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Ms Katherine Sheppard
Senior Planner
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11 Dartford Road
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Our ref: MP 09_0102
File: S09/00900-1

Dear Ms Sheppard,

Amendment to Director-General's Requirements for MP 09_0131 – Tallawarra Lands, Princess Highway, Yallah

I refer to the Director-General's Requirements (DGRs) issued on 28 September 2009 for the above project. The Department has reviewed and updated the DGRs, pursuant to section 75F(3) of the *Environmental Planning and Assessment Act, 1979* (the Act).

The updated DGRs are attached to this correspondence as **Attachment 1**. The revised expiry date for the DGRs is stated on the updated DGRs. The Department has added the following requirement to the DGRs under **Built Form**:

- c) *The EA shall demonstrate that the development has had regard for the operation of the Illawarra Regional Airport.*

I would appreciate it 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;
- relevant land owner notification requirements;
- consultation and public exhibition arrangements that will apply;
- options available in publishing the Environmental Assessment via the Internet.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department will 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 you have any enquiries about these requirements, please contact Mark Brown on 9228 6385 or via e-mail at mark.brown@planning.nsw.gov.au.

Yours sincerely



Michael Woodland
Director
Metropolitan Projects
(as delegate for the Director-General)

Director-General's Requirements

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

Application number	MP 09_0131
Project	Concept Plan for a mixed use development
Location	Tallawarra Lands – Princess Highway, Yallah
Proponent	TRUenergy Tallawarra Pty Ltd
Date issued	1 JULY 2010
Expiry date	If the environmental assessment is not exhibited within 2 years after this date, the applicant must consult further with the Director-General in relation to the preparation of the EA.
Key issues	<p>The Environmental Assessment (EA) must address the following key issues:</p> <ol style="list-style-type: none">1. Relevant EPI's policies and Guidelines to be Addressed<p>Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including:</p><ol style="list-style-type: none">(a) Illawarra Regional Strategy(b) Illawarra Regional Environmental Plan No. 1(c) SEPP 71 Coastal Protection; SEPP Major Development 2005; SEPP Infrastructure 2007 and SEPP 65 - Design Quality of Residential Flat Development;(d) Wollongong LEP 1990(e) Tallawarra Lands Local Environmental Study(f) NPWS Wollongong LGA Bioregional Assessment Studies(g) Estuary Management Plan for Lake Illawarra(h) Riparian Corridor Management Study (2004)(i) NSW Groundwater Policies(j) NSW State Rivers and Estuaries Policy(k) NSW Wetlands Management Policy(l) Riparian Corridor Management Study (2004)(m) Draft Illawarra Floodplain Risk Management Study and Plan (2009)(n) Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.2. Landuse<p>The EA shall demonstrate consistency with the zones/controls proposed within the most current Draft Wollongong LEP 2009/gazetted Wollongong LEP 2009.</p>3. Flora and Fauna<ol style="list-style-type: none">(a) The EA shall address impacts on flora and fauna, including threatened species, populations and endangered ecological communities and their habitats and steps taken to mitigate any identified impacts to protect the environment. Such assessment must identify the likelihood of the presence and impact on <i>Environment Protection and Biodiversity Conservation Act 1999</i> listed threatened species and listed migratory species.(b) A field survey of the site should be conducted and documented in accordance with the gazetted draft <i>Guideline for Threatened Species Assessment</i>. The survey is to be accompanied by the following:<ol style="list-style-type: none">i) An assessment and evaluation of the likely impacts on threatened species and their habitat.ii) A description of the actions that will be taken to avoid or mitigate impacts or compensate for unavoidable impacts of the project on threatened species and their habitat.

- (c) The EA shall outline the measures for conservation/management of the existing DEC Regional Habitat Corridor values and/or connective importance of any vegetation on the subject land and shall address any measures to protect and manage the riparian corridor and adjacent aquatic habitat.
- (d) An Environmental Management Strategy is to be undertaken to address potential impacts on aquatic and terrestrial flora and fauna and their habitats (within the meaning of the *Threatened Species Conservation Act 1995* and the *Fisheries Management Act 1994*), in accordance with DECC's *Threatened Biodiversity and Assessment Guidelines for Developments and Activities*. It shall also address river and wetland protection, water quality, protecting and rehabilitating estuaries, protection of marine ecosystems, and provide measures for their conservation, where relevant.
- (e) The EA shall address the potential impact of the proposal on the wetlands, including modification to the wetlands hydrologic regime/groundwater recharge; water quality and loss/degradation of habitat needs to be assessed and safeguard measures provided to protect and minimise impacts on the wetlands.
- (f) The EA shall provide details on the presence and distribution Groundwater Dependent Ecosystems (GDEs) in the vicinity of the site and identify any potential impacts on GDEs as a result of the proposal.
- (g) The EA shall investigate and map Endangered Ecological Communities and justify/detail proposed vegetated corridors and riparian buffers, and any other form of proposed methods of conservation within the property. All wetlands should be surveyed, including an inventory of the wetland vegetation and mapped boundaries of the wetland by vegetation type, using GIS.

