



NSW GOVERNMENT  
**Department of Planning**

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Our ref: MP 05\_0198  
File: 9041362-1

Mr Darryl Anderson  
Darryl Anderson Consulting Pty Ltd  
Unit 7  
8 Corporation Circuit  
Tweed Heads South NSW 2486

Dear Mr Anderson

**Director General's Requirements for an Environmental Assessment of a  
Proposed Residential Subdivision, Walmsley's Road & Stott Street, Bilambil Heights**

I refer to your letter dated 25 February 2008 and accompanying major projects application form for the proposed residential subdivision at Walmsleys Road and Stott Street in Bilambil Heights (Lot 1 DP 134787, Lot 1 DP 167380, Lot 2 DP 961928 and Part Lot 4 DP 1054848).

As the original project application for this proposal was withdrawn on 21 December 2006, the Director-General's Environmental Assessment Requirements (DGRs) issued on 15 August 2006 have been reviewed and updated to reflect the new application, the approved subdivision of Lot 4 DP 1054848 and current policies and guidelines. The updated DGRs for the Environmental Assessment of the project are included with this correspondence at **Attachment 1**.

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 final Environmental Assessment (EA) for the project to determine:

- consultation and public exhibition arrangements that will apply;
- number and format (hard-copy or CD-ROM) of the EA that will be required; and,
- fees for the project application.

A Quantity Surveyor's Certificate of Cost should be provided prior to submitting your final EA to verify the capital investment value of the project.

**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. A list of some relevant technical and policy guidelines which may assist in the preparation of this 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 Department considers that the EA does not adequately address the DGRs, the Department 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.

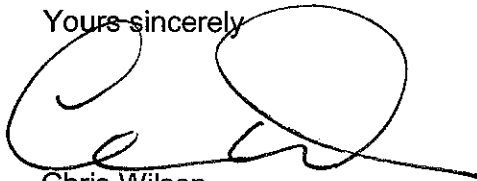
The DGRs will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. As a result, the Department would appreciate it if all documents that are subsequently submitted are in a suitable format for the web, and if you would 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 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.

If you have any queries regarding these requirements, please contact Sally Munk, Senior Environmental Planner, on (02) 9228 6498 or email at [sally.munk@planning.nsw.gov.au](mailto:sally.munk@planning.nsw.gov.au)

Yours sincerely



11. 7. 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	05_0198
Project	Project application for an 84 lot residential subdivision
Location	Lot 1 DP 167380, Lot 1 DP 134787, Lot 2 DP 961928 & Lot 5 DP 1117326, Walmsleys Road & Stott Street, Bilambil Heights
Proponent	Darryl Anderson Consulting P/L
Date issued	11 March 2008
Expiry date	2 years from date of issue
General requirements	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary;</li> <li>2. A description of the proposal including: <ul style="list-style-type: none"> <li>- description of the site and surrounds</li> <li>- suitability of the site for the proposed development;</li> <li>- likely environmental, social and economic impacts;</li> <li>- justification for undertaking the project; and</li> <li>- outline of the staged implementation of the project;</li> <li>- alternatives considered</li> </ul> </li> <li>3. A thorough site analysis and description of the existing environment;</li> <li>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.</li> <li>5. Consideration of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>.</li> <li>6. Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>;</li> <li>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 potential impacts of the project;</li> <li>8. The plans and documents outlined in <b>Attachment 2</b>;</li> <li>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,</li> <li>10. A detailed assessment of the key issues specified below and a table outlining how and where in the EA document these key issues have been addressed.</li> </ol>
Key issues	<p>The Environmental Assessment must address the following key issues:</p> <ol style="list-style-type: none"> <li>1. <b>Subdivision Layout, Desired Future Character and Sustainability</b> <ol style="list-style-type: none"> <li>1.1 Assess the suitability of the proposed development with the surrounding area; visual impacts from public locations; subdivision design; pedestrian &amp; bicycle movement to, within and through the site;</li> <li>1.2 Provide details of proposed staging and assessment of implications in terms of impact on subdivision design and infrastructure provision.</li> <li>1.3 Address consistency with the character of existing development in terms of the locality, street frontage, scale, building envelopes &amp; future built form controls, aesthetics, energy &amp; water efficiency and safety.</li> <li>1.4 Consider the <i>Coastal Design Guidelines for NSW</i> and SEPP 71 – Coastal Protection.</li> <li>1.5 Address appropriate subdivision layout/s (including the</li> </ol> </li> </ol>

appropriateness of battle-axe blocks) taking account of steep land (> 20%) and the need for vegetation clearing having regard to the Tweed Shire Council Development Control Plan 2007 – Section A5 - Subdivision Manual.

