



NSW GOVERNMENT
Department of Planning

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Richard Bennett
Hill Top Planners Pty Ltd
PO Box 469
MAITLAND NSW 2320

Our ref: 05_0106
File: 9040986
Your ref:

Dear Mr Bennett,

Subject: Director General's Requirements for the Environmental Assessment of a Project Application for a residential subdivision at Lot 7 DP 1069956, known as Precinct 2A, Banyula Drive, Old Bar

The Department has received your request, dated 10 December 2007, to proceed with a Project Application only, for proposed residential subdivision at the above site (Application Number: 05_0106).

As a result of your request, the Director General's Environmental Assessment Requirements (DGRs) for the environmental assessment of have been amended, referring to a Project Application. These amended DGRs supersede those issued on 9 March 2007.

The DGRs are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with the relevant government agencies including council.

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.

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

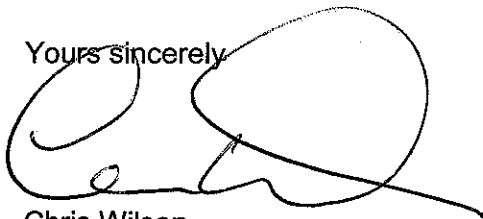
relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessment does not adequately address the DGRs, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent.

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 Departments 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 Department of Environment, Heritage, Water 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.

If you have any queries regarding these requirements, please contact Lisa Pemberton on 9228 6485 or email lisa.pemberton@planning.nsw.gov.au

Yours sincerely

A large, stylized handwritten signature in black ink, appearing to read 'CW' or similar, with a long horizontal flourish extending to the right.

30.1.08

Chris Wilson
Executive Director
as delegate for the Director General

Attachment 1

Director-General's Environmental Assessment Requirements

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

Application number
05_00106
Project
A Project Application for a residential subdivision at Banyula Drive, Old Bar, which includes the following: <ul style="list-style-type: none">• residential subdivision;• internal roads;• infrastructure services including water and sewer reticulation, electricity, telecommunications and stormwater drainage infrastructure;• public walkways; and• restoration of wetlands.
Location
Lot 7 DP 1069956, Banyula Drive, Old Bar (known as Precinct 2A in the Old Bar Wallabi Point Development Strategy).
Proponent
Richard Bennett – Hill Top Planners Pty Ltd
Date issued
30 January, 2008
Expiry date
2 years from date of issue
General requirements
The Environmental Assessment (EA) for the Project Application must include: <ol style="list-style-type: none">1. An executive summary;2. An outline of the scope of the project 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 the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>5. 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.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 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 a table outlining how these key issues have been addressed.
11. 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

The EA must address the following key issues:

1. Subdivision Design, Layout and Desired Future Character

- 1.1 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.
- 1.2 Demonstrate the consistency of the proposed subdivision design and layout with the *Coastal Design Guidelines for NSW*, *NSW Coastal Policy 1997* and *SEPP 71 – Coastal Protection*.
- 1.3 Identify the type of subdivision proposed across the site ie. community, Torrens, strata.
- 1.4 Provide details of any staging that demonstrates the lots will be released in an orderly and coordinated manner.
- 1.5 Outline the long-term management and maintenance of any areas of open space or conservation including ownership and control, management and maintenance funding, public access, revegetation and rehabilitation works and bushfire management.
- 1.6 Provide details of the proposed subdivision layout with consideration given to physical site constraints in the subdivision layout and future ownership and management of the 6(a) and 7(a) zoned land.
- 1.7 Demonstrate that the proposal will not encroach upon or remove any vegetation from Crown land.

2. Infrastructure Provision

- 2.1 Address existing capacity and requirements of the development for sewerage, water and electricity in consultation with relevant agencies having regard to Water Sensitive Urban Design (WSUD) principles.
- 2.2 Provide details on relevant upgrading and/or installation of services where required and identify staging, if any, of infrastructure works.

3. Traffic and Access

- 3.1 Provide an assessment of traffic impacts including cumulative impact in the Old Bar locality on the Pacific Highway/Old Bar Road Interchange and on Old Bar Road and impact on accessibility to Taree and the Pacific Highway using Old Bar Road.
- 3.2 Investigate the status of the road extension to form a Boulevard link back to Old Bar Road. (If works are to be undertaken on the Crown Road as part of the development, the proponent should make arrangements with Greater Taree City Council to have control of the road transferred to Council).
- 3.3 Consider the provisions of draft DCP No. 57 – Old Bar Precinct 2B in relation to the street hierarchy and street network in the road design for Precinct 2A, as relevant.

