



NSW GOVERNMENT

Department of Planning

Contact: Vanessa Aziz
Phone: (02) 9228 6475
Fax: (02) 9228 6570
Email: vanessa.aziz@planning.nsw.gov.au

Our ref: S07/00371/MP07_0097
Your ref: Y07/1834

Ms S Gray
Associate Director
UrbisJHD
Level 21, 321 Kent Street
Sydney NSW 2000

Dear Ms Gray

**RE: STATE SIGNIFICANT SITE AND PROJECT APPLICATION (MP 07_0097)
NORDS WHARF, LAND WEST OF PACIFIC HIGHWAY, LAKE MACQUARIE LGA**

Following your recent requests to the Minister on behalf of Coal & Allied Operations Pty Ltd, I am pleased to inform you that on 19 June 2007 the Minister agreed to consider the Gwandalan site as a potential State significant site for listing under Schedule 3 of State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP).

In considering whether to include the site in Schedule 3 of the Major Projects SEPP, the Minister has requested that the Director General make arrangements for a study to be undertaken (by your organisation) that will assess:

- The State or regional planning significance of the site (having regard to the "Guideline for State Significant Sites", published on the Department's website);
- The suitability of the site for any proposed land use taking into consideration environmental, social or economic factors, the principles of ecologically sustainable development and any State or regional planning strategy;
- The implications (including the cumulative impacts) of any proposed land use for local and regional infrastructure, social infrastructure, service delivery and natural resource planning;
- Those parts of the site which should be subject to Part 4 of the EP&A Act, with Lake Macquarie Council as consent authority;
- The recommended zonings for the site;
- The development controls for the site that should be included in Schedule 3;
- The means by which developer contributions should be secured in respect of the site and a regional contributions framework having regard to the cumulative impact of new development within the Wallarah Peninsula upon the existing townships; and
- Aboriginal or European heritage and archaeology issues and their impact on zoning boundaries; and
- Riparian corridor and floodplain management issues and their impact on zoning boundaries.

The Minister concurrently agreed that the development proposal is of State or regional environmental planning significance and that Part 3A of the *Environmental Planning and Assessment Act 1979* applies. At the same time, he agreed to authorise the submission of a concept plan for the site and to constitute an independent panel of experts to independently assess the proposal. A copy of the Minister's record of opinion is enclosed for your records.

I have attached a copy of the Director General's requirements for the project. These requirements have been prepared in consultation with the relevant Government authorities, and are based on the information your company has provided to date.

Department of Planning – Strategic Sites and Urban Renewals
23-33 Bridge Street Sydney NSW 2000 GPO Box 39 Sydney NSW 2001
Telephone (02) 9228 6111 Facsimile (02) 9228 6191 Website www.planning.nsw.gov.au

Please note that under Section 75F(3) of the *Environmental Planning and Assessment Act 1979*, the Director General may alter these requirements at any time.

If your proposal contains any actions that are likely to significantly impact matters of National Environmental Significance, it will require an additional approval under the *Commonwealth Environment Protection 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 Department of Environment 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 National Environmental Significance, 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 National Environmental Significance. As a result, if it is determined that an approval is required under the EPBC Act, please contact the Department immediately as supplementary Director General's requirements will need to be issued.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit your Environmental Assessment for the project to determine the:

- Fees applicable to the application (see Division 1A, Part 15 of the Environmental Planning and Assessment Regulation 2000);
- Consultation and public exhibition arrangements that will apply;
- Whether the proposal requires an approval under the EPBC Act and any assessment obligations under that Act; and
- Number of copies (hard copy and CD-ROM) of the Environmental Assessment that will be required for exhibition purposes.

As you may know, the Department will review the Environmental Assessment in consultation with the relevant authorities to determine if it adequately addresses the Director General's requirements. If the Director General considers the Environmental Assessment to be inadequate, you will be required to revise it prior to public exhibition.

The Director General's requirements 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 the documents submitted are in a suitable format for the web – in PDF and preferably less than 5MB but no more than 10MB. If you would arrange for an electronic version of the Environmental Assessment for the project to be hosted on a suitable website with a link the Department's website.

If you have any enquiries about these requirements, please contact Nicholas Hall of the Strategic Assessments branch by telephone on (02) 9228 6438 or via email at nicholas.hall@planning.nsw.gov.au.