4. Riparian Impacts

- (a) The EA shall identify the appropriate location and width of riparian areas and buffers to wetlands, foreshore and riparian areas (including SEPP 14 wetlands, other wetlands, salt marsh and mangroves), other important aquatic habitats, other significant and ecologically sensitive areas. The buffer zones and any other safeguards to mitigate any impacts upon aquatic environments and riparian habitats, should include full details and maps, identification of all waterways, identification of all waterways, conservation area dedications, foreshore wetland rehabilitation and vegetation plans for the site. Vegetated buffers to protect wetlands are to allow for cyclic and successional change in the wetland boundaries including provision for upslope migration of estuarine wetland due to possible sea level rise.
- (b) The EA shall assess the effects of potential changed nutrient and sediment transport from the proposal on the nearby wetlands and the vegetation communities as well as the lake itself. Develop scenarios and mitigation measures for managing potential increased sediment and nutrients as a result of the increased urbanisation of the wetland and lake catchments.
- (c) The EA shall identify current riparian zone areas and proposed rehabilitation, including details of where native vegetation will be retained and replanted and how any current and future areas will be rehabilitated. The EA shall incorporate a sufficient vegetated riparian zone along the lake.

5. Noise Assessment

The EA shall include a land use compatibility analysis to determine what environmental noise and vibration controls / measures may need to be incorporated into the development to ensure, to the greatest extent practicable, that noise related land use conflicts are designed out of the development and provide recommended land use planning controls needed to ensure land use

compatibility with respect to noise.

6. Flooding

- (a) Provide an assessment of any flood risk on site in consideration of any relevant provisions of the *NSW Floodplain Development Manual (2005)* including the potential effects of climate change, sea level rise and an increase in rainfall intensity. This assessment shall also include but not be limited to:
 - (i) A flood study report for existing conditions
 - (ii) A flood risk management assessment report for development related issues including an assessment of the potential implications of climate change on flooding identifying increases in design flood levels over time on the site.
- (b) An assessment of the expected changes in hydrology from the proposed development (runoff, tidal movement, flood flows and groundwater regime) and their impact on the environmental lands within and surrounding the development.

7. Public Domain/conservation areas/foreshores

- (a) The EA shall provide details on the interface between the proposed uses and public domain spaces and outline the long-term management and maintenance of any areas of open space, including ownership and control, management and maintenance funding, public access, and vegetation and rehabilitation works.
- (b) The EA shall enhance public access to and along the foreshore and provide new opportunities for public access. It shall also consider access for disabled, where appropriate.
- (c) The EA shall provide details regarding the tenure and responsibility for management of the conservation and foreshore areas. This shall include details on the proposed mechanisms to fund the preparation of management plans, enhancement work and the on-going management of the areas. Conservation areas should have adequate funding resources to provide for management of their values in perpetuity.

8. Built Form

- a) The EA shall address the built form of the proposed development within the context of the locality. The EA shall also consider the design quality of future development in terms of height, FSR, setbacks, landscaping, public domain and where relevant, flood compatible building design and materials.
- b) A detailed visual analysis of the proposed built form is to be undertaken in the context of the existing landscape and from across Lake Illawarra.
- c) The EA shall demonstrate that the development has had regard for the operation of the Illawarra Regional Airport.

9. Ecologically Sustainable Development (ESD)

The EA shall detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development and comply with SEPP (Building Sustainability Index: BASIX) 2004. Including commitments of sustainability through:

- a) Lot orientation;
- b) Water reuse,
- c) Waste minimisation,
- d) Minimisation of energy use;
- e) Reducing car dependency, etc and
- f) The use of flood compatible design and building materials where relevant.

10. Traffic and Accessibility (Construction and Operational)

The EA shall provide a Traffic and Accessibility Study prepared in accordance with the RTA's *Guide to Traffic Generating Developments*, considering traffic

generation, any required road / intersection upgrades, access, loading dock(s), car parking arrangements, impacts upon public transport (including school bus routes), measures to promote public transport usage and pedestrian and bicycle linkages. The EA shall provide a clear plan illustrating location of any proposed road/intersection upgrades, and should clearly identify how any upgrades will be staged and funded.

11. Car parking

The EA must demonstrate the provision of sufficient on-site car parking for the proposal having regard to local planning controls and RTA guidelines.

12. Drainage

The EA shall address drainage issues associated with the development/site, including: stormwater, drainage infrastructure and incorporation of Water Sensitive Urban Design measures.

13. Groundwater

The EA shall identify groundwater issues and potential degradation to the groundwater source. Where potential impact/s are identified the assessment will need to identify limits to the level of impact and contingency measures that would remediate, reduce or manage potential impacts to the existing groundwater resource and any dependent groundwater environment or water users.

