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Our ref: MP 05_0038
File: 9040425

Mr Tony Fish
Orogen Pty Ltd
Suite 4, 11 Manning Street
Tuncurry
NSW 2428

Dear Mr Fish

Subject: Director General's Environmental Assessment Requirements for the Environmental Assessment of Proposed Rural Residential Subdivision at Bucketts Way, Tinonee (MP 05_0038)

The Department has received your revised application for the proposed rural residential subdivision into approximately 150 lots at Bucketts Way, Tinonee (Major project: MP05_0038).

The Director General's Environmental Assessment Requirements (DGEARs) for the environmental assessment of the Project are attached to this correspondence at Attachment 1. These requirements have been prepared in consultation with the relevant government agencies including council. A list of some relevant technical and policy guidelines which may assist in the preparation of this Environmental Assessment are at Schedule 1 to this Attachment.

It should be noted that the DGEARs have been prepared based on the information provided to date. Under section 75F(3) of the *Environmental Planning and Assessment Act 1979* ("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.

It would be appreciated if you would contact the Department at least two weeks before you propose to submit the Environmental Assessment for the project to determine:

- the fees applicable to the application;
- options available in publishing the Environmental Assessment via the Internet; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessments that will be required.

Schedule 2 to the Attachment lists the relevant plans and documents which are likely to be required upon submission of your proposal, however, this should be confirmed with the Department prior to lodgement.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGEARs. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessment does not adequately address the

DGEARs, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent.

Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days.

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance, it will require an additional approval under the Commonwealth Environment Protection Biodiversity Conservation Act 1999 (EPBC Act). This approval would be in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of Environment and Heritage in Canberra (6274 1111 or <http://www.deh.gov.au>).

If you have any enquiries about these requirements, please contact John Arnold on 02 9228 6398 or via e-mail at john.a.arnold@planning.nsw.gov.au.

Yours sincerely

Chris Wilson
Executive Director
as delegate for the Director General

Attachment 1

Director-General's Environmental Assessment Requirements

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

Application number	05_0038
Project	Project application for rural residential subdivision into approximately 150 lots
Location	Lot 53 and 54 DP 836998 and Lot 156 DP 753202, The Bucketts Way, Tinonee
Proponent	Orogen Pty Ltd
Date issued	September 2006
Expiry date	September 2008
General requirements	The Environmental Assessment for the Project Application must include: • An executive summary; • A detailed description of the project, including: (i) any development options; (ii) 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; (iii) outline of the staged implementation of the project if applicable; • A thorough site analysis and description of existing environment including a scientific and transparent ecological constraints and opportunities analysis. Proposed land uses must be on clearly unconstrained areas; • Accurate mapping of zones for the site and surrounds, overlaid on the site survey plan; • Consideration of all relevant statutory and non-statutory provisions, in particular relevant provisions arising from environmental planning instruments, Draft Regional Strategies and Development Control Plans (including justification any non-compliances) as well as impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; • 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; • The plans and documents outlined in Schedule 2; • A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and • An assessment of the key issues specified below and a table outlining how these key issues have been addressed.
Key issues	The Environmental Assessment must address the following key issues: 1. Flora and Fauna 1.1 Outline measures for the conservation of animals and plants

