



NSW GOVERNMENT
Department of Planning

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Our Ref: S07/01097

Craig Marler
Asquith and deWitt Pty Ltd
PO Box 179
Charlestown NSW 2290

Dear Mr Marler

**Director General's Requirements
Redlake Enterprises Mixed Use Development, Tomago
Project Application No: 07_0086**

The Department has received your application for the subdivision of approximately 115 hectares of land for industrial purposes, at Tomago, and the construction and operation of a WesTrac Equipment facility on 23 hectares of the site.

I have attached a copy of the Director General's requirements for the project. These requirements have been prepared in consultation with the relevant Government authorities, including the Commonwealth Department of Environment and Water Resources, and are based on the information your company has provided to date.

Please note that under section 75F(3) of the *Environmental Planning and Assessment Act 1979*, the Director General may alter these requirements at any time.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit your Environmental Assessment for the project to determine the:

- fees applicable to the application (see Division 1A, Part 15 of the Environmental Planning and Assessment Regulation 2000);
- consultation and public exhibition arrangements that will apply; and
- number of copies (hard copy and CD-ROM) of the Environmental Assessment that will be required for exhibition purposes.

As you may know, the Department will review the Environmental Assessment in consultation with the relevant authorities to determine if it adequately addresses the Director General's requirements. If the Director General considers the Environmental Assessment to be inadequate, you will be required to revise it prior to public exhibition.

The Director-General's requirements will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. As a result, I would appreciate it if the documents submitted to the Department are in a suitable format for the web, and if you would arrange for an electronic version of the Environmental Assessment for the project to be hosted on a suitable website with a link to the Department's website.

If you have any enquiries about these requirements, please contact Ann-Maree Carruthers on 02 9228 6550.

Yours sincerely

A handwritten signature in black ink, appearing to be 'CW', with a large loop and a trailing flourish.

18.9.07

Chris Wilson

Executive Director

As delegate of the Director-General

Director-General's Requirements

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

Project	Subdivision of approximately 115 hectares of land at Tomago for industrial purposes and the construction and operation of an integrated facility for WesTrac earth moving and mining machinery incorporating manufacturing, warehousing, distribution, rental and training facilities.
Site	Tomago Road, Tomago
Proponent	Redlake Enterprises Pty Ltd
Date of Issue	18 September 2007
Date of Expiration	18 September 2009
General Requirements	The Environmental Assessment must include: • an executive summary; • a detailed description of the project including the: – need for the project; – alternatives considered; and – various components and stages of the project; • consideration of any relevant statutory provisions; • a general overview of the environmental impacts of the project, identifying the key issues for further assessment, and taking into consideration any issues raised during consultation; • a detailed assessment of the key issues specified below, and any other significant issues identified in the general overview of environmental impacts of the project (see above), which includes: – a description of the existing environment; and – an assessment of the potential impacts of all components of the project, including any cumulative impacts from other industrial developments in the area; • a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage and/or monitor the impacts of the project; • a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures; • a conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and the benefits of the project; and • 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	• Flora and Fauna – including: – impacts on threatened species, populations or ecological communities, critical habitat (including riparian habitat) and native vegetation generally, and in particular; ○ impacts on species listed under Section 18 and 18A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>; ○ impacts on migratory species listed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>; ○ impacts on RAMSAR Wetlands, particularly the Hunter Estuary Wetlands; and – proposed offset measures to avoid or mitigate any significant impacts; • Water and Soils – including: – details of the quantity of fill required for the site and the proposed source(s) of the fill; – a water balance for the site detailing water sources, water