14. Climate Change

A risk management assessment of climate change impacts is to be undertaken using the latest available information from the International Panel on Climate change (IPCC), Department of Environment, Climate Change and Water (DECCW) and the CSIRO. This should include sensitivity analysis for low level, mid range and high level ocean impacts as set out in relevant DECC Guideline (*Floodplain Risk Management Guideline: Practical Consideration of Climate Change*, 2007).

15. Coastal Processes

The EA shall provide a Coastal Hazards Study and shall address the provisions of the *Coastline Management Manual* and *NSW Coastal Policy*. In particular consider impacts associated with wind and wave action, coastal erosion, sea level rise and more frequent and intense storms.

16. Environmental and Residential Amenity

- a) The EA must address solar access, acoustic privacy, visual privacy, view loss and wind impacts and achieve a high level of environmental and residential amenity.
- b) The EA shall identify the location and width of buffer zones in relation to the existing power station and the proposed development, and detail how the size of the buffer zone was determined adequate.

17. Economic Impact Assessment (retail/commercial development only)

The EA shall address the economic impact of the proposal and include an investigation into the impact upon the retail, commercial and residential industry within the locality and having regard to the hierarchy of centres in the relevant regional strategy.

18. Heritage

The EA shall provide a Heritage Impact Statement prepared in accordance with the NSW Heritage Office publication *Statements of Heritage Impact*.

19. Aboriginal Cultural Heritage

The EA shall address and document the requirements as set out in the *Draft*

Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation 2005, involving surveys and consultation with the aboriginal community. This assessment shall:

- a) Identify the nature and extent of impacts on Aboriginal and cultural heritage values across the project area.
- b) Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable Impacts of the project on Aboriginal cultural heritage values.
- c) The EA shall also demonstrate that effective community consultation with Aboriginal communities has been undertaken.

20. Bushfire

The EA must demonstrate compliance with the relevant provisions of *Planning for Bushfire Protection (PBP) 2006*.

21. Contamination / Acid Sulphate Soils

The EA is to demonstrate compliance that the site is suitable for the proposed use in accordance with *SEPP 55 – Remediation of Land*. The EA shall also address the need for an Acid Sulphate Management Plan.

22. Contributions

The EA shall address Council's Section 94 Contribution Plan or provide details of a Planning Agreement for appropriate developer contributions in consultation with Council. The EA shall also address possible State infrastructure contributions.

23. Utilities

In consultation with relevant agencies, address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works.

24. Staging

The EA must include details regarding the staging of the proposed development (if proposed).

25. Consultation

Undertake an appropriate and justified level of consultation in accordance with the Department's *Major Project Community Consultation Guidelines October 2007*.

**Deemed
refusal
period**

60 days

Plans and Documents to accompany the Application

General	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. A thorough site analysis including site plans, areal photographs and a description of the existing and surrounding environment; 3. A thorough description of the proposed development; 4. An assessment of the key issues specified above and a table outlining how these key issues have been addressed; 5. 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; 6. The plans and documents outlined below; 7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; 8. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project (in accordance with the definition contained in the Major Projects SEPP; and 9. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.
Plans and Documents	<p>The following plans, architectural drawings, diagrams and relevant documentation shall be submitted;</p> <ol style="list-style-type: none"> 1. An existing site survey plan drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> • the location of the land, boundary measurements, area (sq.m) and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; and • location and height of adjacent buildings and private open space. • all levels to be to Australian Height Datum. 2. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc). 3. A locality/context plan drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities and open space and heritage items; • the location and uses of existing buildings, shopping and employment areas; • traffic and road patterns, pedestrian routes and public transport nodes. 4. Architectural drawings at an appropriate scale illustrating: <ul style="list-style-type: none"> • the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land; • detailed floor plans, sections and elevations of the proposed buildings; • elevation plans providing details of external building materials and colours proposed;

	<ul style="list-style-type: none"> • fenestrations, balconies and other features; • accessibility requirements of the Building Code of Australia and the Disability Discrimination Act; • the height (AHD) of the proposed development in relation to the land; • the level of the lowest floor, the level of any unbuilt area and the level of the ground; • any changes that will be made to the level of the land by excavation, filling or otherwise; <p>5. Other plans (to be required where relevant):</p> <ul style="list-style-type: none"> • Stormwater Concept Plan - illustrating the concept for stormwater management; • Erosion and Sediment Control Plan – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site; • Geotechnical Report – prepared by a recognised professional which assesses the risk of Geotechnical failure on the site and identifies design solutions and works to be carried out to ensure the stability of the land and structures and safety of persons; • View Analysis - Visual aids such as a photomontage must be used to demonstrate visual impacts of the proposed building envelopes in particular having regard to the siting, bulk and scale relationships from key areas; • Landscape plan - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site. • Shadow diagrams showing solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.
<p>Documents to be submitted</p>	<ul style="list-style-type: none"> • 1 copy of the EA, plans and documentation for the Test of Adequacy; • 12 hard copies of the EA (once the EA has been determined adequate); • 12 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and • 12 copies of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size.