

PROJECT FOR MIXED USE DEVELOPMENT AT RIVER AND KERR STREETS, BALLINA (05-0009)

ENVIRONMENTAL ASSESSMENT REQUIREMENTS UNDER PART 3A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Project	Ballina Gateway Project: mixed-use residential and commercial development comprising retail, offices, private residential and serviced apartments, on-site car parking; residential facilities; private and public open space including public foreshore access; and strata subdivision.
Site	Lot 6-8 DP 23897, Lot A DP 397985, Lot 4A & 4B DP 398716, Lots 6, 11 & 12 Section 4A DP 758047, Lots 8 & 9 DP 251206, Lot 10 DP 244352, Lot 1 DP 499510, Lot 1 DP 781715, 256-274 River Street, Ballina.
Proponent	Sundowner Developments (NSW) Pty Ltd
Date of Issue	18 February 2006
Date of Expiration	(2 years from date of issue)
Special Provision	The Minister for Planning formed the opinion pursuant to Clause 6 of <i>State Environmental Planning Policy (Major Projects) 2005</i> (MP SEPP) that the project is a Major Project under Part 3A of the <i>Environmental Planning and Assessment Act</i> on 5 October 2005.
Key Assessment Requirements	<p>Part A – Heads of Consideration</p> <ul style="list-style-type: none"> • Suitability of the Site; • Likely environmental, social and economic impacts; • Justification for undertaking the project; and • The public interest. <p>Part B – Environmental Assessment</p> <p>The Environmental Assessment for the project must include:</p> <ul style="list-style-type: none"> • an executive summary; • a description of the proposal including: <ul style="list-style-type: none"> ◦ description of the site, including cadastre and title details; ◦ design, construction, operation, maintenance, rehabilitation and staging as applicable; and ◦ objectives and need; • an assessment of the environmental impacts of the project, with particular focus on the key issues listed in Part C below; • how you have identified the environmental impacts of the development; • any matters that must be included by any guidelines or draft guidelines issued by the Department of Planning; • a consideration of all relevant environmental planning instruments (EPIs) and guidelines, including requirements specified by BASIX, including lodgement of a BASIX Certificate; • nature and extent of non-compliances with specified EPIs; • consideration of alternatives to the proposal; • if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts; • the expected FSR, number of apartments and break down of apartment type; • demolition details, including the age and condition of buildings proposed to be demolished and whether the building/s have heritage values; and • a statement on the validity of the environmental assessment, the qualifications of person(s) preparing the assessment and that the information contained in the environmental assessment is neither false nor misleading. <p>Part C – Key Issues to be addressed</p> <p>1. Traffic and Parking Impacts</p> <ul style="list-style-type: none"> • The Environmental Assessment must present a traffic impact study for parking and access to the site and the surrounding site. • The traffic impact study must include the following at minimum: <ul style="list-style-type: none"> ◦ demonstrated compliance with the criteria listed in Table 2.1 of the RTA's Guide to Traffic Generating Developments, and any guidelines published by RTA and AUSTROADS; and

	<ul style="list-style-type: none"> ○ modelling and assessment of the existing roundabout at the River and Kerr Street intersection in consultation with the NSW RTA and evidence of the implementation of any improvements required by both the assessment and consultation to manage additional traffic generation. <p>2. Access, Built Form and Urban Design</p> <ul style="list-style-type: none"> • The Environmental Assessment must demonstrate that the proposal is consistent with design guidelines developed by the Department of Planning in consultation with Ballina Shire Council. • The agreed design guidelines will include the following matters: <ul style="list-style-type: none"> ○ provision of adequate public pedestrian, disabled and bicycle access throughout the site, including an adequate setback along the entire foreshore of the site; ○ a strategy to resolve access issues associated with the inclusion or exclusion of the three identified “possible access bridges”; ○ a strategy for addressing built form and the need for variation within the built form in respect to density and distribution of height over the entire site, with particular focus on the Kerr and River Street intersection; providing meaningful pedestrian (resident and public) and visual linkages to the river; ○ provision of distinctive public and communal spaces within the proposed development, incorporating soft landscaping and deep soil planting; ○ the distribution and mix of uses within the site and safety and amenity concerns arising from these uses; ○ compliance with the following fill and flood levels: minimum fill height RL 1.8m AHD; and minimum floor level RL 2.1m AHD. <p>3. Crown Lands</p> <ul style="list-style-type: none"> • The Environmental Assessment must include a strategy demonstrating that outcomes and arrangements in regards to any development on Crown lands are considered satisfactory to the Department of Lands. <p>4. Environmental Impacts</p> <ul style="list-style-type: none"> • The Environmental Assessment must demonstrate the following matters in regard to the environmental impacts of the proposed development: <ul style="list-style-type: none"> ○ an appropriate level of Aboriginal heritage assessment and commitment that the proposal is not likely to impact on areas of cultural significance to the Aboriginal community; and ○ an assessment of whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats in accordance with the Department of Environment and Conservation and Department of Primary Industries Draft Guidelines for Threatened Species Assessment July 2005. <p>Part D – Statement of Commitments</p> <ul style="list-style-type: none"> • Proposed mitigation and management of residual impacts; and • A draft Statement of Commitments detailing measures for environmental management and mitigation measures and monitoring for the projects. The draft Statement of Commitments should include consideration of stormwater management, construction impacts (including soil and sediment run-off and noise), waste generation and collection, staging of development and occupation, and mitigation of amenity impacts from construction activities. <p>Test of adequacy</p> <p>If the Director-General considers that the Environmental Assessment for the project does not adequately address the Environmental Assessment Requirements, the Director-General may require the proponent to submit a revised Environmental Assessment to address the matters notified to the proponent.</p> <p>The Director-General may modify these requirements by further notice to the proponent.</p> <p>General Environmental Risk Analysis (in relation to all components of the project)</p> <p>Notwithstanding the above key assessment requirements, the Environmental Assessment must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and occupation), proposed mitigation measures and potentially residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of the additional key environmental impacts must be included in the assessment.</p>
Deemed refusal period	60 days