	consumption, water recycling, the quantity and quality of waste water streams and the impact of any water release from the site on surface water and groundwater; - an assessment of flooding impacts associated with the proposal including details of the flood liability of the site and changes to flooding behaviour; - proposed erosion and sediment controls (during construction) and the proposed stormwater management system (during operations); - proposed management measures for containment of pollutants; and - soil contamination; • Traffic – including details of the traffic volumes likely to be generated during construction and operation, and an assessment of the predicted impacts of this traffic on the safety and capacity of the surrounding road network. Details of measures to minimise conflicts between heavy and light vehicles on site must be included; • Noise – including construction, operation and traffic; • Air quality – during construction and operation, as well as greenhouse gas emissions; • Visual – including landscaping, design (scale, height and bulk), signage and lighting; • Waste Management – including the quantity and type of all liquid and solid waste to be generated at the site and a description of how this waste would be handled, processed and, if necessary, disposed of; • Hazards and Risk – including an assessment of the potential hazards and risks associated with the proposed project. A preliminary risk screening must be completed in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i> (SEPP 33) and <i>Applying SEPP 33</i> (DUAP, 1994), and where necessary, a Preliminary Hazard Analysis (PHA) undertaken; and • Heritage (Aboriginal and European).
References	The Environmental Assessment must take into account relevant State and Commonwealth government technical and policy guidelines. While not exhaustive, guidelines which may be relevant to the project are included in the attached list.
Consultation	During the preparation of the Environmental Assessment, you should consult with the relevant local, State or Commonwealth government authorities, service providers, community groups or affected landowners. The consultation process and the issues raised must be described in the Environmental Assessment. In particular, you should consult with: • Commonwealth Department of Environment and Water Resources; • Roads and Traffic Authority; • Department of Environment and Climate Change; • Hunter Water Corporation; and • Port Stephens Council The consultation process and the issues raised must be described in the EA.
Deemed refusal period	60 days

State and Commonwealth Government Technical and Policy Guidelines - For Reference

Aspect	Policy /Methodology
Flora and Fauna	
	Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities. Working Draft (DEC)
	Draft Guidelines for Threatened Species Assessment under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (DEC)
	Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 - Guide to implementation in NSW (DoP)
	<i>Environment Protection and Biodiversity Conservation Regulations 2000</i> (Schedule 4)
Soil and Waters	
<i>Erosion & Sediment Control</i>	Managing Urban Stormwater: Soils & Construction (Landcom)
	Design Manual for Soil Conservation Works - Technical Handbook No. 5 (Soil Conservation Service of NSW)
	Soil and Landscape Issues in Environmental Impact Assessment (DLWC)
	Wind Erosion - 2nd Edition (DIPNR)
<i>Floodplain & Wetlands</i>	The NSW Wetlands Management Policy (DLWC)
	Floodplain Management Manual (DNR)
	Recommended Methods for Monitoring Floodplains and Wetlands (Baldwin <i>et. al</i>)
<i>Groundwater</i>	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	NSW State Groundwater Policy Framework Document (DLWC)
	NSW State Groundwater Quality Protection Policy (DLWC)
	NSW State Groundwater Quantity Management Policy (DLWC) Draft
<i>Stormwater</i>	Managing Urban Stormwater: Strategic Framework. Draft (EPA)
	Managing Urban Stormwater: Council Handbook. Draft (EPA)
	Managing Urban Stormwater: Treatment Techniques (EPA)
	Managing Urban Stormwater: Source Control. Draft (EPA)
<i>Water Quality</i>	National Water Quality Management Strategy: Water quality management - an outline of the policies (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Policies and principles - a reference document (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Implementation guidelines (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	Bunding and Spill Management (EPA)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC)
<i>Wastewater Reuse</i>	Environmental Guidelines: Use of Effluent by Irrigation (DEC)
	National Water Quality Management Strategy - Guidelines For Water Recycling: Managing Health And Environmental Risks (Phase1) (EPHC, NRMCC & AHMC)
	National Water Quality Management Strategy – Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2): Augmentation of Drinking Water Supplies – Draft for Public Comment

	(EPHC, NRMHC & AHMC)
Contamination	
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC & NHMRC)
	National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPC)
	Managing Land Contamination - Planning Guidelines SEPP 55 – Remediation of Land (DUAP and EPA)
	Contaminated Sites: Sampling Design Guidelines (NSW EPA)
	Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites (NSW EPA)
	Contaminated Sites: Guidelines for the NSW Auditor Scheme (NSW EPA)
	Contaminated Sites: Guidelines on Significant Risk of Harm from Contaminated Land and Duty to Report (NSW EPA)
	Guidelines for the Assessment and Management of Groundwater Contamination (DECC) Draft
Traffic & Transport	
	Guide to Traffic Generating Development (RTA)
	Road Design Guide (RTA)
Noise	
	NSW Industrial Noise Policy (DECC)
	Environmental Criteria for Road Traffic Noise (NSW EPA)
	Environmental Noise Control Manual (DECC)
Air Quality	
	Protection of the Environment Operations (Clean Air) Regulation 2002
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC)
Greenhouse Gas	
	AGO Factors and Methods Workbook (AGO)
Visual	
	Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, AS 4282)
Waste	
	Waste Avoidance and Resource Recovery Strategy (Resource NSW).
	Environmental Guidelines: Assessment Classification and Management of Non-Liquid and Liquid Waste (NSW EPA)
Hazards & Risks	
	Applying Sepp 33: Hazardous And Offensive Development Application Guidelines (DUAP)
	Multi-Level Risk Assessment (DUAP)
Heritage	
<i>Aboriginal</i>	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC)
	Aboriginal Cultural Heritage Standards and Guidelines Kit (NSW EPA)
<i>Non-Indigenous</i>	NSW Heritage Manual (NSW Heritage Office & DUAP)
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)