	(within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and their habitats, including the requirements of State Environmental Planning Policy No 44 – Koala Habitat Protection; 1.2 Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land; 1.3 Consider any requirements of the Hunter – Central Rivers Catchment Management Authority regarding clearing of native vegetation. 2. Proposed Conservation Areas 2.1 Outline long-term management of conservation/open space areas proposed within the project including measures, among other things, to control domestic animals, weed management and access; 2.2 Outline ownership of the proposed natural areas (Council will not accept ownership of land zoned 7(a) and therefore this land should be retained as one parcel); 2.3 Outline use/s of Carters Island including the western section (Crown land) and that part incorporated within existing Lot 53 DP 836938 (the Council is unable to take ownership of, or maintain the area within, Lot 53). 3. Water Cycle Management & Watercourses 3.1 Address the general requirements of <i>NSW State Rivers and Estuaries Policy</i>, <i>NSW Coastal Policy</i>, <i>NSW Wetlands Management Policy</i>, <i>NSW Groundwater Policies</i> and any relevant <i>Estuary Management Plan</i> or <i>Draft Estuary Management Plan</i>; 3.2 Identify works within the riparian zone and outline future ownership; 3.3 Liaise with the Department of Natural Resources regarding any requirements in relation to water use, water management and work within 40m of the top of the bank of the river/waterways; 3.4 Address impacts on the fluvial geomorphology of the watercourses on site, including any erosion and sedimentation likely to be caused by the development. 3.5 Address potential impacts on water quality of surface and groundwater; 3.6 Provide an Integrated Water Cycle Management (IWCM) Plan (including stormwater concept) based upon Water Sensitive Urban Design principles. 4. The Coastal Zone 4.1 Demonstrate the management of the coastal zone is in accordance with the principles of ecologically sustainable development. 5. Natural Hazards 5.1 Address the requirements of <i>Planning for Bush Fire Protection 2001</i> (RFS); 5.2 Illustrate the location of the required Asset Protection Zones
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	(APZ), access, water supply and construction criteria for the project; 5.3 Illustrate all APZs are within the proposed lots; 5.4 Outline measures for fuel management within the development and maintenance of APZs in accordance with <i>Planning for Bushfire Protection 2001</i>. 5.5 Identify the presence and extent of acid sulfate soils on the site and appropriate mitigation measures; 5.6 Identify any areas of contamination on site and appropriate mitigation measures; 5.7 Address the requirements of the relevant flooding data in relation to minimum floor levels, having regard to the <i>NSW Floodplain Management Manual</i>; 5.8 Identify and mitigate any other site-specific natural hazards where relevant. 6. Desired Future Character 6.1 Demonstrate the suitability of the proposed development with the surrounding area; 6.2 Outline building envelopes and built form controls. 7. Public Foreshore Access 7.1 Protect existing public access to and along the foreshore and provide, where appropriate, new opportunities for public access. 8. Traffic Management and Access 8.1 Prepare a 'Traffic Impact Study' in accordance with the RTA's <i>Guide to Traffic Generating Development</i>; 8.2 Illustrate appropriate treatments for the Bucketts Way and Urray Road intersection and the main intersection at the Bucketts Way, including sealing of the Bucketts Way to the secondary entrance to the Estate; 8.3 Illustrate pedestrian and cyclist linkages for the proposal; 8.4 Assess public transport issues. 9. Subdivision Pattern 9.1 Address the requirements of the <i>Coastal Design Guidelines of NSW (2003)</i>; 9.2 Provide justification for allotments to be created with site areas less than 4000m² (with particular reference to clauses 16 and 47 of Greater Taree LEP 1995). 10. Infrastructure Provision 10.1 In consultation with relevant agencies, address the existing capacity and requirements of the development for sewerage reticulation, water supply, electricity, waste disposal and telecommunications services; 10.2 Identify staging, if any, of infrastructure works; 10.3 Address provision of public services and infrastructure having regard to the Council's <i>Section 94 Contribution Plan</i>. 11. Heritage 11.1 Identify whether the site has significance in relation to
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	Aboriginal cultural heritage and identify appropriate measures to preserve any significance; 11.2 Identify any other items of heritage significance and provide measures for conservation of such items.
Consultation	You should undertake an appropriate and justified level of consultation with the following parties during the preparation of the environmental assessment: (a) Agencies or other authorities: • Greater Taree City Council; • Mid Coast Water; • NSW Department of Natural Resources; • NSW Department of Environment and Conservation; • NSW Department of Primary Industries; • NSW Department of Lands; • NSW Rural Fire Service; • NSW Roads and Traffic Authority; • Hunter – Central Rivers Catchment Management Authority; • Telstra; • Country Energy; • Commonwealth Department of Environment and Heritage; • Local Aboriginal Land Councils; and (b) Public: • 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 are to be described in the Environmental Assessment.
Deemed refusal period	120 days.

Schedule 1

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
Air Quality	
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC, August 2005)
	Draft Assessment and Management of Odour from Stationary Sources in NSW (DEC, 2001)
Biodiversity	
Flora and Fauna	Draft Guidelines for Threatened Species Assessment (DEC, 2004)
	Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (DEC, Dec, 2004) <i>Draft</i>
	National Parks and Wildlife Service Atlas of NSW Wildlife Data, GIPSICAM
Bushfire	
	Planning for Bushfire Protection 2001 (NSW Rural Fire Service)
Coastal Planning & Water bodies	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast (Department of Urban Affairs & Planning, 1997)
	Integrated Water cycle Management Guidelines for NSW Local Utilities, Oct 2004
	Coastal Design Guidelines for NSW, Coastal Council, March 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
	NSW State Rivers Policy
	NSW Estuary Management Manual (DLWC, 1992)
	NSW Department of Environment and Conservation Environmental Guidelines – Use of Effluent by Irrigation (2004)
	National Water Quality Management Strategy: Guidelines for Groundwater Protection in Australia (ARMCANZ, ANZECC & NHMRC)
Community Consultation	
	Community Involvement Practice Notes and Resource Manual (RTA, 1998)
	Best Practice Community Consultation and Involvement (Commonwealth Department of Environment and Heritage, 1995)
	Best Practice Environmental Impact Assessment (Commonwealth Department of Environment and Heritage, 1995)
	Best Practice in Environmental Monitoring and Performance