## **2. Stormwater**

- 2.1 Submit a Water Cycle Management Plan which demonstrates the means and adequacy of managing stormwater within the site, in particular detailing measures to show that the quality and quantity of stormwater from the developed site will not adversely affect the downstream receiving environment (Cobaki and Terranora Broadwaters and SEPP 14 Coastal Wetland to the north of the development) and the existing stormwater drainage patterns/regime.
- 2.2 Demonstrate how water will be re-used on-site (e.g. rainwater tanks, greywater recycling) and how the principles of Water Sensitive Urban Design will be incorporated into the development.

## **3. Flora and Fauna**

- 3.1 Provide an assessment of all threatened or vulnerable flora and fauna species, specifically *Lepiderema Pulchella* and *Amiophospermum Whitei*, which occur on the site or within 5km of the subject site. Information on threatened species and Recovery Plans can be obtained from the BioNet website ([www.bionet.nsw.gov.au](http://www.bionet.nsw.gov.au)) or the DEC threatened species website ([www.environment.nsw.gov.au/threatspec/index](http://www.environment.nsw.gov.au/threatspec/index)).
- 3.2 The Cobaki Broadwater has great ecological significance in the Lower Tweed Catchment area. The EA must consider the *Cobaki Broadwater Management Plan*.

## **4. Aboriginal and Cultural Heritage**

- 4.1 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 *Interim Community Consultation Requirements for Applicants*).
- 4.2 Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.

## **5. Contamination and remediation of site**

- 5.1 Identify any areas of contamination on site and provide details of measures to ensure these can be managed.
- 5.2 Consider the *Managing Land Contamination: Planning Guidelines – SEPP 55 – Remediation of Land*.

## **6. Geotechnical**

- 6.1 Submit a geotechnical assessment report that details appropriate geotechnical investigations to establish certainty in terms of site stability and suitability for the proposal.

## **7. Agriculture**

- 7.1 Consider the *Northern Rivers Farmland Protection Project* in relation to regionally significant farmland within 1km of the site.

## **8. Bushfire**

- 8.1 Demonstrate compliance with the relevant provisions of *Planning for Bushfire Protection (PBP) 2006* and *Australian Standard 3959 – Building in Bush Fire Prone Areas*.

## **9. Traffic & Access**

- 9.1 Provide an appropriate traffic report addressing site access, internal traffic movement / hazards, the road system capacity, local traffic speed environment and facilities for pedestrians, cyclists (internal and external connections) and public transport. In particular, the EA

	<p>should demonstrate how issues associated with the capacity of Kennedy Drive at the Cobaki Bridge will be addressed.</p> <p>9.2 Consider Tweed Shire Council's Tweed 2000+ Strategic Plan Policy and Action Statement 114 when assuming adequate road infrastructure is available for the proposed development. In particular, note that the construction of the Cobaki Parkway has not yet commenced and is subject to the construction schedule of private developers.</p> <p><b>10. Noise</b></p> <p>10.1 Demonstrate that the proposal will be designed, constructed, operated and maintained so that there are no adverse impacts from noise (including traffic noise) on amenity in the locality.</p> <p><b>11. Provision of public service and infrastructure</b></p> <p>11.1 Address the existing capacity and requirements of the development for electricity, waste disposal and telecommunications. Identify staging, if any, of infrastructure works.</p> <p>11.2 Demonstrate how the disposal of effluent will be achieved, in particular, the ability of those allotments to the west of the site (Lot 5 DP 1117326 and Lot 2 DP 981928) to be serviced without the provision of pumping stations or access to the adjacent land.</p>
<b>Consultation</b>	<p>During the preparation of the Environmental Assessment, you should undertake an appropriate and justified level of consultation with the following:</p> <p>(a) <i>Agencies or other authorities:</i></p> <ul style="list-style-type: none"> <li>• Commonwealth Department of Environment, Water, Heritage and the Arts;</li> <li>• Tweed Shire Council;</li> <li>• Department of Environment and Climate Change;</li> <li>• Department of Primary Industries;</li> <li>• NSW Rural Fire Service;</li> <li>• Department of Water and Energy</li> <li>• Roads and Traffic Authority;</li> <li>• Department of Lands;</li> <li>• NSW Police Service;</li> <li>• State Emergency Service;</li> <li>• Northern Rivers Catchment Management Authority;</li> <li>• Local Aboriginal Land Council/s and other Aboriginal community groups; and</li> <li>• Infrastructure providers</li> </ul> <p>(b) <i>Public</i></p> <p>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> <p>The consultation process and the issues raised should be described in the Environmental Assessment.</p>
<b>Deemed refusal period</b>	<b>60 days</b>