3.4	Identify needs (if any) to upgrade roads and improvement works to ameliorate any traffic inefficiency and safety impacts associated with the development.
3.5	Consider available public transport and additional demands for such transport.
4. Public Access and Community Services	
4.1	Illustrate pedestrian and cyclist linkages in the vicinity of the site including to Precinct 2B, with consideration for draft DCP No. 57 – Old Bar Precinct 2B, and provide additional walkway/cycleway facilities where appropriate.
4.2	Consider impacts on existing community facilities such as schools, hospitals, parks etc.
5. Hazard Management and Mitigation	
<i>Contamination</i>	
5.1	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>	
5.2	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures.
<i>Bushfire</i>	
5.3	Address the requirements of Planning for Bush Fire Protection 2006 (RFS).
<i>Flooding</i>	
5.4	Address the requirements of the relevant flooding data, having regard to the NSW Floodplain Management Manual.
5.5	Address coastal hazards and the provisions of the Coastline Management Manual. In particular, where relevant consider impacts associated with wave and wind action, coastal erosion, sea level rise and more frequent and intense storms.
6. Water Cycle Management	
6.1	Assess direct and indirect impacts of the development on the adjoining SEPP 14 wetland areas. This must illustrate that no stormwater runoff is directed to any SEPP 14 or unmapped wetland areas. Address the requirements of the relevant flooding data in relation to minimum floor levels, having regard to the <i>NSW Floodplain Management Manual</i> . Provide an Integrated Water Cycle Management (IWCM) Plan based upon Water Sensitive Urban Design Principles.
6.2	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.
6.3	Demonstrate the impact and treatment of stormwater discharge including overland flows from the site to the local waterways and potential impacts of stormwater run off to adjoining Crown Reserves.
6.4	Provide details of the location and size of Riparian buffers adjoining water courses and wetlands (including adjoining buffers).
7. Heritage and Archaeology	
7.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance (Aboriginal community consultation should be undertaken in accordance with DEC's <i>Interim Community</i>

7.2	<p><i>Consultation Requirements for Applicants).</i></p> <p>Identify any other items of heritage significance and provide measures for conservation of such items.</p>
8. Flora and Fauna	
8.1	<p>Outline measures for the conservation of flora and fauna and their habitats within the meaning of the <i>Threatened Species Conservation Act 1995</i> and outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land.</p>
8.2	<p>Consider impacts of clearing of native vegetation.</p>
Consultation	
<p>You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:</p> <p>(a) Agencies or other authorities:</p> <ul style="list-style-type: none"> • Greater Taree City Council; • Department of Natural Resources; • Department of Environment and Conservation; • NSW Rural Fire Service; • NSW Roads and Traffic Authority; and <p>(b) Public:</p> <ul style="list-style-type: none"> • 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. <p>The consultation process and the issues raised are to be described in the Environmental Assessment.</p>	
Deemed Refusal Period	
60 days	

Attachment 2

Plans and Documents to accompany the Application

Plans and Documents of the development

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your application:

1. The **existing site survey plan** is to be drawn to 1:500 scale (or other appropriate scale) and show:
 - the location of the land, the measurements of the boundaries of the land, the size of the land and north point;
 - the existing levels of the land in relation to buildings and roads;
 - location and height of existing structures on the site; and
 - location and height of adjacent buildings and private open space.
2. 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:
 - 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. The **Environmental Assessment** in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.
6. **Subdivision plans** are to show the following:-
 - 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;

	<ul style="list-style-type: none"> Existing vegetation on the land and vegetation to be retained; Location of services and infrastructure, and proposed methods of draining the land; Any easements, covenants or other restrictions either existing or proposed on the site; Type of subdivision proposed (Torrens, strata and/or community title). <p>7. 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>8. 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>9. 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>
Specialist advice	<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; Traffic; Landscaping; Geotechnical and/or hydro geological (groundwater); Stormwater/drainage; Urban Design/Architectural; Contamination in accordance with the requirements of SEPP 55; Acid Sulphate Soil Management Plan; On-site effluent disposal; and BCA compliance.
Documents to be submitted	<ul style="list-style-type: none"> The Environmental Assessment; the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below); and architectural and landscape plans to scale. Please contact the Department to determine the number of copies required; 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 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files. File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files. Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct



order.

- Graphic images will need to be provided as [.gif] files.
- Photographic images should be provided as [.jpg] files.
- Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each.
- Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order.

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

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)
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)
Bushfire	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
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 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	
	Environmental Criteria for Road Traffic Noise (EPA, 1999)

Aspect	Policy /Methodology
	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	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)
Sea level Rise	Flood Plain Management Guideline: <i>Practical Consideration of Climate Change</i> (DECC, October 2007) For further information please contact the Coastal Branch of DECC.
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)
EPBC Act	
FOR A CONTROLLED ACTION	Commonwealth Environment Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW: March 2007