



NSW GOVERNMENT
Department of Planning

Contact: Thomas Mithen
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Email: thomas.mithen@planning.nsw.gov.au
Our ref: 08_0113
File: S08/00917

Mr Morris Wheeler
Rustrum Pty Ltd
209 Oxford Street
Bondi Junction NSW 2022

Dear Mr Wheeler,

Subject: Director General's Environmental Assessment Requirements for MP 08_0113 Proposed Housing for Seniors or People with a Disability, 216-222 Main Road and 21 Rowland Terrace, Toukley.

Please find attached (**Attachment 1**) the Director General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the project for a Project Application. As agreed at our meeting on the 2 December 2008, the issue of these DGRs was deferred pending receipt of comments from Wyong Council. These comments were received by the Department on the 7 January 2009. A copy of these has been enclosed at **Attachment 4**.

Following a review of the Preliminary Assessment and accompanying architectural plans, prepared by Ancher, Mortlock & Woolley, dated 19 November 2008, the Department reiterates its continued and ongoing concern with the excessive height, bulk and scale of the development.

You are strongly encouraged to reconsider your proposal in light of these concerns and provide a proposal that is a maximum of 4 residential storeys to the foreshore and 3 residential storeys to the Main Road grading to a low scale 2 residential storeys at Rowland Terrace.

Furthermore, the separation between buildings should be increased to avoid the continuous wall effect when viewed from the water.

Attachment 2 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.

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 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.

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;

- whether the proposal requires an approval under the Commonwealth Environment Protection and Biodiversity Act (EPBC Act) and any assessment obligations under that Act;
- consultation and public exhibition arrangements that will apply; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessment that will be required.

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

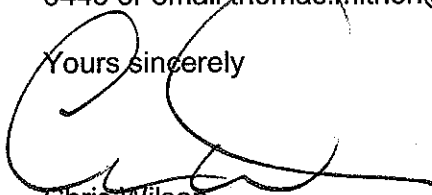
Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessment does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

Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days. 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, the Department would appreciate it if all documents that are subsequently submitted to the Department are in a suitable format for the web, and if you would arrange for an electronic version of the EA to be hosted on a suitable website with a link to the Department's website.

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 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 Environment and Water Resources 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.

If you have any queries regarding these requirements, please contact Thomas Mithen on 9228 6443 or email thomas.mithen@planning.nsw.gov.au.

Yours sincerely



Chris Wilson
Executive Director
as delegate for the Director General

12.9.09

Attachment 1 Director-General's Environmental Assessment Requirements

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

Application number

08_0113

Project

Construction of Housing for Seniors or People with a Disability including:

- 58 aged and disabled units;
- basement car parking;
- community rooms, swimming pool, gym; and
- associated landscaping

Location

216-222 Main Road and 21 Rowland Terrace, Toukley (Wyong Shire Council)

Proponent

Rustrum Pty Ltd

Date issued

12 January 2009

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 including the consistency of the project with the objects of the Environmental Planning and Assessment Act 1979 and consistency with SEPP (Housing for Seniors or People with a Disability) 2004; SEPP (Building Sustainability Index: BASIX) 2004; SEPP 65 - Design Quality of Residential Flat Development; Department of Planning Guideline: Crime Prevention and Assessment of Development Applications 2001 – 'Safer by Design' principles; Wyong Shire Council LEP 1991; Wyong DCP 2005 Chapter 64 Multiple Dwelling Residential Development; and the draft Toukley Planning Strategy.
5. Consideration of impacts, if any, on matters of national environmental significance under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*;
6. 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;
7. The plans and documents outlined in **Attachment 2**;
8. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;

9. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project; and
10. An assessment of the key issues specified below and any other significant issues identified in the general overview of environmental impacts of the project. A summary table outlining how these key issues have been addressed should be provided.

Key Issues

The EA must address the following key issues:

1. Strategic Planning

- 1.1 Justify the proposal and demonstrate consistency with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies.

2. Built Form

- 2.1 Demonstrate the consistency of the proposal with the character of existing development in terms of the foreshore setting, the height, bulk and scale of nearby buildings and existing and future built form planning controls.
- 2.2 Where relevant, address impacts on the amenity of the foreshore and surrounding parklands, any loss of views from public and private lands and cumulative impacts.

3. Urban Design

- 3.1 Address the design quality with specific consideration of the façade, massing, setbacks, building articulation, use of appropriate colours, materials/finishes, landscaping, safety by design and public domain.

4. Environmental and Residential Amenity

- 4.1 Address solar access, acoustic privacy, visual privacy, view loss and wind impacts and demonstrate how the proposal will achieve a high level of environmental and residential amenity.

5. Car Parking and Traffic Impacts

- 5.1 Demonstrate the provision of sufficient on-site car parking for the proposal having regard to local planning controls and RTA guidelines. The EA shall also provide a Traffic Impact Study prepared in accordance with the RTA's Guide to Traffic Generating Developments, considering traffic generation, any required road / intersection upgrades, access, loading dock(s), car parking arrangements, measures to promote public transport usage and pedestrian and bicycle linkages.

