sally Munk - MP07_0089

From: "Kersten Tuckey" <Kersten.Tuckey@lands.nsw.gov.au>
To: <sally.munk@planning.nsw.gov.au>
Date: 07/08/2008 12:29
Subject: MP07_0089

Hi Sally

As discussed I will provide a letter with detail next week, I have looked at the DGR's and they seem to cover most of the issues. My only comments are is that in the Infrastructure Provision section 4.1 infrastructure associated with recreation and public access should also be included. And Urban design and management should include integration of the development and open space with surrounding land use so that the public facilities tie into the development at the south.

Cheers

Kersten Tuckey

Senior Environmental Officer
Department of Lands
Ph: (02) 66919616
Fax: (02) 6651 9975
PO Box 291J
COFFS HARBOUR NSW 2450
Part time: Tuesday, Wednesday & Thursday

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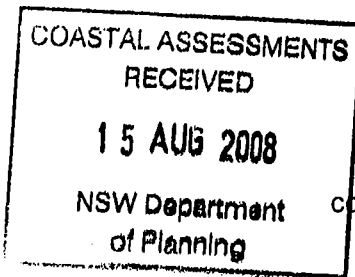
Rec'd
15/8/08 To Anna Baker

Department of Lands



Land Administration & Management
Property & Spatial Information

Sally Munk
NSW Department of Planning
Major Project Assessment
GPO Box 39
SYDNEY NSW 2001



Crown Lands NSW
36 Marina Drive
PO Box 291J
COFFS HARBOUR JETTY NSW 2450
telephone (02) 6691 9616
facsimile (02) 6651 9975
www.lands.nsw.gov.au

Our Reference:
Your Reference: MP07_0089 File S07/01106

Date: 11 August 2008

Dear Ms Munk

Re: MP07_0089, Lot 490 Eco Tourism, Tweed Coast Road South Kingscliff

I refer to your letter received 25 July 2008 requesting the provision of details of key issues and assessment requirements for the Lot 490 Eco Tourism proposal at South Kingscliff.

The subject site consists of three lots or part lots of Crown land, being Lot 489 DP 47021, Lot 490 DP 1095234 and Lot 500 DP 727420. The Department has prepared a Plan of Management for the site and have entered into a lease arrangement with Leighton Properties Pty Ltd to implement the plan of management.

In addition to the Draft Director-General's Environmental Assessment Requirements provided to the Department of Lands, the Department requires the proponent to address the following matters.

- The Department of Lands vision for the subject site is for the development of a quality ecotourism resort which will generate revenue for the provision and management of community facilities and ecological restoration of the bulk of the site. The proposal needs to clearly outline how it meets the aims and objectives of the Lot 490 Plan of Management including the POMs aim to encourage innovative, ecologically sustainable design while enhancing community wellbeing. A core component of the proposal is the development of the eco tourism resort; the proponent needs to demonstrate how the resort design and layout is ecologically sustainable and innovative. The proposal needs to include best practice ecologically sustainable development principals.
- The proponent needs to clearly identify how public access is encouraged in the riparian, dunal and beach areas and how pedestrian movement between these areas is facilitated.
- Standards for the management of the dunal and riparian area in the vicinity of the proposed development have been set by developments to the south. The proponent should ensure that management of the dunal and riparian area on the subject site is integrated and consistent with developments to the south. This includes among other things substantial revegetation efforts, minimisation of grassy open space along the



coastal strip, ensuring light penetration to the beach is prevented and enhancing public access.

If you have any queries regarding the above matters please call me on the number above.

Regards

A handwritten signature in black ink, appearing to read 'K Tuckey', with a long horizontal flourish extending to the right.

Kersten Tuckey
Senior Environmental Officer
Department of Lands



NSW Government
Department of Water & Energy

Ms Sally Munk
Coastal Assessment Branch
Department of Planning
GPO Box 39
Sydney NSW 2001

Contact: Rod Browne
Phone: (02) 6740 2347
Fax: (02) 6742 3129
Email: rod.browne@dnr.nsw.gov.au

Our ref:
Your ref: MP 07_0089
File:

12 August 2008

Dear Ms Munk,

**Issues and Assessment Requirements
MP 07_0089, Tourist Resort and Associated Facilities
Tweed Coast Way, South Kingscliff**

I am responding to your inquiry of Friday last (8th August 2008) seeking this Department's (DWE) issues of concern and requirements for attention in the Environmental Assessment for the above proposal for a tourist development. Background information on the proposal was only received yesterday.

