



NSW GOVERNMENT  
**Department of Planning**

Contact: Paula Tomkins  
Phone: 02 9228 6397  
Fax: 02 9228 6540  
Email: paula.tomkins@planning.nsw.gov.au  
Our ref: MP 06\_0118

Rayshield Pty Ltd  
c/- PMM Sydney  
Attn: Pradesh Ramiah  
412/15 Lime St, King St Wharf  
SYDNEY NSW 2000

Dear Mr Ramiah

**Subject: Proposed 236 lot subdivision, Pacific Highway, Ballina (MP 06\_0118)**

I refer to your correspondence dated 9 October 2007 requesting amendments to Major Project MP 06\_0118 for a proposed 236 lot subdivision on the Pacific Highway at Ballina. Please be advised that under the provisions of *State Environmental Planning Policy (Major Projects) 2005* a new clause 6 opinion was formed by the Minister on 30 November 2007 identifying the amended proposal as one to which Part 3A of the *Environmental Planning & Assessment Act 1979* applies.

As a result of the amendments to the proposal the Department has prepared amended Director General's Environmental Assessment Requirements (DGRs). The Department has consulted Ballina Council and other State government agencies during formulation of these amended DGRs for the Environmental Assessment (EA) of the Major Project. These amended DGRs are attached to this correspondence at **Attachment 1**.

**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 amended 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 EA for the project to determine:

- the fees applicable to the application;
- 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 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. 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 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 would be in addition to any approvals required under NSW legislation. It is your responsibility to contact the Department of Environments and Water Resources in Canberra (6274 1111 or <http://www.environment.gov.au>) to determine if the proposal is likely to significantly 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 impact 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.

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](mailto:paula.tomkins@planning.nsw.gov.au).

Yours sincerely



L.I.CP

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*

<b>Application number</b>
MP 06_0118
<b>Project</b>
'Riveroaks' 236 lot subdivision
<b>Location</b>
Lots 1, 2, 3 and 5 DP 1074242, and part Lot 269 DP 755689 Pacific Highway, Ballina
<b>Proponent</b>
Rayshield Pty Ltd
<b>Date issued</b>
2 January 2008
<b>Expiry date</b>
2 years from date of issue
<b>General requirements</b>
<p>The Environmental Assessment (EA) for the <b>Project Application</b> must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary;</li> <li>2. An outline of the scope of the project including: <ul style="list-style-type: none"> <li>• any development options;</li> <li>• 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;</li> <li>• outline of the staged implementation of the project if applicable;</li> </ul> </li> <li>3. A thorough site analysis including constraints mapping 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 impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>;</li> <li>6. 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;</li> <li>7. The plans and documents outlined in <b>Attachment 2</b>;</li> <li>8. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;</li> <li>9. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project; and</li> <li>10. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.</li> </ol>

<b>Key Issues</b>	
The EA must address the following key issues:	
<b>1. Strategic Planning</b>	
1.1	Justify the proposal with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies.
1.2	Demonstrate consistency with the Sustainability Criteria set out in the relevant Regional Strategy (including draft Regional Strategies).
<b>2. Subdivision Design, Layout and Desired Future Character</b>	
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</i> , <i>NSW Coastal Policy 1997</i> and <i>SEPP 71 – Coastal Protection</i> .
2.3	Identify the type of subdivision proposed across the site ie. community, Torrens, strata.
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	Outline the long-term management and maintenance of any areas of open space or conservation (particularly the proposed playing fields) including ownership and control, management and maintenance funding, public access, revegetation and rehabilitation works and bushfire management.
<b>3. Visual Impact</b>	
3.1	Address the visual impact of the proposal in the context of surrounding development and relevant mitigation measures. In particular address loss of views from public places and cumulative impacts.
<b>4. Infrastructure Provision</b>	
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 agreement and/or developer contributions with Council/ Government agencies.
<b>5. Traffic and Access</b>	
5.1	<p>Prepare a traffic impact study in accordance with Table 2.1 of the RTA's <i>Guide to Traffic Generating Developments</i> which addresses, but is not limited to the following matters:</p> <ul style="list-style-type: none"> <li>• The capacity of the road network to safely and efficiently cater for the additional traffic generated (in particular address the adequacy of the approved intersection of the Pacific Highway and North Creek Road);</li> <li>• Access to and within the site;</li> <li>• Servicing and parking arrangements;</li> <li>• Intersection site distances;</li> <li>• Connectivity to existing developments;</li> <li>• Impact on public transport (including school bus routes);</li> <li>• Provision of access for pedestrians and cyclists to, through and within the site; and</li> <li>• Identify suitable mitigation measures, if required to ensure the efficient functioning of the road network.</li> </ul>
5.2	Identify any impacts on public access to North Creek Canal and, where relevant, measures