6. Ecologically Sustainable Development

- 6.1 Provide details on how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development.

7. Hazard Management and Mitigation

Coastal Processes

- 7.1 Address coastal hazards and the provisions of the Coastline Management Manual. In particular consider impacts associated with wave and wind action, coastal erosion,

	climate change, sea level rise and more frequent and intense storms.
	<i>Contamination</i>
7.2	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land.
	<i>Acid Sulfate Soils</i>
7.3	Identify the presence and extent of acid sulfate soils on the site and, if necessary provide an Acid Sulfate Management Plan.
	<i>Geotechnical</i>
7.4	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations. Where relevant, obtain concurrence from the Mine Subsidence Board.
	<i>Flooding</i>
7.5	Provide an assessment of any flood risk on the site, taking into consideration any relevant Council requirements and the NSW Floodplain Development Manual (2005). This should include: determining flood hazard, the impact of flooding on the proposed development, the impact of the development on existing flood behaviour and the impact of flooding on the safety of people/users of the development.
7.6	Consider the potential impacts of any filling on the flood regime of the site and adjacent lands.
8.	Contributions
8.1	Address the provision of public benefit, services and infrastructure having regard to the Council's Section 94 Contribution Plan and/or details of any Voluntary Planning Agreement
9.	Flora and Fauna
9.1	Address impacts on flora and fauna, including threatened species, populations and endangered ecological communities and their habitats and steps taken to mitigate any identified impacts to protect the environment.
10.	Utilities
10.1	In consultation with relevant agencies, address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works.
11.	Drainage
11.1	Address drainage/flooding issues associated with the development/site, including: stormwater, drainage infrastructure and incorporation of Water Sensitive Urban Design measures.
12.	Climate Change
12.1	A risk management assessment of climate change impacts to the year 2100, is to be undertaken using the latest available information from the International Panel on Climate change (IPCC), Department of Environment and Climate Change (DECC) and

the CSIRO. This should include sensitivity analyses for low level, mid range and high level ocean impacts as set out in relevant DECC Guideline (*Floodplain Risk Management Guideline: Practical Consideration of Climate Change, 2007*).

13. Heritage and Archaeology

- 13.1 Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance. The assessment must address the information and consultation requirements of the draft Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DEC 2005) and Interim Community Consultation Requirements for Applicants (DEC 2004)
- 13.2 Identify any items of non-indigenous heritage significance and, where relevant, provide measures for the conservation of such items. A Heritage Assessment of the non-indigenous heritage values of the site is to be submitted, including any built, archaeological, landscape and moveable items of potential significance. A draft Statement of Heritage Impact is to be submitted detailing and evaluating any impacts that the development concept would have on the non-indigenous heritage significance of the site.

Consultation

You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:

(a) *Agencies or other authorities:*

- Department of Planning – Gosford Office
- Department of Water and Energy
- Department of Primary Industries
- Department of Environment and Climate Change
- Wyong Shire Council
- NSW Roads and Traffic Authority
- Local Aboriginal Land Council/s and other Aboriginal community groups; and
- Relevant infrastructure providers.

(b) *Public:*

- Undertake an appropriate and justified level of consultation in accordance with the Department's *Major Project Community Consultation Guidelines October 2007*.