The proposal appears to be a compromise to integrate development on the site with the retention of natural features and environmental values. The intensity of development is lower than that on adjacent land to the south, and the layout provides buffer protection for the riparian and wetland ecosystems of Cudgen Creek and for the coastal dunes.

The DWE general requirements for the environmental assessment are attached.

The matters of particular interest associated with this proposal are:

- the source(s) of water supply, and the provision of sewerage;
- the incorporation of sustainable water management principles into the project design and management;
- the management of site drainage and runoff, and the impact on water courses, and the aquatic and riparian environment, including any proposed buffer zones;
- the soil types and geology of the site;
- the nature and profile of the groundwater regime under the site, and any hydrologic impacts which would affect its depth or water quality, result in increased groundwater discharge, impact on the stability of potential acid sulfate soils in the vicinity, or affect groundwater dependent native vegetation;
- the reliance on local groundwater by nearby landholders or land uses, and the potential impact of the development on its future reliability or value;
- the likely impacts on local flood behaviour;
- measures to control erosion, sedimentation and pollution;

- the assessment, disturbance and management of actual or potential acid sulfate soils at the site and potential impacts on surface or ground water quality;
- the plans for rehabilitation, revegetation, landscaping and ecological protection of sections of the development site; and
- any monitoring programs to assess and rectify any longer term impacts of the development on water quality, and the groundwater resource.

While the draft Environmental Assessment Requirements provided covers many of these matters, it does not cover the evaluation of the groundwater regime under the site, or the likely impact of development on it.

Please contact me if you wish to clarify or discuss any of the above matters.

Yours sincerely,

Rod Browne
Senior Planning Officer
Major Projects, Mine assessments & Planning



NSW Government
Department of Water & Energy

Department of Water and Energy

General Assessment Requirements for Major Project Proposals Under Part 3A of *Environmental Planning & Assessment Act 1979*

The Department of Water and Energy (DWE) provides the following advice for consideration:

Relevant Legislation

The assessment is required to take into account the requirements of the following legislation (administered by DWE), as applicable:

- *Water Act 1912*
- *Water Management Act 2000 (WMA)*

In particular, proposals and management plans should be consistent with the Objects (s.3) and Water Management Principles (s.5) of the *WMA*.

Water Sharing Plans

Gazetted Water Sharing Plans (WSPs) prepared under the provisions of the *WMA* establish rules for access to, and the sharing of water between the environmental needs of the surface or groundwater source and water users. If the proposal is within a gazetted WSP area the assessment is required to demonstrate consistency with the rules of the WSP. Refer to: <http://www.dnr.nsw.gov.au/water/plans.shtml>

Relevant Policies

The assessment is required to take into account the following NSW Government policies, as applicable:

- *NSW Groundwater Policy Framework Document - General*
- *NSW Groundwater Quantity Management Policy*
- *NSW Groundwater Quality Protection Policy*
- *NSW State Groundwater Dependent Ecosystem Policy*
- *NSW State Rivers and Estuaries Policy*
- *NSW Sand and Gravel Extraction Policy for Non-Tidal Rivers*
- *NSW Wetlands Management Policy*
- *NSW Farm Dams Policy*
- *NSW Weirs Policy*

In addition assessments should consider the following strategies:

- *NSW Salinity Strategy*
- *NSW Water Conservation Strategy*

The majority of these documents can be found at:
<http://www.dnr.nsw.gov.au/water/legislation.shtml>

Guidelines

The assessment is required to take into account the following DWE Guidelines for Controlled Activities (February 2008), as applicable:

- Riparian corridors (and associated Vegetation Management Plans)
- Watercourse crossings
- Laying pipes and cables in watercourses

- Outlet structures
- In-stream works

Refer to: http://www.dnr.nsw.gov.au/water/controlled_activity.shtml

Groundwater

DWE is responsible for the management of groundwater resources so they can sustain environmental, social and economic uses for the people of New South Wales.