Yours sincerely



Sam Haddad
Director General

30/7/07

Director-General's Requirements

Section 75F of the Environmental Planning and Assessment Act 1979

Project	<p>Concept Plan for a residential subdivision of the Nords Wharf site:</p> <ul style="list-style-type: none"> • A new coastal village of up to 90 dwellings; • Dedication of conservation land comprising approximately 93% of the site; and • Associated infrastructure. <p>Project Application for the following works:</p> <ul style="list-style-type: none"> • Torrens title boundary realignment of the conservation lands (127ha) from the development lands (9ha); • Torrens title subdivision for Stage 1 of the site into approximately 90 lots to accommodate a future 90 dwellings (approx); • Road construction; • Bulk excavation; • Earth works; • Stormwater, sewer and water infrastructure; • Electrical and communications infrastructure; and • Landscape works including parks and riparian corridors as appropriate to the concept plan.
Site	<p>Nords Wharf Part Lot 6 DP 746077, Part Lot 5 DP 736170 and Part Lot 12 DP 854197 (known as land west of Pacific Highway)</p>
Proponent	Coal & Allied Operations Pty Ltd
Date of Issue	30 July 2007
Date of Expiration	30 July 2009 (2 years from date of issue)
General Requirements	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> (1) an executive summary; (2) a detailed description of the project including the: <ol style="list-style-type: none"> (a) strategic justification for the project; (b) alternatives considered; and (c) various components and stages of the project in detail (and should include infrastructure staging); (3) a consideration of the following with any variations to be justified: <ol style="list-style-type: none"> (a) all relevant State Environmental Planning Policies (with particular regard to Major Projects SEPP, SEPP 55, SEPP 71 and <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>, (b) applicable planning instruments, (c) relevant legislation and policies, including the <i>NSW Coastal Policy 1997</i>, Lower Hunter Regional Strategy, and the draft Central Coast Regional Strategy, (4) a consideration of the proposal and cumulative impacts in relation to the development of other future urban land identified in the Lower Hunter Regional Strategy, (5) a draft Statement of Commitments, outlining commitments to the project's management, mitigation and monitoring measures with a clear identification of who is responsible for these measures; (6) a conclusion justifying the project, taking into consideration the environmental impacts of the proposal, mitigation measures to address these impacts, the cumulative impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest; (7) Identify the development contributions applicable to the site and, if relevant, and any public benefits to be provided with the development, consistent with any development contributions plans prepared to date; (8) A signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading, and;

	(9) A report from a quantity surveyor identifying the correct capital investment value for the concept plan and the four project applications.
Key Assessment Requirements	<p>The Environmental Assessment must address the following key issues:</p> <ol style="list-style-type: none"> 1. Urban design and built form - Demonstrate that the proposed development is generally consistent with the <i>Coastal Design Guidelines for NSW</i> and <i>NSW Coastal Policy (1997)</i>. Demonstrate that the type, bulk, scale, size and design quality controls for future development on the site respond to the location appropriately. Provide details of staging including conceptual design; and indicative FSR, site coverage, heights and built form. Address Crime Prevention Through Environmental Design principles with consideration given to surrounding areas; pedestrian and bicycle movement to, within and through the site; key connections to the existing village and coast. 2. Coastal Foreshore and Public Access – Outline measures to protect and enhance existing public access through the site to and along the foreshore and provide, where appropriate, new opportunities for public access that is compatible with the natural attributes of the coastal foreshore. 3. Flora and Fauna impact Address the impact of the development on threatened species and their habitats having regard to DECC's Threatened Species Assessment Guidelines and detailed measures proposed to avoid or mitigate impacts on threatened species and their habitat. 4. Traffic and Transport – Prepare a Traffic Study in accordance with RTA's <i>Guide Traffic Generating Developments</i> that includes (but is not limited to) the following: <ol style="list-style-type: none"> (a) An identification of all relevant vehicular traffic routes and intersection for access and egress, (b) Current traffic counts for all of the above traffic routes and intersections, (c) The anticipated vehicular traffic generated from the proposed lots (d) Consideration of the traffic impact on the existing intersections and the capacity of the Pacific Highway to safely and efficiently cater for the additional vehicular traffic generated, (e) An analysis of the cumulative traffic and transport impacts of this development on the existing township and taking into consideration other proposed developments, (f) Traffic analysis, using SIDRA or similar traffic model, for the relevant intersections including: <ol style="list-style-type: none"> (i) Current and traffic growth projects for the life of the project, (ii) 95th percentile back of queue lengths, (iii) Delays and level of service on all legs. 5. Former Mining Activities <ol style="list-style-type: none"> (1) Identify the requirements of previous consents, approvals, lease arrangements, and current legal and financial responsibilities in relation to the mine operation and closure and the impact approvals will have on these arrangements. (2) Provide a risk analysis examining the risk factors associated with the former mining use of the site and what effects it may have on future development. (3) Investigate the impacts on future mining activities. 6. Heritage – Provide a heritage impact statement in accordance with NSW Heritage Office guidelines. The statement should assess the impacts of the application on the area and any significant components of the site. The heritage significance of the area and any impacts the