Aspect	Policy /Methodology
	(Commonwealth Department of Environment and Heritage, 1995)
	Environmental Impact Assessment Policy, Guidelines and Procedures (RTA, 2001)
	Environmental Impact Statement Guidelines – Roads and Related Facilities (DUAP, 1996)
	Environmental Management System Manual (EMS) (RTA, 2000)
	Environmental Risk Assessment Guidelines (DUAP, 1994)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
	Guidelines for Quality and/or Environmental Management Systems Auditing (Standards Australia, 2003)
	Best Practice in Environmental Auditing (Commonwealth Department of Environment and Heritage, 1996)
Heritage	
	Draft guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, July 2005)
	NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit – Working Draft (NPW, September 1997)
	Protecting Aboriginal Objects and Places - Interim Guidelines for Community Consultation (DEC 2005)
Noise	
	Environmental Noise Control Manual (EPA, January 2000)
Safety, Security & Risk Assessment	
	Crime Prevention and the Assessment of Development Applications (PlanningNSW, April 2001)
	The Demolition of Structures (Standards Australia, 2001, AS 260)
	Multi-Level Risk Assessment Guidelines (Department of Urban Affairs & Planning, 1999)
	Best Practice in Environmental Risk Management (Commonwealth Department of Environment & heritage, 1999)
	Guideline for Application for Subsidence Management Approvals (DPI)
Soils & Contamination	
	Acid Sulfate Soil Manual (Acid Sulfate Soils Management & Advisory Committee [ASSMAC], 1998; published by DUAP)
	Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land, Department of Urban Affairs & Planning and the Environment Protection Authority 1998.
	Contaminated Land: Planning Guidelines for Contaminated Land, Department of Urban Affairs and Planning and the NSW EPA, October 1995.
Water	
Water Quality	Australian & New Zealand Guidelines for Fresh & Marine Water Quality (Australian & New Zealand Environment & Conservation Council (ANZECC), October 2000)
	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - “The Blue Book”
	Marine Water Quality Objectives for NSW Ocean Waters (DEC, 1999)
	Marine Water Quality Objectives for NSW Ocean Waters (DEC, 1999)

Aspect	Policy /Methodology
	Water Quality Guidelines for the Protection of Aquatic Ecosystems for Upland Rivers (ANZECC, 2000)
	NSW Groundwater Quantity Management Policy
	NSW Groundwater Dependent Ecosystem Policy
	NSW State Rivers and Estuaries Policy
	NSW Wetlands Management Policy
	NSW Coastal Policy
Flooding & the Floodplain	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
Groundwater	NSW Groundwater Policy Framework Document – General (DLWC, 1997)
	NSW State Groundwater Quality Protection Policy (DLWC, 1998)
	NSW State Groundwater Dependent Ecosystems Policy (DLWC, 2002)
Water Management	National Water Initiative (Council of Australian Governments, June 2004)
	Best Practice in Water Management (Commonwealth Department of Environment and Heritage, 1999)

Schedule 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. 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. 3. 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; • the location and uses of existing buildings, shopping and employment areas; • traffic and road patterns, pedestrian routes and public transport nodes • The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation. • All water bodies and waterways within the proposed area of development are to be identified; • Description of maps of aquatic vegetation, snags, gravel beds, and any other protected, threatened or dominant habitats. This must include a species identification, density and located area details. 4. An Aerial Photographic Overlay – at a scale of 1:25000, showing all areas directly or indirectly affected by the proposed development. 5. The Environmental Assessment in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1. This must include the identification of recognised recreational and commercial fishing grounds, aquaculture farms and/or other waterway users; 6. Detailed Subdivision Plans are to show, among other things, the following:- • Dimensions of proposed and/or existing allotments; • Location of all structures proposed and retained on site; • North point; • Cross sections of roads, including gradients, widths, road names, footpaths etc. • Name of the road fronting the site; • Title showing the description of the land with lot and DP numbers etc; • Vegetation retention; • Access points; • Type of subdivision proposed (Torrens, strata and/or community title).
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	7. The Other plans including (where relevant): • Stormwater Plan - illustrating the stormwater management from the site; • View analysis - artists impression, photomontages, etc of the proposed development in the context of the surrounding development; • Landscape Plan – plan or drawing that shows 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). • Erosion and Sediment Control Plan – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site; • Waste Management Plan – where demolition is proposed, a plan which addresses demolition and construction wastes that may be generated including likely quantities, proposed disposal destinations and best practices for safe handling and disposal in accordance with WorkCover's Occupational Health and Safety requirements must be provided. 8. Flora and Fauna Surveys including a survey of fish species. Note that existing data should only be used if collected less than 5 years previously. 9. Plans of Existing Water Bodies, with particular regard for freshwater bodies identified on the construction management plan demonstrating impact mitigation measures and site rehabilitation e.g. environmental management rehabilitation plans, and compensatory offsets. For each marine or estuarine area identified on plan, the plan should include, either by annotation or by an accompanying table, hydrological and stream morphology information such as: tidal characteristics, bed substrate, and depth contours.
Specialist advice	• Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants.
Documents to be submitted	• 15 hard copies of the Environmental Assessment; • 15 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and • 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below).
Electronic Documents	Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:- • Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files. • File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files. • Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order. • Graphic images will need to be provided as [.gif] files. • Photographic images should be provided as [.jpg] files. • Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. • Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the

	correct order. Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.
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