## Attachment 2

### Plans and Documents to Accompany the Application

<b>Plans and Documents of the development</b>	<p>The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted.</p> <ol style="list-style-type: none"> <li>1. The <b>existing site survey plan</b> is to be drawn to 1:500 scale (or other appropriate scale) and show: <ul style="list-style-type: none"> <li>• the location of the land, the measurements of the boundaries of the land, size of the land and north point;</li> <li>• the existing levels of the land in relation to buildings and roads; and</li> <li>• location and height of existing structures on the site.</li> </ul> </li> <li>2. A <b>Site Analysis Plan</b> 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 and view corridors.</li> <li>3. A <b>locality/context plan</b> drawn to 1:500 scale (or other appropriate scale) should be submitted indicating: <ul style="list-style-type: none"> <li>• significant local features such as parks, community facilities and open space, water courses and heritage items;</li> <li>• the location and uses of existing buildings, shopping and employment areas; and</li> <li>• traffic and road patterns, pedestrian routes and public transport nodes.</li> </ul> </li> <li>4. The <b>Subdivision plans</b> are to show the following:- <ul style="list-style-type: none"> <li>• The location, boundary dimensions, site area and north point of the land, and names of roads fronting the land;</li> <li>• Title showing the description of the land with lot and DP numbers etc;</li> <li>• Existing and proposed subdivision pattern including all measurements and sites areas of existing and proposed allotments;</li> <li>• Location and details of all proposed roads and footpaths;</li> <li>• Location of all structures proposed and retained on site;</li> <li>• Cross sections of roads, including gradients, widths, road names, footpaths etc.</li> <li>• Existing and proposed finished levels in relation to roads, footpaths and structures;</li> <li>• Location and details of access points to the subdivision;</li> <li>• Existing vegetation on the land and vegetation to be retained;</li> <li>• Location of services and infrastructure, and proposed methods of draining the land;</li> <li>• Any easements, covenants or other restrictions either existing or proposed on the site; and,</li> <li>• Type of subdivision proposed (Torrens, strata and/or community title).</li> </ul> </li> <li>5. <b>Water Cycle Management Plan</b> - 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;</li> <li>6. <b>Landscape Concept Plan</b> – plan or drawing that shows the basic detail of planting design and plant species to be used, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc).</li> </ol>
<b>Specialist advice</b>	<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"> <li>• Planning</li> <li>• Flora and Fauna;</li> <li>• Bushfire;</li> <li>• Traffic;</li> <li>• Landscaping;</li> <li>• Geotechnical and/or hydrogeological (groundwater);</li> <li>• Stormwater/drainage;</li> <li>• Urban Design/Architectural;</li> <li>• Contamination;</li> <li>• On-site effluent disposal;</li> <li>• BCA compliance.</li> </ul>
<b>Documents to be submitted</b>	<ul style="list-style-type: none"> <li>• 10 - 15 hard copies of the final Environmental Assessment;</li> <li>• 10 - 15 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale);</li> <li>• 1 copy of the final Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below); and</li> </ul> <p>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.</p>
<b>Electronic Documents</b>	<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"> <li>▪ All files must be no bigger than 5 Mb.</li> <li>▪ Large files of more than 5 Mb will need to be broken down and supplied as different files.</li> </ul> <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>