Groundwater Source

The assessment is required to identify groundwater issues and potential degradation to the groundwater source and provide the following:

- Details of the predicted highest groundwater table at the development site.
- Details of any works likely to intercept, connect with or infiltrate the groundwater sources.
- Details of any proposed groundwater extraction, including purpose, location and construction details of all proposed bores and expected annual extraction volumes.
- Describe the flow directions and rates and the physical and chemical characteristics of the groundwater source.
- Details of the predicted impacts of any final landform on the groundwater regime.
- Details of the existing groundwater users within the area (including the environment) and include details of any potential impacts on these users.
- Assessment of the quality of the groundwater for the local groundwater catchment.
- Details of how the proposed development will not potentially diminish the current quality of groundwater, both in the short and long term.
- Details on preventing groundwater pollution so that remediation is not required.
- Details on protective measures for any groundwater dependent ecosystems (GDEs).
- Details of proposed methods of the disposal of waste water and approval from the relevant authority.
- Assessment of the need for an Acid Sulfate Management Plan (prepared in accordance with ASSMAC guidelines).
- Assessment of the potential for saline intrusion of the groundwater and measures to prevent such intrusion into the groundwater aquifer.
- Details of the results of any models or predictive tools used.

Where potential impact/s are identified the assessment will need to identify limits to the level of impact and contingency measures that would remediate, reduce or manage potential impacts to the existing groundwater resource and any dependent groundwater environment or water users, including information on:

- Details of any proposed monitoring programs, including water levels and quality data.
- Reporting procedures for any monitoring program including mechanism for transfer of information.
- An assessment of any groundwater source/aquifer that may be sterilised as a consequence of the proposal.
- Identification of any nominal thresholds as to the level of impact beyond which remedial measures or contingency plans would be initiated (this may entail water level triggers or a beneficial use category).
- Description of the remedial measures or contingency plans proposed.
- Any funding assurances covering the anticipated post development maintenance cost, for example on-going groundwater monitoring for the nominated period.

Licensing

All proposed groundwater works, including bores for the purpose of investigation, extraction, dewatering, testing or monitoring must be identified in the proposal and an approval obtained

from DWE prior to their installation.

Groundwater Dependent Ecosystems (GDEs)

The assessment is required to identify any impacts on GDEs.

GDEs are ecosystems which have their species composition and natural ecological processes wholly or partially determined by groundwater. GDEs represent a vital component of the natural environment. GDEs can vary dramatically in how they depend on groundwater from having occasional or no apparent dependence through to being entirely dependent. GDEs occur across both the surface and subsurface landscapes ranging in area from a few metres to many kilometres. Increasingly, it is being recognised that surface and groundwaters are often interlinked and aquatic ecosystems may have a dependence on both.

Ecosystems that can depend on groundwater and that may support threatened or endangered species, communities and populations, include:

- Terrestrial vegetation that show seasonal or episodic reliance on groundwater.
- River base flow systems which are aquatic and riparian ecosystems in or adjacent to streams/rivers dependent on the input of groundwater to base flows.
- Aquifer and cave ecosystems.
- Wetlands.
- Estuarine and near-shore marine discharge ecosystems.
- Fauna which directly depend on groundwater as a source of drinking water or that live within water which provide a source.

The *NSW Groundwater Dependent Ecosystem Policy* provides guidance on the protection and management of GDEs. It sets out management objectives and principles to:

- Ensure the most vulnerable and valuable ecosystems are protected.
- Manage groundwater extraction within defined limits thereby providing flow sufficient to sustain ecological processes and maintain biodiversity.
- Ensure sufficient groundwater of suitable quality is available to ecosystems when needed.
- Ensure the *precautionary principle* is applied to protect GDEs, particularly the dynamics of flow and availability and the species reliant on these attributes.

A number of gazetted WSP list and map priority GDEs and set out the management strategies and actions for sharing and protecting groundwater quality, quantity and dependent ecosystems.

Surface Waters

DWE is responsible for the sustainable management of rivers, estuaries, wetlands and adjacent riverine plains.

Watercourse/Riparian

The assessment is required to consider the impact of the proposal on the watercourses and associated riparian vegetation within the site and provide the following:

- Identify the sources of surface water.
- Details of stream order (using the Strahler System).
- Details of any proposed surface water extraction, including purpose, location of existing pumps, dams, diversions, cuttings and levees.
- Detailed description of any proposed development or diversion works including all construction, clearing, draining, excavation and filling.
- An evaluation of the proposed methods of excavation, construction and material placement.
- A detailed description of all potential environmental impacts of any proposed development in terms of vegetation, sediment movement, water quality and hydraulic regime.
- A description of the design features and measures to be incorporated into any proposed development to guard against long term actual and potential environmental disturbances,

particularly in respect of maintaining the natural hydrological regime and sediment movement patterns and the identification of riparian buffers. (See note below)

- Details of the impact on water quality and remedial measures proposed to address any possible adverse effects.

