



NSW GOVERNMENT
Department of Planning

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Mr Russ Gabbe
Davglade Pty Ltd
PO BOX 55
CAMMERAY NSW 2062

Our ref: 06_0086
Your ref:
File: 9042222

Dear Mr Gabbe,

Subject: Reissued Director-General Environmental Assessment Requirements for Proposed Residential Subdivision at Forster Palms Estate (Part Lot 6177 DP 1099599, 72 The Southern Parkway, Forster)

I refer to the Director-General's Environmental Assessment Requirements (DGRs) for the above Major Project Application (dated 14 February 2007) for the proposed residential subdivision at Part Lot 6177 DP 1099599, 72 The Southern Parkway, Forster (Application Number: 06_0086).

At the time of the Forster Palms Estate proposal was declared a Part 3A Major Project (declaration dated 1 April 2006), the site was zoned 1(c) Future Urban Investigation under Great Lakes Local Environmental Plan 1996 but the land was not technically in a 'residential zone'. Recent legal advice has confirmed that although it was intended that the site would be rezoned appropriately prior to the determination of the application, a strict legal view was that the site must be zoned residential at the time the opinion was made. This legal issue has been overcome by a recent amendment to the State Environmental Planning Policy (Major Projects), gazetted on 27 July 2007, which now identifies subdivision of land into more than 25 lots for 'residential purposes' as a project to which Part 3A applies. A redeclaration has been required to overcome any question of the validity of the original clause 6 opinion and, subsequently, DGRs for your proposal need to be re-issued. Please be advised that there has been no change to the content of the DGRs.

The Director General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the project are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with the relevant government agencies, including Council.

It should be noted that the DGRs have been prepared based on the information provided to date. Under section 75F(3) of the *Environmental Planning and Assessment Act 1979* ("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;
- options available in publishing the Environmental Assessment via the Internet; and

- number and format (hard-copy or CD-ROM) of the Environmental Assessments that will be required.

Attachment 2 lists the relevant plans and documents which are likely to be required upon submission of your proposal, however, this should be confirmed with the Department prior to lodgement. A list of some relevant technical and policy guidelines which may assist in the preparation of this Environmental Assessment are attached at **Attachment 3**.

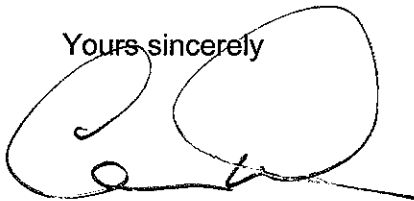
Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessment does 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, 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. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of Environment and Heritage in Canberra (6274 1111 or <http://www.deh.gov.au>).

If you have any enquiries about these requirements, please contact Paulina Hon on (02) 92286106 or via email on paulina.hon@planning.nsw.gov.au.

Yours sincerely



20.12.07

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*

Application number	06_0086
Project	Proposed Infill Residential Subdivision, Forster Palms Estate, The Southern Parkway, Forster <ul style="list-style-type: none"> Project Application: A project approval is sought for a 166 lot residential subdivision and construction of associated infrastructure including roads and drainage reserves.
Location	Part Lot 6177 DP 1099599, The Southern Park, Forster NSW 2148
Proponent	Davglade Pty Ltd
Date issued	14 February 2007
Expiry date	2 years from the date of issue
General requirements	<p>The Environmental Assessment (EA) for the Project Application must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. A thorough site analysis and description of existing environment; 3. A detailed description of the project including:- <ol style="list-style-type: none"> (i) Any development options; (ii) 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; (iii) Outline (if applicable) of the staged implementation of the project; 4. A thorough site analysis and description of existing environment; 5. Consideration of any relevant statutory and non-statutory requirements and identification of any non-compliances with such provisions, in particular relevant provisions of Environmental Planning Instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans 6. Consideration of impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> 7. An environmental risk analysis of the project including consideration of the issues raised during consultation; 8. 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; 9. The plans and documents outlined in Attachment 2; 10. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; 11. A Quantity Surveyor's certificate of cost to verify the capital investment value of the project; and 12. A detailed assessment of the key issues specified below and a table outlining how and where in the EA document these key issues and the above requirements have been addressed.