ATTACHMENT 1

DOCUMENTS TO ACCOMPANY ENVIRONMENTAL ASSESSMENT

Plans of the development	<p>As a minimum, you will be required to submit the following plans, architectural drawings and diagrams of your proposal:</p> <ol style="list-style-type: none"> 1. The existing site survey plan is to be drawn to 1:500 scale and show: <ul style="list-style-type: none"> • the location of the land, the measurements of the boundaries of the land, the size of the land and which direction is north; • existing significant vegetation, built and topographic features; • the existing levels of the land in relation to buildings and roads; and • location and height of adjacent buildings and private open space. 2. A locality plan drawn to 1:5000 scale should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities and open space, water courses and heritage items; • the location and uses of existing buildings, shopping and employment areas; • traffic and road patterns, pedestrian routes and public transport nodes <p>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.</p> 3. The architectural drawings are to be drawn to scale and show: <ul style="list-style-type: none"> • the location of any buildings or structures on the land in relation to the boundaries of the land and any development on adjoining land; • the floor plans of the proposed buildings indicating apartment location, layout, size and orientation; • the location and size of vertical and horizontal circulation of lifts, stairs and corridors; • fenestrations, balconies and other features; • communal facilities and servicing points; • the height of the proposed development in relation to the land; • any changes that will be made to the level of the land by excavation, filling or otherwise; • the level of the lowest floor, the level of any yard or unbuilt area and the level of the ground; • parking arrangements, where vehicles will enter and leave the site, and how vehicles will move about the site. 4. The landscape plan is to be drawn to 1:200 scale and should show: <ul style="list-style-type: none"> • the building footprint of the proposal and locating site entries; • ramps, stairs and retaining wall levels; • lines of fencing, security and access points; • built elements such as pergolas, walls, planters and water features; • details of public, communal open space and private open space; • trees to be removed to be shown dotted; • trees to remain and proposed trees/planting including species, height and maturity; • deep soil zones and/or adequate soil depth for planting on structures; • detailed ground plane treatment with general materials and finishes indicated; and • site lighting. 5. The shadow diagrams are to show solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday, 3.00 pm and 6.00 pm. 6. Other plans including: <ul style="list-style-type: none"> • view analysis (artists impression, photomontages, etc) of the proposed development in the context of the surrounding development; • detailed sections of the proposed facades; and • coloured elevations of the proposed buildings drawn to the same scale as the architectural drawings will be required for exhibition and assessment purposes. The elevations are to indicate height and key datum lines, building length and articulation, the composition of the façade and roof design, existing buildings on the site, building entries (pedestrian, vehicular and service), and profile of buildings on adjacent properties.
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Specialist advice	<p>Specialist advice, prepared by a suitably qualified person, will be requested to support your Environmental Assessment including, but not limited to, the following:</p> <ul style="list-style-type: none"> • BCA Compliance; • traffic; • acoustic; • heritage (if applicable); • asbestos presence (and details of removal during demolition if present); • geotechnical and hydrogeological; • flora and fauna (if applicable) • ESD/Sustainability addressing (but not limited to) stormwater reuse, solar access, waste recycling, minimisation and augmentation of water supply, sewer systems, trade waste and residential car wash bays in consultation and compliance with Council's Water and Sewerage Manager; • contamination; and • Acid Sulphate Soil Management Plan demonstrating compliance with ASSMAC guidelines; • stormwater/ drainage, demonstrating compliance with Council's <i>DCP No. 13 Stormwater Management</i> and Council's Water Sensitive Urban Design (WSUD).
Consultation requirements	<p>You should undertake an appropriate and justified level of consultation with the following parties during the preparation of the Environmental Assessment:</p> <ol style="list-style-type: none"> 1. Agencies <ul style="list-style-type: none"> • NSW Department of Environment and Conservation; • NSW Department of Lands; • NSW Roads and Traffic Authority; and • Ballina Shire Council. 2. Public <ul style="list-style-type: none"> • Any additional meetings proposed by the local member, Ballina Shire Council or other relevant group.
Landowners Information	<p>Adjoining and surrounding landowners information is to be provided in accordance with the <i>Environmental Planning and Assessment Regulation 2000</i>.</p>
Documents to be submitted	<ul style="list-style-type: none"> • 10 copies of the Environmental Assessment; • 10 sets of architectural and landscape plans to scale, including set one (1) set at A3 size (to scale); • 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size; and • 1 built to scale model (scale 1:500) showing all subject site and a context of no less than 100 metres around the site.