The *Rivers and Foreshores Improvement Act 1948 (RFIA)* has now been repealed and the controlled activity provisions in the *WMA* have commenced. The provisions relating to controlled activities replaced the *RFIA* from 4 February 2008.

Riparian corridors form a transition zone between terrestrial and aquatic environments and perform a range of important environmental functions. The protection or restoration of vegetated riparian areas is important to maintain or improve the geomorphic form and ecological functions of watercourses through a range of hydrologic conditions in normal seasons and also in extreme events.

Although Part 3A Major Projects are exempt from requiring a controlled activity approval (s91 of *WMA*), the assessment is required to take into account the objectives and provisions of relevant legislation and guidelines.

Note: Recommended Core Riparian Zones (as applicable):

- Minimum of 10m for any intermittently flowing 1st order watercourse;
- 20m for any permanently flowing 1st order watercourse or any 2nd order watercourse;
- 20m – 40m (merit based assessment) for any 3rd order or greater watercourse.

[Refer to DWE Guidelines for Controlled Activities (February 2008) – Riparian Corridors].

Water Management Structures/Dams

DWE is responsible for the management and licensing of these structures under water legislation.

If the proposal includes existing or proposed water management structures/dams, the assessment is required to provide information on the following:

- Date of construction (for existing structure/s).
- Details of the legal status/approval for existing structure/s.
- Details of any proposal to change the purpose of existing structure/s.
- Details if any remedial work is required to maintain the integrity of the existing structure/s.
- Clarification if the structure/s is on a watercourse.
- Details of the purpose, location and design specifications for the structure/s.
- Size and storage capacity of the structure/s.
- Calculation of the Maximum Harvestable Right Dam Capacity (MHRDC).
- Details if the structure/s is affected by flood flows.
- Details of any proposal for shared use, rights and entitlement of the structure/s.
- Details if the proposed development/subdivision has the potential to bisect the structure/s.

DWE's Farm Dams Assessment Guide provides details on harvestable rights and the calculation of the MHRDC. Refer to: <http://www.dnr.nsw.gov.au/water/dams.shtml>

Basic Landholder Rights

The *WMA* identifies Basic Landholder Rights (BLRs) for access to water whereby landholders over an aquifer or with river or lake frontage can access water for domestic (household) purposes or to water stock without the need for a water licence (although a works approval may still be required). This has the potential to impact inequitably on existing licensed water users (under a WSP) in the case where riparian frontage continues to be subdivided, creating new basic rights for water extraction.

If this is an issue for the proposal the assessment should identify any potential for creation of new BLRs along the frontage to major waterways or over any sensitive aquifers. For those subdivisions fronting rivers/lakes, innovative subdivision design which allows the creation of additional lots without direct river/lake frontage or utilises collective or community title to manage the use of any existing BLR could provide a satisfactory way of managing this issue whilst still allowing for subdivision. Subdivisions over a sensitive aquifer however, may be more limited in using this approach.

Sustainable Water Supply

Many gazetted WSPs to-date have identified particular surface and groundwater systems that are currently over-allocated (that is, water licence volumes issued to landholders operating in these catchments exceed the sustainable volumes/flows within these systems). In the case of over-allocation, the systems have subsequently been embargoed and no new water licences are to be issued within these catchments. Any new or expanded development within such catchments will therefore be unable to obtain any new water entitlements directly and will have to enter the water trading market (if available within that catchment) to seek additional water. Therefore, there can be no guarantees of obtaining additional water via this mechanism and there is the potential of restrictions on further development within such catchments.

Whilst there is provision in the WMA to allow for limited growth in Town Water Supplies (TWS) this could still impact subsequently on other water users.

The assessment is required to address the issue of provision of a sustainable water supply for any project proposal. The assessment should include Water Management Plans detailing how a sustainable and efficient water supply can be sourced and implemented with minimal reliance on accessing valuable surface and groundwater resources.

Through the implementation of BASIX, Integrated Water Cycle Management and Water Sensitive Urban Design, any proposed development must also be able to exhibit high water use efficiency. Access to information on sustainability can be found via:
http://www.deus.nsw.gov.au/business_industry.asp

Current as at July 2008.

Inquiries: *Rod Browne
 Senior Planning Officer
 T 6740 2347
 M 0427 920520
 E rod.browne@dnr.nsw.gov.au*