



NSW GOVERNMENT

## Department of Planning

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Our ref: 07\_0129

Paul Rowlandson  
King and Campbell Pty Ltd  
PO Box 243  
PORT MACQUARIE NSW 2444

Dear Mr Rowlandson

**Subject: Proposed Residential Subdivision, Belle O'Connor Street, South West Rocks, Kempsey LGA (07\_0129)**

The Department has received your application for the proposed residential subdivision, Belle O'Connor Street, South West Rocks in the Kempsey LGA.

The Director General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the project application are attached to this correspondence at **Attachment 1**.

If the Environmental Assessment is not exhibited within 2 years from the date of issue of these requirements, you should consult further with the Director-General in relation to the preparation of the Environmental Assessment.

**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. You will need to provide a signed statement from a Quantity Surveyor to verify the capital investment value of the project;
- consultation and public exhibition arrangements that will apply; and
- number and format (hard-copy and 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.

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.


Please note that under 75U of the Act, Part 3A applications do not require certain permits/approvals required under other legislation. These matters are assessed as part of the Part 3A process. For example, Section 87 permits and Section 90 consents under the *National Parks and Wildlife Act 1974* are not required for Part 3A applications.

Notwithstanding, the Department still requires an equivalent level of information within the Environmental Assessment as would ordinarily be required for any such permit/approval to enable an assessment of the relevant works. Please notify the Department should any sub-surface testing be required during the preparation of your Environmental Assessment.

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 Environmental Assessment.

If you have any queries regarding these requirements, please contact Nathan Wort.

Yours sincerely



12.6.08

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*

<b>Application number:</b> 07_0129
<b>Project:</b> Proposed 56 lot subdivision
<b>Location:</b> Lot 21 DP 1071657, Belle O'Connor St, South West Rocks
<b>Proponent:</b> WB & ME Walls c/- King and Campbell
<b>Date issued:</b>
<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 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 any 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. 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>
<p>The EA must address the following key issues:</p>
<b>1. Strategic Planning</b>
<ol style="list-style-type: none"> <li>1.1 Justify the proposal with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies.</li> <li>1.2 Address any variations (with justification) to the provisions of Masterplan 38-9-2004.</li> </ol>

<b>2. Subdivision Design, Layout and Desired Future Character</b>	
2.1	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 SEPP 71 – Coastal Protection.
2.2	Identify the type of subdivision proposed across the site ie. community, Torrens, strata.
2.3	Provide details of potential building envelopes, built form and design quality controls and the means for implementing them.
2.4	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.
2.5	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.
<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 impacts on the amenity of the foreshore, overshadowing of public reserves, 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 a 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 Guide to Traffic Generating Developments 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;</li> <li>• Access to and within the site with particular justification provided for the including the number of site access points to residential and commercial areas;</li> <li>• Servicing and parking arrangements including internal traffic movement / hazards;</li> <li>• Demonstrate that delivery vehicle (s) can access the delivery bay by providing manoeuvring templates for the design vehicle.</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>
<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>Geotechnical</i>	
6.4	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.
<i>Flooding</i>	
6.5	Provide an assessment of any flood risk on site in consideration of any relevant provisions of the <i>NSW Floodplain Development Manual</i> (2005), including the potential for increase in rainfall intensity.
6.6	Consider the potential impacts of any filling on the flood regime of the site and adjacent lands.
<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.
7.2	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.
7.3	Assess the impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site.
7.4	Particular consideration should be given to impacts on Salt Water Creek and Lagoon having regard to the Estuary Management Plan.
<b>8. Heritage and Archaeology</b>	
6.7	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance in accordance with the <i>Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A</i> . Aboriginal community consultation should be undertaken in accordance with DEC's <i>Interim Community Consultation Requirements for Applicants</i> .
8.1	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> ). Assessment should be undertaken in accordance with the <i>Draft Guidelines for assessment of impacts on Threatened Species under Part 3A</i> . Provide measures for their conservation, where relevant.
9.2	Assess the impacts of the proposed clearing of native vegetation including details of a proposed offset strategy to ensure that there is no net loss of native vegetation values.
9.3	Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land.
<b>Consultation</b>	
You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:	
(a) <i>Agencies or other authorities:</i>	
<ul style="list-style-type: none"> <li>• Commonwealth Department of the Environment, Water, Heritage and the Arts;</li> <li>• Kempsey Shire Council;</li> <li>• Department of Environment and Climate Change;</li> </ul>	

- Department of Primary Industries;
- NSW Rural Fire Service;
- Department of Lands;
- Department of Water and Energy;
- Northern Rivers Catchment Management Authority;
- NSW Roads and Traffic Authority;
- Local Aboriginal Land Council/s and other Aboriginal community groups; and
- Relevant infrastructure providers.

(b) *Public:*

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.

The consultation process and the issues raised should be described in the Environmental Assessment.

<b>Deemed Refusal Period</b>
60 days

## 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> <li>• Existing vegetation on the land and vegetation to be retained;</li> </ul> </li> </ol>
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	<ul style="list-style-type: none"> <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>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>9. <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>10. <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>11. <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>• Planning</li> <li>• Flora and Fauna;</li> <li>• Arborist;</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>• 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>• 1 colour copy of the Environmental Assessment for the Test of Adequacy, including one (1) set of A3 size plans (to scale);</li> <li>• 10 - 15 hard copies of the Environmental Assessment (once the EA has been determined adequate);</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 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</b>	Electronic documents presented to the NSW Department of Planning for



<b>Documents</b>	<p>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 and suitably named.</li> </ul>
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## 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>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)
	Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)
<b>Rehabilitation</b>	
	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
<b>Safety and Hazards</b>	
	Electrical Safety Guidelines (Integral Energy)
<b>Soils / Contamination</b>	

Aspect	Policy /Methodology
	Acid Sulfate Soil Manual (ASSMAC)
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
	Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (DUAP and EPA, 1998)
	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)
	Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007)
<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)
EPBC Act	
	Commonwealth Environment Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW: March 2007

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