



Dayview Nominees Pty Ltd  
c/o Mr Oliver Klein  
Roberts Day  
Level 4, 17 Randle Street  
Surry Hills NSW 2010

By email: [oliver.klein@robertsday.com.au](mailto:oliver.klein@robertsday.com.au)

Dear Mr Klein

**Secretary's Environmental Assessment Requirements  
Seven Mile Beach Modification**

Please find attached the Secretary's Environmental Assessment Requirements (SEARs) for the proposed modification to the Integrated Eco-Development and Community Title Subdivision (MP 05\_0125 MOD 1).

The SEARs have been prepared in consultation with the relevant government authorities, and are based on the information you have provided to date. I have attached copies of the government authorities' comments for your information.

Submissions from MidCoast Council, Roads and Maritime Services, and the Environment Protection Authority have not been received to date. Once received, they will be forwarded under separate cover. Please take any additional submissions received into account in the preparation of your Environmental Assessment.

The Department notes the proposed additional non-residential floor space is not permissible in the land use zone and this component of the modification request should be reconsidered.

If the proposal is likely to have a significant impact on matters of National Environmental Significance, it may require an approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). That approval would be in addition to any approvals required under NSW legislation; and it is your responsibility to contact the Australian Department of the Environment and Energy to determine if an approval under the EPBC Act is required for your proposal (<http://www.environment.gov.au> or 6274 1111).

If you have any inquiries about these SEARs, please contact Jane Flanagan on 02 9274 6416.

Yours sincerely,



Anthony Witherdin  
**Director**  
**Modification Assessments**  
As the delegate of the Secretary

# Secretary's Environmental Assessment Requirements

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

<b>Application</b>	MP 05_0125 MOD 1
<b>Project</b>	Modification to the Integrated Eco-Development and Community Title Subdivision Project Approval to include minor adjustments to the dwelling mix, type and yield.
<b>Location</b>	Lots 103, 142 and 178 in DP 753168, The Lakes Way, Forster
<b>Proponent</b>	Dayview Nominees Pty Ltd
<b>Date issued</b>	12 July 2017
<b>Expiry date</b>	If you do not lodge the modification request within one year of the issue of these SEARs, you must consult further with the Department in relation to its preparation.
<b>General Requirements</b>	<p>The Modification Request must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary which includes a summary of the proposed changes, a rationale for the proposal and a conclusion based on the findings of the assessment;</li> <li>2. A site analysis including site plans, aerial photographs and a description of the existing and surrounding environment;</li> <li>3. A background section covering the approval history for the site;</li> <li>4. A thorough description and numerical table of the proposed modifications, compared with the approval;</li> <li>5. An assessment of the key issues (specified below) and a table outlining how those key issues have been addressed. This shall include a detailed assessment of the potential impacts of the proposal, particularly any additional impacts associated with the modification beyond those already assessed and approved;</li> <li>6. A description outlining how the potential impacts associated with the modification would be mitigated and managed including any new or amended statement of commitments;</li> <li>7. The plans and documents (outlined below) clearly showing the proposed changes compared with the concept approval;</li> <li>8. Details of any proposed changes to the conditions of approval; and</li> <li>9. A conclusion justifying the proposed modification taking into consideration the environmental impacts of the proposal, the suitability of the site and whether it is in the public interest.</li> </ol> <p>A report from a qualified quantity surveyor providing a detailed calculation of the revised capital investment value (as defined at clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>) of the proposal, and certification that the information provided is accurate at the date of preparation.</p>
<b>Key issues</b>	<p>The modification request must address the following specific matters:</p> <p><b>1. Land Use Planning</b></p> <ul style="list-style-type: none"> <li>• Address the statutory provisions applying to the site and all relevant strategic planning objectives outlined in the documents listed at <b>Attachment A</b>;</li> <li>• Justify the proposed adjustment of the northern extent of the development footprint towards the sewage treatment plant (STP) odour buffer in the context of relevant environmental planning instruments and planning policy documents regarding the preservation of buffer zones around STPs; and</li> <li>• Assess the potential environmental and residential amenity impacts associated with the modified proposal and demonstrate the expanded development footprint and increased residential yield are suitable in the context of the STP odour buffer.</li> </ul>

## **2. Comparison with the Project Approval (MP 05\_0125)**

- Demonstrate how the proposed modification can be assessed and determined within the scope of section 75W of the *Environmental Planning and Assessment Act 1979*, and in particular, address any environmental impacts beyond those already assessed for the Project Approval; and
- Provide a comparative assessment (qualitative and quantitative) of the proposed modification against the Project Approval, and provide a rationale for the proposed amendments.