## Attachment 3 Technical and Policy Guidelines

Aspect	Policy /Methodology
<b>Biodiversity</b>	
<b>Flora and Fauna</b>	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Planning 2005)
	Guidelines for Threatened Species Assessment (DEC, 2004) <i>Draft</i>
	Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (DEC, Dec, 2004) <i>Draft</i>
<b>Coastal Planning</b>	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, UAB, 1997
	Coastal Design Policy for NSW, PlanningNSW, March 2003
	Planning guidelines for walking and cycling, DIPNR, Dec 2004
<b>Community Consultation</b>	
	Community Involvement Practice Notes and Resource Manual (RTA, 1998)
	Best Practice Community Consultation and Involvement (Commonwealth DEH, 1995, ISBN 0 642 19421 1)
<b>Heritage</b>	
<b>Aboriginal</b>	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A ( Planning 2005)
	Interim Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DEC, 2005) <i>Draft</i>
	Aboriginal Cultural Heritage Standards & Guidelines Kit (DEC, 1997)
<b>Non-Indigenous</b>	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)
	Assessing Heritage Significance (NSW Heritage Office, 2001)
<b>Lighting</b>	
	Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, 1997, AS 4282-1997)
<b>Noise</b>	
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	Environmental Noise Management - NSW Industrial Noise Policy (DEC, Dec, 1999)
	Environmental Noise Management Manual (RTA, 2001)
	Environment Noise Control Manual - Chapter 171 Noise Control Guideline, Construction site Noise (DEC, 1994)
<b>Soils</b>	
	Soil Survey Standard Test Methods (DIPNR 2003)
	Australian Geomechanics Society Landslide Risk Management Guidelines 2000.
<b>Contaminated Land</b>	Managing Land Contamination: Planning Guidelines – SEPP 55 – Remediation of Land (DUAP & NSW EPA, 1998)
	Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997)
	Contaminated Sites – Guidelines on Significant Risk of Harm and Duty to Report (EPA, 1999)

Aspect	Policy /Methodology
<b>Sustainability</b>	BASIX – <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
<b>Traffic &amp; Transport</b>	Bus lane/pedestrian/cycleway standards (Austroads/RTA guidelines)
	Traffic Control at Worksites guidelines (RTA, Sept, 2003)
	Guide to Traffic Generating Development (RTA, 1993)
	RTAs Road Design Guide (RTA, 1996)
<b>Urban Design</b>	Neighbourhood Character: An Urban Design Approach for Identifying Neighbourhood Character (PlanningNSW, 1998)
	Residential Densities: A Handbook Illustrating the Urban Design Characteristics of Different Densities (PlanningNSW, 1998)
	Mixed Use in Urban Centres, Guidelines for Mixed Use Development, (PlanningNSW, 2001)
	Better Urban Living: Guidelines for Urban Housing in NSW, (Urban Design Advisory Service & Department of Urban Affairs and Planning, 1998)
<b>Wastewater</b>	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC, 1997)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Use of Reclaimed Water (ARMCANZ/ANZECC, 2000)
	Environment and Health Protection Guidelines: Onsite Sewage Management for Single Households (1998) (Silver Book)
<b>Water</b>	
<b>Stormwater</b>	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
	Stormwater Outlet Structures to Streams (for pipes, culverts, drains and spillways – Version 1) (DIPNR)
	Managing Urban Stormwater: Construction Activities (EPA, 1988)
	Managing Urban Stormwater: Source Control (DEC, 1998)
	Managing Urban Stormwater: Treatment Techniques (DEC, 1998)
	Better Drainage: Guidelines for the Multiple Use of Drainage Systems (DoP, 1993)
	Australian Rainfall and Runoff (Institution of Engineers, revised edition 1997)
	Draft Australian Runoff Quality (Institution of Engineers, 2003)
<b>Waterways</b>	Estuary Management Manual (DLWC, 1992)
<b>Wetlands</b>	The NSW Wetlands Management Policy Action Plan (DLWC, 1999)
	Constructed Wetlands Manual (DLWC)
<b>EPBC Act</b>	
	Commonwealth Environment Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW: March 2007