<p>Key Issues</p>	<p>The Environmental Assessment must address the following key issues:</p> <ol style="list-style-type: none"> 1. Rezoning <ol style="list-style-type: none"> 1.1. Demonstrate that the proposal is consistent with the proposed zoning of the land in accordance with the draft <i>Great Lakes Local Environmental Plan 1996 – Amendment No. 36</i> (draft LEP). Note: The application will not be considered for determination until the rezoning of the site is approved under Section 70 of the <i>Environmental Planning and Assessment Act 1979</i>. 2. Subdivision Layout and Urban Design <ol style="list-style-type: none"> 2.1. Address the requirements of the draft <i>Great Lakes Local Environmental Plan 1996 (Amendment No.36)</i> (draft LEP No.36); <i>Great Lakes Council Development Control Plan No.30 – Residential Urban Areas</i>; <i>Great Lakes Council Development Control Plan No.31 - Subdivision</i>; <i>Great Lakes Development Control Plan No. 36 – Pt 6177 DP 1099599, South Forster</i> (DCP 36); and the <i>Voluntary Planning Agreement (VPA)</i> between Great Lakes Council and Davglade Pty Ltd. 2.2. Identify the extent of potential development footprints, building envelopes and built form controls and any significant trees to be removed. 2.3. Address safety, provision of public reserves, potential perimeter road layouts, pedestrian and bicycle movement to, within and through the site. 3. Urban Design, Visual Impact and Sustainability <ol style="list-style-type: none"> 3.1. Demonstrate suitability of the proposal with the surrounding area in relation to potential character, bulk, scale, amenity (including noise) and visual amenity resulting from the development having regard to the <i>Coastal Design Guidelines of NSW (2003)</i>, <i>NSW Coastal Policy (1997)</i>, <i>State Environmental Planning Policy No. 71 – Coastal Considerations</i> (specifically Clauses 2 and 8). A visual impact assessment is required to demonstrate that the proposal will not have unacceptable visual impact. 4. Social and Community <ol style="list-style-type: none"> 4.1. Provide a social impact assessment for the development. Address the social and economic context of the development in terms of infrastructure requirements, access, public transport, community services, open space and facilities (including schools and medical services). Examine cumulative impacts, having regard to the proposed development; and existing, approved and proposed development within 5km radius of the subject site. 5. Water Cycle Management <ol style="list-style-type: none"> 5.1. Provide an Integrated Water Cycle Management (IWCM) Plan (including stormwater concept) based upon Water Sensitive Urban Design Principles. 5.2. Provide a Stormwater management plan outlining proposed design, construction and on-going maintenance in accordance with the objectives and requirements of draft LEP No.36 and DCP No. 36. The development shall comply with the revised stormwater management strategy for the "L" Leg catchment titled <i>Review of Stormwater Management Strategy for "L" Leg Catchment – South Forster (WBM, 2006)</i>. Provide satisfactory evidence that stormwater management facilities will be constructed to meet the water quality objective of no further increase in future pollutant loads entering Pipers Creek for the L Leg catchment both during and post construction.
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	<p>5.3. Demonstrate the development is compatible with Council's relevant Flood Policy and in accordance with the guidelines contained in the <i>NSW Floodplain Development Manual</i> (2005). Address the impact of flooding on the proposed development, the impact of the development on flood behaviour and the impact of flooding on the safety of people/users of the development. Implications of climate change on flooding should be considered.</p> <p>6. Habitat Corridor Reserve</p> <p>6.1. Provide details of the proposed dedication to Council of the land proposed to be zoned 6(a) Open Space and utilised as a Habitat Corridor Reserve, consistent with the requirements of the VPA.</p> <p>7. Utilities and Infrastructure</p> <p>7.1. Address existing capacity and requirements of the proposal for effluent disposal, water supply, electricity, waste disposal and telecommunications services and identify staging, if any, of infrastructure works. Also address provision of public services and infrastructure having regard to the Council's Section 94 Contribution Plan and Deed of Agreement for the site.</p> <p>8. Bushfire</p> <p>8.1. Address the requirements of <i>Planning for Bush Fire Protection 2001</i> (or updated editions) and section 4 of DCP 36, including adequate egress/access to the site, and development and maintenance of asset protection zones.</p> <p>9. Traffic and Vehicular Access</p> <p>9.1. Provide a traffic impact study, prepared in accordance with the RTA's Guide to Traffic Generating Development, to assess the impact of the proposed development on The Lake Way and intersections with Breese Parade and Cape Hawke Drive. Undertake traffic assessment consistent with the methodology outlined in Section 4.8 of the preliminary assessment (dated 28 April 2006).</p> <p>10. Flora and Fauna Species</p> <p>10.1. Outline measures for the conservation of flora and fauna, within the meaning of the <i>Threatened Species Conservation Act 1995</i> and the <i>Fisheries Management Act 1994</i>, having regard to the <i>Draft Guidelines for Threatened Species Assessment</i> (DEC & DPI July 2005). Measures may include, but not limited to, offset measures, buffers and other long-term protection methods for threatened fauna species.</p> <p>11. Aboriginal Cultural Heritage</p> <p>11.1. Identify whether the site has Aboriginal cultural heritage significance and identify appropriate measures to preserve any significance. Identify any other items of heritage significance and provide measures for conservation. The assessment should be undertaken in accordance with the <i>Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i> (DEC, 2005).</p>
Consultation	You should undertake an appropriate and justified level of consultation with relevant following parties during the preparation of the Environmental Assessment:

