

SOUTH WEST ROCKS BELLE O'CONNOR STREET

Appendicies

Volume 2

PREPARED FOR MALBEC PROPERTIES | 21 AUGUST 2009



Appendix A

A



NSW GOVERNMENT
Department of Planning

Contact: Paula Tomkins
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Our ref: 08_0167

Alex Soovoroff
Malbec Properties
GPO Box 2641
SYDNEY NSW 2001

Dear Mr Soovoroff

Subject: Residential Subdivision, Belle O'Connor Street, South West Rocks (08_0167)

The Department has received your application for the proposed residential subdivision, Belle O'Connor Street, South West Rocks.

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 relevant government agencies including council.

As the project application proposal requires a rezoning to proceed, you are strongly advised to progress your EA in a manner which ensures that the findings of the Environmental Study inform the final documentation submitted in support of your application, in particular the appropriate developable areas.

Attachment 2 lists the relevant plans and documents which will 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 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 Environmental Assessment (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 or 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.

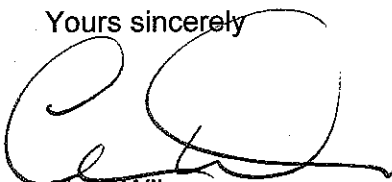
Please note that under section 75U of the Act, Part 3A applications do not require certain permits/approvals required under other legislation. These matters are considered as part of the Part 3A assessment process. For example, Section 87 permits and Section 90 consents under the *National Parks and 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 Paula Tomkins on 9228 6397 or email paula.tomkins@planning.nsw.gov.au.

Yours sincerely



17.10.08

Chris Wilson
Executive Director
Major Project Assessments
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
08_0167
Project
Residential subdivision comprising approximately 310 residential lots and 90 medium density units
Location
Lot 52 DP 831284 and Lot 84 DP 792945, Belle O'Connor Street, South West Rocks, Kempsey LGA
Proponent
Malbec South West Rocks Pty Ltd
Date issued
General requirements
<p>The Environmental Assessment (EA) for the Project Application must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. A detailed description of the proposal including: <ul style="list-style-type: none"> • 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. The plans and documents outlined in Attachment 2; 9. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and 10. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.

Key Issues	
The EA must address the following key issues:	
1. Strategic Planning	
1.1	Ensure that the proposal is consistent with the draft Local Environmental Plan for the site (Amendment 55 to <i>Kempsey Local Environmental Plan 1987</i>).
1.2	Justify the proposal with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies.
1.3	Consider the provisions of the <i>Saltwater Creek and Lagoon Estuary Management Plan and Saltwater Creek Catchment Flood Study</i> in regard to all relevant issues, including but not limited to, water quality and quantity, flooding and flora and fauna.
2. Subdivision Design, Layout and Desired Future Character	
2.1	Demonstrate the consistency of the proposal with the character of existing development in terms of the locality, street frontage, scale, building envelopes and future built form controls, aesthetics, energy and water efficiency and safety.
2.2	Demonstrate the consistency of the proposed subdivision design and layout with the <i>Coastal Design Guidelines for NSW, NSW Coastal Policy 1997 and SEPP 71 – Coastal Protection</i> .
2.3	Identify the type of subdivision proposed across the site ie. community, Torrens, strata. A draft community management statement should be provided if community title is proposed.
2.4	Provide details of potential building envelope, built form and design quality controls and the means for implementing them.
2.5	Provide details of any staging that demonstrates the lots will be released in an orderly and coordinated manner.
2.6	Provide details of land proposed to be used for recreational purposes. Outline the long-term management and maintenance of these areas of open space and any conservation areas including ownership and control, management and maintenance funding, public access, revegetation and rehabilitation works and bushfire management.
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.
4. Infrastructure Provision	
4.1	Address existing capacity and requirements of the development for sewerage, water, 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 agreements and/or development contributions with Council/ Government agencies (including relevant community/state infrastructure contributions).
5. Traffic and Access	
5.1	Prepare a traffic impact study in accordance with Table 2.1 of the RTA's <i>Guide to Traffic Generating Developments</i> .
6. Hazard Management and Mitigation	
<i>Contamination</i>	
6.1	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of <i>SEPP 55 – Remediation of Land</i> .
<i>Acid Sulfate Soils</i>	
6.2	Identify the presence and extent of acid sulfate soils on the site and, where relevant,