## **3. Subdivision Design**

The modification request shall include details of the proposed subdivision layout, design and staging, which:

- includes a subdivision pattern responsive to the site conditions and constraints, including aspect, orientation, slope, drainage lines and vegetation;
- demonstrates future lots would be orientated to maximise solar access to future dwellings;
- includes perimeter roads around development boundaries and appropriate buffer areas to riparian corridors;
- minimises culs-de-sac, battle axe blocks and rear property boundaries facing publicly accessible/visible areas;
- includes water sensitive urban design measures to minimise the extent of impervious areas and encourage stormwater infiltration, treatment and reuse;
- includes measures to minimise land use conflicts, including appropriate landscaping and buffer areas;
- addresses the relationship to surrounding areas, including visual impacts from public coastal locations;
- provides sufficient passive and active open space for the expected additional population;
- maximises permeability through the site and linkages/connections to the foreshore; and
- minimises potential for vehicle, bicycle and pedestrian conflicts.

## **4. Flora and Fauna**

- Include an assessment of biodiversity impacts associated with the modified proposal in accordance with the *Framework for Biodiversity Assessment 2014*, unless otherwise agreed by OEH, by a person accredited in accordance with section 142B(1)(c) of the *Threatened Species Conservation Act 1995* (NSW), and a Biodiversity Assessment Report;
- Provide an updated field survey of the site in accordance with the *Threatened Species Assessment Guideline*, including:
  - a. an assessment and evaluation of the likely impacts on threatened species and their habitat; and
  - b. a description of proposed actions to avoid or mitigate impacts or compensate for unavoidable impacts on threatened species and their habitat;
- Provide details of the proposed staging of environmental works;
- Include updated vegetation and landscape management plans; and
- Provide updated investigations and mapping, including impacts on adjoining national parks, and details of mitigation measures.

## **5. Bushfire**

- Demonstrate compliance with the relevant provisions of *Planning for Bushfire Protection 2006* and *Draft Planning for Bushfire Protection 2017*.

## **6. Water Quality**

- Identify and address the widths of riparian areas and buffers and demonstrate compliance with the requirements of the *NSW State Rivers and Estuaries Policy*, including the provision of native vegetation riparian zones adjacent to water courses or wetlands; and
- Address impacts on Wallis Lake Estuary and groundwater.

## **7. European Heritage and Aboriginal Cultural Heritage**

Include a revised:

- Heritage Impact Assessment prepared in accordance with the NSW Heritage Manual which addresses the significance, and provides an assessment of, impacts on the heritage significance of heritage items, landscape features and vegetation on the site and items in the vicinity; and
- Aboriginal Cultural Heritage Assessment in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (DECCW, 2011), and *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW).

## **8. Transport and Accessibility**

Include a revised transport and accessibility assessment which addresses:

- estimated total daily and peak hour trips;
- impacts on existing, surrounding transport infrastructure particularly The Lakes Way;
- proposed transport access arrangements and connections to public access to Booti Booti National Park;
- existing and proposed pedestrian and bicycle routes surrounding the site and to public transport facilities, and proposed car and bicycle parking provision;
- provision of end of trip facilities;
- any relevant proposed planning agreements and/or deeds of agreement for the provision of traffic infrastructure;
- cumulative impacts of construction activities; and
- details of the construction program, including estimated peak hour and daily construction vehicle movements, and constructional because access arrangements.

## **9. Groundwater/Contamination/Acid Sulphate Soils**

- Address the need for an Acid Sulphate Soils Management Plan.

## **10. Flooding**

- Provide an assessment of any additional flood risks associated with the proposal in accordance with the *NSW Floodplain Development Manual (2005)*, including the impact of flooding on the development, compliance with the 1 in 100 year ARI event for the site, the impact of the development on flood behaviour and potential impacts of climate change, coastal processes, sea level rise and an increase in rainfall intensity; and
- Address any changes in hydrology from the proposed modification (runoff, tidal movement, flood flows and groundwater regime) and impacts on environmental lands within and surrounding the site.

## **11. Ecologically Sustainable Development (ESD)**

Identify how best practice ESD principles would be incorporated into the development.

## **12. Contributions**

- Identify and address the additional demand created by the proposal on public facilities and infrastructure and detail the likely scope of any planning agreement and/or developer contributions with Council and State agencies.