	<p>proposed development may have upon this significance is to be assessed. The EA is to address the requirements set out in DECC's <i>"Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation"</i>.</p> <p>7. Utilities and Infrastructure</p> <p>(1) Prepare a utility and infrastructure servicing report and plan for the Site that includes (but is not limited to):</p> <ul style="list-style-type: none"> (a) Identification and assessment of the capacity of existing utility and infrastructure servicing the site, (b) Identification and assessment of all necessary augmentation works to service the site and whether these works can sustain this and others development foreshadowed for the Wallarah Peninsula shown in the Lower Hunter Regional Strategy. <p>(2) Provide appropriate detailed information on the drainage and stormwater management measures to be incorporated on site, including (but not limited to) on site stormwater detention, water sensitive urban design measures, the impact on the quality of surface water, groundwater, the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform).</p> <p>8. Ecologically Sustainable Development – Demonstrate how the development will commit to ESD principles in design, construction and ongoing operation phases.</p> <p>9. Energy Savings Action Plan</p> <p>(1) Demonstrate that the development is capable of achieving the requirements of BASIX and what (if any) commitments will be made on other environmental rating tools such as Greenstar and the Australian Building Rating Scheme.</p> <p>(2) Prepare an Energy Savings Action Plan in accordance with the requirements of the DWE and the <i>Guidelines for Energy Savings Action Plans</i>, DEUS 2005.</p> <p>10. Visual Impact - Address visual impacts of the project in the context of adjoining development, impact on any heritage items (on-site or in the vicinity) and the development as viewed from publicly accessible areas and the natural environment.</p> <p>11. Bushfire – Demonstrate compliance with the current version of <i>Planning for Bush Fire Protection</i> and <i>Australian Standard 3959 (Building in Bush Fire Prone Areas)</i>. The EA is to identify the ongoing management arrangements of any proposed APZs.</p> <p>12. Impact on Crown Land – Identify potential direct and indirect impacts arising from development on the adjacent Munmorah State Conservation Area, Point Wollstonecraft State Recreation Area and Lake Macquarie State Recreation Area.</p> <p>13. Planning Agreements and/or Developer Contributions</p> <p>The environmental assessment should identify and address the additional demand created by the development on existing public transport, open space and recreation facilities, including retail facilities and other social and community facilities. The likely scope of a planning agreement and/or developer contributions between the proponent, Council and other agencies for matters such as community, regional and local infrastructure, public transport provision, social infrastructure and facilities either onsite or within the LGA are to be detailed.</p> <p>14. Site preparation works</p> <p>Provide a report that includes (but is not limited to):</p> <ul style="list-style-type: none"> (a) a detailed survey showing existing and proposed levels and quantities of fill necessary for site preparation works, and (b) details on the source of fill including types of materials and their
--	--

	<p>source, and</p> <p>(c) details on whether contaminated soils are likely to be disturbed during the proposed works and what measures are to be adopted to protect human health and the environment, and if necessary remediate or dispose of the contaminated material.</p> <p>15. Subdivision</p> <p>(1) Provide proposed plans of subdivision that identify all covenants, easements and notations proposed for each land title and, if relevant, how the subdivision is to be staged.</p> <p>(2) Provide detail on the management arrangements for all land to be subdivided, including (but not limited to) titling arrangements; land ownership (particularly future public land); and all proposed covenants and restrictions, including those relating to access.</p> <p>Outline the long-term management and maintenance of any areas of open space or conservation, including the ownership and control, management and maintenance of funding public access revegetation and rehabilitation works and bushfire management.</p>
Consultation Requirements	<p>An appropriate and justified level of consultation should be undertaken with the following relevant parties during the preparation of the environmental assessment.</p> <p><i>a) Agencies and other authorities:</i></p> <ul style="list-style-type: none"> • Commonwealth Department of Environment and Water Resources; • Lake Macquarie Council; • Wyong Shire Council; • IHAP constituted for this project • Hunter Water; • Gosford/Wyong Council's Water Authority; • Local Aboriginal Land Council; • Catchment Management Authority - Hunter – Central Rivers; • NSW Department of Natural Resources; • NSW Department of Primary Industries; • NSW Department of Environment and Climate Change; • Heritage Office, Department of Planning; • NSW Roads and Traffic Authority; • NSW Emergency Service agencies, namely NSW Police Department, the Ambulance Service of NSW, the State Emergency Service, NSW Rural Fire Service, and NSW Fire Brigades; and • All utility providers. <p><i>b) Adjoining Landowners</i></p> <p>Consultation with adjoining landowners is to be undertaken to discuss and address, where appropriate, the cumulative impact of new development within the Wallarah Peninsula upon the existing townships including potential impacts upon existing and proposed regional and local infrastructure.</p> <p><i>c) 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>
Landowner's Consent	Landowner's consent is to be provided within the EA in accordance with clause 8F of the Environmental Planning & Assessment Regulation 2000.
Deemed refusal period	60 days