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

<p>Plans and Documents of the development</p>	<p>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:</p> <ol style="list-style-type: none"> 1. The existing site survey plan is to be drawn to 1:500 scale (or other appropriate scale) and show: <ul style="list-style-type: none"> • the location of the land and marina structures, 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 buildings and 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 showing existing and proposed development. 3. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, levels, heritage items/sites, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other public facilities, slope and topography, foreshore building line, natural features such as drainage lines, rock outcrops, utility services, boundaries, orientation, view corridors and all structures/buildings on neighbouring properties where relevant to the application. 4. A locality/context plan drawn to 1:500 scale (or other appropriate scale) should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities and open space, drainage lines and heritage items; • the location and uses of existing buildings, vehicular and pedestrian access; • shopping and employment areas; • traffic and road patterns 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. The Environmental Assessment in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1. 6. The Architectural drawings are to be drawn to scale and illustrate the following: <ul style="list-style-type: none"> • the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land; • location of foreshore building line; • provide streetscape elevation with levels showing the height and outline of existing buildings on adjoining sites when viewed from the main road and the water and adjoining park in relation to the proposed development; • detailed floor plans, sections and elevations of the proposed buildings; • elevation plans providing details of external building materials and colours proposed; • fenestrations, balconies and other features; • accessibility requirements of the Building Code of Australia and the Disability Discrimination Act; • the height (AHD) of the proposed development in relation to the land; • the level of the lowest floor, the level of any unbuilt area and the level of the ground; • any changes that will be made to the level of the land by excavation,
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	<ul style="list-style-type: none"> • filling or otherwise; • parking arrangements, where vehicles will enter and leave the site, and how vehicles will move about the site; • pedestrian access to, through and within the site • shadow diagrams identifying overshadowing impacts of the proposed building/structures. <p>7. Other Plans/Reports including (where relevant):</p> <p>Road Hierarchy & Open Space Plan - illustrating vehicular access, road and open space networks.</p> <p>Stormwater Plan – illustrating the stormwater management from the site.</p> <p>Erosion and Sedimentation Control Plan – is to be prepared in accordance with Managing Urban Stormwater Soils and Construction by NSW Department of Housing Third Edition (1988).</p> <p>Geo-technical Report – indicating all earthworks.</p> <p>Building Code of Australia Report – a BCA compliance report prepared by a suitably qualified Building Surveyor.</p> <p>Preliminary Acid Sulfate Soils Assessment Report – is to be prepared in accordance with the NSW Acid Sulfate Soils Planning Manual (1998).</p> <p>Landscape Plan – plan or drawing that shows the proposed foreshore landscaping and indicative planting design and plant species to be used, listing botanical and common names.</p> <p>View Analysis – artist’s impression, photomontages, etc of the proposed development in the context of the surrounding development.</p> <p>Flood Evacuation Plan – plan showing the proposed access from the site during extreme flood events.</p> <p>Disabled Access Audit – a Disability Access Audit should address all internal and external areas of the development.</p> <p>Crime Risk Assessment – should demonstrate how the proposed design has incorporated Crime Prevention Through Environmental Design (CPTED) principles.</p>
Specialist advice	<ul style="list-style-type: none"> • Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants in relation to issues.
Documents to be submitted	<ul style="list-style-type: none"> • Hard copies of the Environmental Assessment (number to be advised); • Sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale) (number to be advised); • 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 2Mb in size (see below); and • If the Environmental Assessment is bulky and lengthy in volume, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies.
Electronic Documents	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> • Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 5 Mb. Large files of more than 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 5 Mb. 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.

Any large file will be returned to be reduced in size and this will delay in publishing the document on the website.

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

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)
Fish and Aquatic Ecosystems	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Threatened Species Management Manual (NPWS, 1998)
Climate Change	
	Flood Plain Management Guideline: <i>Practical Consideration of Climate Change</i> (DECC, October 2007) For further information please contact the Coastal Branch of DECC.
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)
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 Guidelines for Aboriginal Cultural heritage Impact Assessment and Community Consultation (DEC July 2005)
	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	

Aspect	Policy /Methodology
	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"
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)
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)
Climate Change	Floodplain Risk Management Guideline – Practical Consideration of Climate Change (DECC 25 October 2007)
Community Consultation	NSW Department of Planning (2007) Guidelines For Major Project Community Consultation http://www.planning.nsw.gov.au/assessingdev/pdf/Dr3%20DOP%20GuideMajProjComConsult%20BRO.pdf

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



**WYONG SHIRE
COUNCIL**

building a better tomorrow!



COASTAL ASSESSMENTS

RECEIVED

- 7 JAN 2009

NSW Department
of Planning

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DX 7306, PO Box 20, Wyong NSW Australia 225
Phone: (02) 4350 5555 Fax: (02) 4351 209
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Web: www.wyongsc.nsw.gov.au

JLW/J Webb
F2004/07926
REF: D01413186
29 December 2008

Tom Mithen
Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Tom

**PROPOSED HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY AT 216-222
MAIN ROAD AND ROWLAND TERRACE TOUKLEY – APPLICATION NUMBER MP
08_0113**

Thank you for your letter dated 2 December 2008. Council has reviewed the draft Director's General Requirements (DGRs) and Preliminary Environmental Assessment for the subject development. Council is generally satisfied with the Draft DGRs, although the following comments are provided for your consideration:

- The development should have regard for Wyong Development Control Plan 2005 Chapter 64 – Multiple Dwelling Residential Development.
- The built form should consider the adjacent park and existing development as well as the foreshore setting.
- Compliance with Council's 20 metre foreshore building line as set by clause 31 of Wyong Local Environmental Plan 1991 is to be demonstrated. Other setbacks are to comply with Wyong Development Control Plan 2005 Chapter 99 – Building Lines.
- A Waste Management Plan should be submitted to address demolition, construction and ongoing waste management and collection.
- The development must consider the impact on the existing sewer infrastructure on the site.
- Council's Development Management Panel supports the Draft DGRs which restrict the development to four residential storeys to the foreshore and 3 residential storeys to the main road grading to a low scale two storey residential development at Rowland Terrace.
- Further to Point 7.1 - Coastal Processes, Council's Development Management Panel has concerns over the impact of sea level rise and wave action in relation to the sub terrain units identified on the ground level plan and specifically requests that these issues be taken into consideration during the design and assessment of the development.

Following exhibition of the Environmental Assessment, Council will provide further comment and assessment of the final design.

Once again, thank you for the opportunity to comment on the proposal and if you have any questions in relation to the above please contact Jenny Webb on (02) 4350 5546.

Yours faithfully

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

Danielle Dickson
Manager – Development Assessment
SHIRE PLANNING