## **13. Utilities**

	<ul style="list-style-type: none"> <li>• Address, in consultation with relevant agencies, the existing capacity and requirements of the proposal for the provision of utilities, including staging of infrastructure works and protection of utilities' assets;</li> <li>• address the capacity of the Forster sewage treatment system to service the development; and</li> <li>• Outline any proposed sustainability initiatives to reduce the demand for drinking water, including alternative water supply, end uses of drinking and non-drinking water, water sensitive urban design and proposed water conservation measures.</li> </ul> <p><b>14. Statement of Commitments</b></p> <p>The modification request shall include any new or modified Statement of Commitments detailing measures for environmental management, mitigation measures and monitoring for the development.</p>
<b>Consultation</b>	<p>During the preparation of the modification request, you are required to consult with the relevant local, State and Commonwealth Government authorities, and utilities service providers, including:</p> <ul style="list-style-type: none"> <li>• MidCoast Council;</li> <li>• Office of Environment and Heritage;</li> <li>• Environment Protection Authority;</li> <li>• Department of Industry – Lands;</li> <li>• NSW Office of Water;</li> <li>• Transport for NSW;</li> <li>• Roads and Maritime Services;</li> <li>• Rural Fire Service;</li> <li>• NSW Department of Education and Communities;</li> <li>• Hunter Local Land Services;</li> <li>• MidCoast Water;</li> <li>• Australian Department of Environment and Energy; and</li> <li>• Local Aboriginal Land Councils.</li> </ul> <p>You are encouraged to consult with the local community in the preparation of your modification request.</p> <p>The modification request must describe the consultation process and issues raised and identify where the design of the development has been amended in response to those issues. Where amendments have not been made to address an issue, a clear justification should be provided.</p>
<b>Plans and Documents</b>	<p>The modification request must include all relevant plans, architectural drawings, diagrams and relevant documentation, including:</p> <ul style="list-style-type: none"> <li>• a table in the Environmental Assessment (EA) identifying the section of the EA where each component of the SEARs is addressed;</li> <li>• locality/context plan and site analysis plan;</li> <li>• site survey plan, showing existing levels, locations and heights of existing and adjacent structures/buildings to AHD;</li> <li>• plans and photomontages clearly illustrating the proposed amendments compared with the Project Approval;</li> <li>• changes to approval conditions (by the use of strikethrough and bold text);</li> <li>• housing typology drawings and plans of proposed changes to all buildings;</li> <li>• a plan clearly indicating Flood Planning Levels;</li> <li>• public domain plans;</li> <li>• a table outlining any proposed changes to the conditions of the Project Approval; and</li> <li>• geotechnical and structural report.</li> </ul>

## ATTACHMENT A

### **Relevant EPIs, policies and guidelines to be addressed**

The modification request shall address the statutory provisions applying to the site contained in all relevant environmental planning instruments (EPIs), including:

- *Great Lakes Local Environmental Plan 2014;*
- *Great Lakes Development Control Plan 2014;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 14 – Coastal Wetlands;*
- *State Environmental Planning Policy No. 26 – Littoral Rainforests;*
- *State Environmental Planning Policy No. 44 – Koala Habitat Protection;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;*
- *State Environmental Planning Policy No. 71 – Coastal Protection;*
- *Hunter Regional Plan 2036; and*
- *Draft State Environmental Planning Policy (Coastal Management) 2016.*

The modification request shall also address relevant planning provisions, goals and strategic planning objectives in the following:

- NSW 2021;
- NSW Wetland Management Policy 2010;
- NSW State Rivers and Estuaries Policy 1993;
- NSW Office of Water, Guidelines for Riparian Corridors on Waterfront Land;
- Coastal Design Guidelines for NSW (2003);
- NSW Long Term Transport Master Plan;
- RMS Guide to Traffic Generating Developments;
- EIS Guidelines – Road and Related Facilities (DoPI);
- Public Transport Service Planning Guidelines: Rural and Regional NSW (2015);
- Austroads Guidelines;
- NSW Bicycling Guidelines;
- NSW Planning Guidelines for Walking and Cycling;
- Cycling Aspects of Austroads Guides;
- Crime Prevention Through Environmental Design (CPTED) Principles; and
- Healthy Urban Development Checklist, NSW Health.

## **ATTACHMENT B**

Government Authorities' and Councils' Responses to Request for Key Issues