	appropriate mitigation measures. Identify the need for an Acid Sulfate Management Plan (prepared in accordance with ASSMAC Guidelines).
<i>Bushfire</i>	
6.3	Address the requirements of <i>Planning for Bush Fire Protection 2006</i> (RFS).
<i>Geotechnical</i>	
6.4	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.
<i>Flooding</i>	
6.5	Provide an assessment of any flood risk on site (for the full range of floods including events greater than the design flood, up to probable maximum flood; and from coastal inundation, catchment based flooding or a combination of the two) and having consideration of any relevant provisions of the <i>NSW Floodplain Development Manual 2005</i> . The assessment should determine: the flood hazard in the area; address the impact of flooding on the proposed development, address the impact of the development (including filling) on flood behaviour of the site and adjacent lands; and address adequate egress and safety in a flood event.
6.6	Assess the potential impacts of sea level rise and an increase in rainfall intensity on the flood regime of the site and adjacent lands with consideration of <i>Practical Consideration of Climate Change – Floodplain Risk Management Guideline</i> (DECC, October 2007).
<i>Air Quality</i>	
6.7	Address the potential odour impacts from the adjacent sewage treatment plant and mitigation measures proposed with reference to <i>Assessment and Management of Odour from Stationary Sources in NSW</i> (DEC, 2006).
<i>Mosquito Risk</i>	
6.8	Address the potential impacts of nearby potential mosquito habitat for future residents of the development.
<i>Rural Land</i>	
6.9	Address the provisions of <i>Living and Working in Rural Areas: A handbook for managing land use conflict issues on the NSW North Coast</i> .
7. Water Cycle Management	
7.1	Address 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	Assess the impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site.
8. Heritage and Archaeology	
8.1	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 <i>Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation</i> (DEC 2005) and <i>Interim Community Consultation Requirements for Applicants</i> (DEC 2004)
8.2	Identify any items of non-indigenous heritage significance and, where relevant, provide measures for the conservation of such items.
9. Flora and Fauna	
9.1	Assess the potential direct and indirect impacts of the development on flora and fauna taking into consideration impacts on any threatened species, populations, ecological communities

and/or critical habitat and any relevant recovery plan in accordance with DECC's *Guidelines for Threatened Species Assessment* (2005). Particular consideration should be given to SEPP 14 wetland no. 439 and any endangered ecological communities associated with it. Provide measures for the conservation of flora and fauna, where relevant with consideration of the *Saltwater Creek and Lagoon Estuary management Plan and Saltwater Creek Catchment Flood Study*.

- 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.
- 9.4 Assess the impacts of any native vegetation clearing including details of an offset strategy, where relevant, to ensure that there is no net loss of native vegetation.

10. Socio-economic Impacts

- 11.1 Provide a social impact assessment for the development. Address the social and economic context of the development in terms of infrastructure requirements, public transport, community services and facilities (including schools and medical services).

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:*

- Kempsey 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;
- State Emergency Service;
- Northern Rivers Catchment Management Authority;
- Local Aboriginal Land Council/s and other Aboriginal community groups;
- Mid Coast Water; and
- Utility and infrastructure providers.

(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 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, 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: <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; 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. Subdivision plans are to show the following:- <ul style="list-style-type: none"> • 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; • Existing and proposed subdivision pattern including all measurements and sites areas of existing and proposed allotments; • 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 subdivision; • Existing vegetation on the land and vegetation to be retained; • Location of services and infrastructure, and proposed methods of draining the land;
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	<ul style="list-style-type: none"> • Any easements, covenants or other restrictions either existing or proposed on the site; • Type of subdivision proposed (Torrens, strata and/or community title). <p>6. Stormwater Concept Plan - illustrating the concept for stormwater management from the site and must include details of any major overland flow paths through the site and any discharge points to the street drainage system. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided;</p> <p>7. 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;</p> <p>8. Landscape Concept 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);</p> <p>9. 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;</p> <p>10. View analysis – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development.</p>
<p>Specialist advice</p>	<p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practicing consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Flora and Fauna; • Bushfire; • Landscaping; • Geotechnical and/or hydrogeological (groundwater); • Stormwater/drainage; • Odour; • Urban Design/Architectural; • Contamination in accordance with the requirements of SEPP 55; and • Acid Sulfate Soil Management Plan.
<p>Documents to be submitted</p>	<ul style="list-style-type: none"> • 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.
<p>Electronic Documents</p>	<p>Electronic documents presented to the Department for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> ▪ 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	
	Draft Guidelines for Threatened Species Assessment (DEC & DPI, 2005)
	Draft Threatened Biodiversity Survey and Assessment Guidelines (DEC, 2004)
	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Policy and Guidelines: Aquatic Habitat Management and Fish Conservation (NSW Fisheries, 1999)
	Threatened Species Management Manual (NPWS, 1998)
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)
	Coastline Management Manual (NSW Government 1990)
Community Consultation	
	Guidelines For Major Project Community Consultation, (NSW Department of Planning, 2007) http://www.planning.nsw.gov.au/assessingdev/pdf/Dr3%20DOP%20GuideMajProjComConsult%20BRO.pdf
Bushfire	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
Contamination and Soils	
	Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (DUAP & EPA, 1998)
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
	NSW Acid Sulfate Soil Management Advisory Committee - Acid Sulfate Soil Manual (ASSMAC, 1998).
Environmental Management Systems	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)

Aspect	Policy /Methodology
Heritage	
Aboriginal	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual, NSW Heritage Office, 2000
	Statements of Heritage Impact, NSW Heritage Office 2002
	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)
Safety and Hazards	
	Electrical Safety Guidelines (Integral Energy)
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	Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
	Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)
Effluent Reuse	Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)
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)
	NSW State Groundwater Quality Protection Policy (DLWC 1998)
	NSW Groundwater Dependent Ecosystem Policy (DLWC 2000)
Stormwater	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
Waterways	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)
Wetlands	NSW Wetlands Management Policy (DLWC 2000)