to maintain or enhance access.	
<b>6. Hazard Management and Mitigation</b>	
<i>Contamination</i>	
6.1	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>	
6.2	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures.
<i>Bushfire</i>	
6.3	Address the requirements of <i>Planning for Bush Fire Protection 2006</i> (RFS).
<i>Flooding</i>	
6.4	Provide an assessment of any flood risk on site in consideration of any relevant provisions of the <i>NSW Floodplain Development Manual</i> (2005) and the <i>Ballina Floodplain Management Study</i> . Include consideration of climate change and future sea level rise. Specifically consider the impacts of the proposal on the existing floodway on the southern boundary of the site.
6.5	Outline measures for the management of any identified flood risk including the provision of detailed information regarding the proposed drainage swale. Consider how the proposed measures address the flood risk on the site.
6.6	Identify the areas and quantity of fill proposed on site and document the potential impacts of this proposed filling on the flood regime of the site and adjacent lands.
<i>Mosquito Management</i>	
6.7	Address the potential impacts of nearby known and suspected mosquito breeding areas for future residents of the development. Include consideration of Chapter 11 of Council's Combined DCP.
<b>7. Water Cycle Management</b>	
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. Include consideration of Chapter 13 of Ballina Combined DCP (Stormwater Management).
7.2	Assess the impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site. In particular, address any impacts of the proposal on North Creek Canal and the Richmond River.
<b>8. Heritage and Archaeology</b>	
8.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance (refer to <i>draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i> and <i>Interim Community Consultation Requirements for Applicants</i> ).
8.2	Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.
<b>9. Flora and Fauna</b>	
9.1	Outline potential impacts on aquatic and terrestrial flora and fauna and their habitats (within the meaning of the <i>Threatened Species Conservation Act 1995</i> and the <i>Fisheries Management Act 1994</i> ). Provide measures for their conservation, where relevant.

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 existing vegetation both on the site and adjacent to it, including riparian vegetation and adjacent aquatic habitats. Note: Council state that if mangroves are proposed for removal, compensatory plantings should be identified.
9.4	Outline the potential impacts of the drainage swale on the North Creek Canal aquatic habitat and measures proposed to protect this habitat.
<b>10. Noise</b>	
10.1	Address potential noise impacts, in particular road traffic noise, for future residents and appropriate mitigation measures.
<b>11. Existing Consent (DA 2002/566)</b>	
11.1	Provide advice regarding the current status of development consent DA 2002/566. Outline the impacts on the existing consent holders should this proposal proceed.
<b>11. Owner's Consent</b>	
11.1	Provide owner's consent for Lot 2 DP 1074242 and part Lot 269 DP 755689.
<b>Consultation</b>	
<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) <i>Agencies or other authorities:</i></p> <ul style="list-style-type: none"> <li>• Ballina 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>• State Emergency Service;</li> <li>• Jali Local Aboriginal Land Council and other relevant Aboriginal community groups; and</li> <li>• Country Energy.</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>	
<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 for your application:</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, the size of the land and north point;</li> <li>• the existing levels of the land in relation to buildings and roads;</li> <li>• location and height of existing structures on the site; and</li> <li>• location and height of adjacent buildings and private open space.</li> </ul> </li> <li>2. An <b>aerial photograph</b> of the subject site with the site boundary superimposed.</li> <li>3. 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, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways etc.).</li> <li>4. 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;</li> <li>• traffic and road patterns, pedestrian routes and public transport nodes; and</li> <li>• 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.</li> </ul> </li> <li>5. The <b>Environmental Assessment</b> in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.</li> <li>6. <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> </ul> </li> </ol>
---	---



	<ul style="list-style-type: none"> <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;</li> <li>• Type of subdivision proposed (Torrens, strata and/or community title).</li> </ul> <p>7. <b>Stormwater Concept 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;</p> <p>8. <b>Drainage Swale Plan</b> – a plan outlining the proposed drainage swale, including information on floodway outlets and dissipation measures proposed. Potential drainage diversion issues on natural flows through the site must also be address.</p> <p>9. <b>Erosion and Sediment Control Plan</b> – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site;</p> <p>10. <b>Landscape Concept Plan</b> – 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>11. <b>Construction Management Plan</b> – 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>12. <b>Bushfire Management Plan</b> – a plan which outlines bushfire management for the site including fuel management and maintenance of asset protection zones.</p> <p>13. <b>Flood Evacuation Plan</b> – a plan which outlines the measures to be undertaken in the event of the property flooding. Consultation with the State Emergency Service should be undertaken.</p> <p>14. <b>View analysis</b> – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development.</p>
<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>• Flora and Fauna;</li> <li>• Bushfire;</li> <li>• Landscaping;</li> <li>• Geotechnical and/or hydro geological (groundwater);</li> <li>• Stormwater/drainage;</li> <li>• Urban Design/Architectural;</li> <li>• Aboriginal archaeological and cultural heritage;</li> <li>• Mosquito management;</li> <li>• Contamination in accordance with the requirements of SEPP 55; and</li> <li>• Acid Sulphate Soil Management Plan.</li> </ul>



<b>Documents to be submitted</b>	<ul style="list-style-type: none"> <li>• 10 hard copies of the Environmental Assessment;</li> <li>• 10 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale);</li> <li>• 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below); and</li> <li>• 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.</li> </ul>
<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>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• Graphic images will need to be provided as [.gif] files.</li> <li>• Photographic images should be provided as [.jpg] files.</li> <li>• Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each.</li> <li>• 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.</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

### 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
<b>Biodiversity</b>	
<b>Flora and Fauna</b>	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Department of Planning 2005)
<b>Fish and Aquatic Ecosystems</b>	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Threatened Species Management Manual (NPWS, 1998)
<b>Coastal Planning</b>	
	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)
<b>Bushfire</b>	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
<b>Contamination of Land</b>	
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
<b>Environmental Management Systems</b>	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
<b>Heritage</b>	
<b>Aboriginal</b>	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A ( Planning 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
<b>Non-Indigenous</b>	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)
	NSW Heritage Manual (NSW Heritage Office, 1996)
<b>Noise</b>	
	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 guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
<b>Floodplain</b>	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
<b>Groundwater</b>	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
<b>Stormwater</b>	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
<b>Waterways</b>	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)

**Attachment 4**  
**Agency Responses to Request for Key Issues**  
**- For Information Only**