Guidelines on EPBC Act Matters – For Reference

The Commonwealth Minister for the Environment has declared the project to be a controlled action under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Under the provisions of the Bilateral Agreement between New South Wales and Commonwealth Governments, the environmental assessment of the impacts of the controlled action must be assessed under Part 3A of the EP&A Act.

The Assessment should also include enough information about the controlled action and its relevant impacts to allow the Commonwealth Environment Minister to make an informed decision whether or not to approve the controlled action under the EPBC Act. This assessment is to be integrated into the assessment required for Part 3A of the EP&A Act. As a guide, the following matters in the EPBC Act and Schedule 4 of the EPBC Regulations 2000 should be considered.

1. General information

The background of the action including:

- (a) the title of the action;
- (b) the full name and postal address of the designated proponent;
- (c) a clear outline of the objective of the action;
- (d) the location of the action;
- (e) the background to the development of the action;
- (f) how the action relates to any other actions (of which the proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action;
- (g) the current status of the action;
- (h) the consequences of not proceeding with the action.

2. Description of the controlled action

A description of the action, including:

- (a) all the components of the action;
- (b) the precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts;
- (c) how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts;
- (d) to the extent reasonably practicable, a description of any feasible alternatives to the controlled action that have been identified through the assessment, and their likely impact, including:
 - (i) if relevant, the alternative of taking no action;
 - (ii) a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the action;
 - (iii) sufficient detail to make clear why any alternative is preferred to another.

3. A description of the relevant impacts of the controlled action;

An assessment of all relevant impacts that the controlled action has, will have or is likely to have on:

- (a) threatened ecological communities and threatened species potentially present and listed under sections 18 and 18A of the EPBC Act;
- (b) migratory species listed under the EPBC Act;
- (c) RAMSAR Wetlands;
- (d) places listed on the National heritage list and protected under the EPBC Act;
- (e) World heritage areas.

Information must include:

- (a) a description of the relevant impacts of the action on matters of national environmental significance;
- (b) a detailed assessment of the nature and extent of the likely short term and long term relevant impacts;
- (c) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- (d) analysis of the significance of the relevant impacts;
- (e) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

4. Proposed safeguards and mitigation measures

A description of feasible mitigation measures, changes to the controlled action or procedures, which have been proposed by the proponent or suggested in public submissions, and which are intended to prevent or minimise relevant impacts. Information must include:

- (a) a description, and an assessment of the expected or predicted effectiveness of, the mitigation measures;
- (b) any statutory or policy basis for the mitigation measures;
- (c) the cost of the mitigation measures;
- (d) an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing;
- (e) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program;
- (f) a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the proponent.

5. Other approvals and conditions

Any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action. Information must include:

- (a) details of any local or State government planning scheme, or plan or policy under any local or State government planning system that deals with the proposed action, including:
 - (i) what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy;
 - (ii) how the scheme provides for the prevention, minimisation and management of any relevant impacts;
- (b) a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action;
- (c) a statement identifying any additional approval that is required;
- (d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

6. Environmental record of person proposing to take the action

- (1) Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:
 - (a) the person proposing to take the action; and
 - (b) for an action for which a person has applied for a permit, the person making the application.
- (2) If the person proposing to take the action is a corporation — details of the corporation's environmental policy and planning framework.

7. Information sources

For information given in an environment assessment, the draft must state:

- (a) the source of the information; and
- (b) how recent the information is; and
- (c) how the reliability of the information was tested; and
- (d) what uncertainties (if any) are in the information.

8. Consultation

- (a) Any consultation about the action, including:
 - (i) any consultation that has already taken place;
 - (ii) proposed consultation about relevant impacts of the action;
 - (iii) if there has been consultation about the proposed action — any documented response to, or result of, the consultation.
- (b) Identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.