



Planning

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Craig Marler
ADW Johnson Pty Ltd
7/335 Hillsborough Road
WARNERS BAY NSW 2282

Our ref: 1018197
Your ref: CM:KP37672

20/10/10

Dear Mr Marler

Subject: Director-General's Requirements for Northbank Enterprise Hub subdivision, Tomago (MP 10_0185)

The Department has received your application for the proposed Northbank Enterprise Hub subdivision in the Port Stephens local government area.

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, and are based on the information you have provided to date. I have also attached a copy of the government authorities' comments for your information.

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.

If your proposal is likely to have a significant impact on matters of National Environmental Significance, it will require an 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 Department of Environment, Water, Heritage and the Arts in Canberra (6274 1111 or <http://www.environment.gov.au>) to determine if the proposal requires an approval under the EPBC Act. If it is determined that an approval is required under the EPBC Act, please contact the Department immediately as supplementary Director-General's requirements may need to be issued.

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. This will enable the Department to determine the:

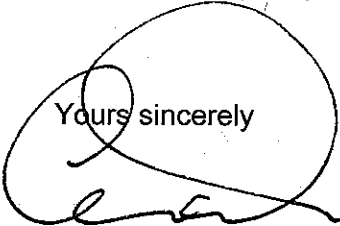
- applicable fee (see Division 1A, Part 15 of the Environmental Planning and Assessment Regulation 2000);
- consultation and public exhibition arrangements; and
- number of copies (hard-copy or CD-ROM) of the Environmental Assessment that will be required for exhibition purposes.

Once it receives the Environmental Assessment, the Department will review it in consultation with the relevant agencies to determine if it adequately addresses the Director-General's requirements, and may require you to revise it prior to public exhibition.

The Department is required to make all the relevant information associated with the project publicly available on its website. Consequently, I would appreciate it if you would ensure that all the documents you subsequently submit to the Department are in a suitable format for the web, and arrange for an electronic version of the Environmental Assessment to be hosted on a suitable website.

If you have any enquiries about these requirements, please contact Emma Barnet (9228 6550).

Yours sincerely



20.10.10

Chris Wilson
Executive Director
As delegate of the Director-General

Attachment 1

Director-General's RequirementsSection 75F of the *Environmental Planning and Assessment Act 1979*

Project	Subdivision of approximately 241 hectares of land at Tomago for industrial purposes including filling, earthworks, internal roads and services.
Site	Lot 1001 DP 1127780, Tomago Road, Tomago
Proponent	WEPL Investments Pty Ltd
Date of Issue	October 2010
General Requirements	<p>The Environmental Assessment must include:</p> <ul style="list-style-type: none"> • an executive summary • a detailed description of the project including the: <ul style="list-style-type: none"> - need for the project - alternatives considered - 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: <ul style="list-style-type: none"> - a description of the existing environment, including constraints mapping - 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 • 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	<ul style="list-style-type: none"> • Strategic and Statutory context - Consideration of any relevant statutory and non-statutory provisions including: <ul style="list-style-type: none"> ○ SEPPs ○ NSW State Plan ○ Lower Hunter Regional Strategy ○ DCPs <ul style="list-style-type: none"> - Justify any inconsistencies and identify non-compliances • Flora and Fauna – including: <ul style="list-style-type: none"> - an assessment of impacts (direct or indirect) on threatened species, populations, ecological communities and their habitat, critical habitat (including riparian habitat) and native vegetation generally, including: <ul style="list-style-type: none"> ○ 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
 - impacts on the Hunter Wetlands National Park.
- proposed measures to avoid, mitigate or offset 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 water and the impact of any water release from the site on surface water and groundwater
 - an assessment of the potential impacts of sea level rise and an increase in rainfall intensity on the flood regime of the site and adjacent lands
 - an assessment of flooding impacts associated with the proposal including details of the flood liability of the site and changes to flooding behaviour
 - an assessment of the potential impacts, associated with sewage disposal, on surrounding environment
 - proposed erosion and sediment controls (during construction) and the proposed stormwater management system (during operations)
 - soil contamination and acid sulphate soils
 - water quality monitoring programs proposed during construction and operation to ensure the development achieves a satisfactory level of environmental performance.
- **Heritage** – (Aboriginal and European).
- **Traffic** – including access arrangements, details of the traffic volumes likely to be generated during construction, and an assessment of the predicted impacts of this traffic on the safety and capacity of the surrounding road network, identification of management measures and details of any road upgrades required, particularly on Tomago Road.
- **Site Layout and design**– including:
 - demonstration of how the project will fit into the broader urban design framework for the area and how it addresses wider urban design objectives in terms of connectivity of roads, infrastructure and reticulation synergies and relationships to adjoining areas
 - details of the subdivision of the site, including adequate setbacks, site coverage, lot sizes and positioning of lots
 - development controls and guidelines for the design and future development of the site covering, but not limited to, building heights and design, setbacks, floor space ratio, stormwater management and drainage, flooding, access and parking, landscaping, waste removal and storage, and energy and water efficiency/conservation requirements
- **Infrastructure** – including
 - details of the servicing capacity, destination/origination sources, site allocation and costs to adequately service the area to the capacity required
 - a detailed written and graphical description of the infrastructure to be made available; its location, capacity, staging/timing and maintenance requirements
 - identification of the infrastructure upgrades that are required off-site to facilitate the orderly and economic development of the project, and a description of the arrangements that would be put in place to ensure these upgrades are implemented in a timely manner and maintained
 - a description of how the provision of infrastructure both on and off-site would be co-ordinated and funded to ensure the necessary

	<p>infrastructure is in place prior to the detailed development of the site;</p> <ul style="list-style-type: none"> - identify any technologies that may reduce the demand or need for servicing or provide for the supply of sustainable services. <ul style="list-style-type: none"> • Noise – including construction, operation and traffic. • Air quality – during construction, as well as greenhouse gas emissions. • 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 (SEPP 33)</i> and <i>Applying SEPP 33 (DUAP, 1994)</i>, and where necessary, a Preliminary Hazard Analysis (PHA) undertaken.
References	<p>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.</p>
Consultation	<p>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.</p> <p>In particular, you should consult with:</p> <ul style="list-style-type: none"> • Commonwealth Department of Sustainability, Environment, Water, Population and Communities (former Department of Environment, Water, Heritage and the Arts) • Roads and Traffic Authority • Department of Environment and Climate Change and Water • NSW Office of Water • Energy Australia • Hunter Water Corporation • Port Stephens Council <p>The consultation process and the issues raised must be described in the EA.</p>
Deemed refusal period	60 days

Attachment 2

State and Commonwealth Government Technical and Policy Guidelines - For Reference

Aspect	Policy /Methodology
Flora and Fauna	
	Draft Guidelines for Threatened Species Assessment (DEC & DPI, 2005)
	Draft Threatened Biodiversity Survey and Assessment Guidelines (DEC, 2004)
	Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 - Guide to implementation in NSW (DoP)
	Environment Protection and Biodiversity Conservation Regulations 2000 (Schedule 4)
	State Environmental Planning Policy No 14 Coastal Wetlands
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>Coastal Planning</i>	Coastline Management Manual (NSW Government 1990)
	NSW Coastal Planning Guideline - Adapting to Sea Level Rise (NSW Government 2010)
<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)

Heritage	
<i>Aboriginal</i>	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
<i>Non-Indigenous</i>	NSW Heritage Manual (NSW Heritage Office & DUAP)
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)

Attachment 3

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

ATTACHMENT 4
Government Authority Responses to Request for Key Issues
For Information Only