	<p>a) <i>Agencies or other authorities:</i></p> <ul style="list-style-type: none"> • Great Lakes Shire Council; • Department of Natural Resources; • Department of Planning – Hunter Regional Office; • NSW Rural Fire Service; • NSW Roads and Traffic Authority; • NSW Health Department; • NSW Police; • NSW Department of Education & Training; • relevant utility and infrastructure providers; and • relevant Aboriginal Land Council. <p>b) <i>Public:</i></p> <ul style="list-style-type: none"> • 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 are to be described in the Environmental Assessment.
Deemed refusal period	60 days

Attachment 2

Plans and Documents to accompany the Application

<p>Plans and Documents of the development</p>	<p>The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for the <u>Project Application</u>:</p> <ol style="list-style-type: none"> 1. The existing site survey plan is to be drawn to 1:500 scale (or other appropriate scale) and show: <ul style="list-style-type: none"> • the location of the land, the measurements of the boundaries of the land, the size of the land 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. 2. An aerial photograph outlining the subject site and surrounding area (at an appropriate scale). 3. A Site Analysis Plan 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). 4. A locality/context plan drawn to 1:500 scale (or other appropriate scale) should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities and open space, water courses and heritage items; • the location and uses of existing buildings, shopping and employment areas; • traffic and road patterns, pedestrian routes and public transport nodes • 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. 5. The Environmental Assessment in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1 6. Detailed Subdivision layout plans to illustrate the following:- <ul style="list-style-type: none"> • All measurements of proposed and existing allotments; • Location of all structures both proposed and retained on site; • North point; • Name of the road fronting the site and other surrounding major roads; • Title showing the description of the land with lot and DP numbers etc; • Vegetation retention; • Access points; • Any easements, covenants or other restrictions either existing or
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	<p>proposed on the site;</p> <ul style="list-style-type: none"> Type of subdivision proposed (Torrens, strata and/or community title). <p>7. Other Plans including (where relevant):</p> <ul style="list-style-type: none"> Road Hierarchy & Open Space Network Plans - illustrating detailed road, public transport and open space networks Stormwater Management Plan - illustrating the details for stormwater management of the site. Infrastructure Plans – detailed drawings indicating all proposed infrastructure including roads, water supply, water re-use, sewerage and earthworks 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; Landscape Plan – 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); Construction Management Plan – a plan which outlines traffic and pedestrian management during construction.
Specialist advice	Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants.
Documents to be submitted	<ul style="list-style-type: none"> 10 hard copies of the Environmental Assessment; 10 sets of architectural and landscape plans (full size and to scale), including one (1) set at A3 size (to scale); and 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below).
Electronic Documents	<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"> 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. 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. 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. Graphic images will need to be provided as [.gif] files. Photographic images should be provided as [.jpg] files. Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. 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. <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>

Attachment 3

Technical and Policy Guidelines

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
Biodiversity	
Flora and Fauna	Draft Guidelines for Threatened Species Assessment (DEC, 2005)
Bushfire	
	Planning for Bushfire Protection 2001 (NSW Rural Fire Service)
	<i>Australian Standard 3959 – Building in Bushfire Prone Areas</i>
Coastal Planning & Water bodies	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast (Department of Urban Affairs & Planning, 1997)
	Coastal Design Guidelines for NSW, Coastal Council, March 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
	NSW State Rivers and Estuaries Policy (DLWC, 1992)
	NSW Estuary Management Manual (DLWC, 1992)
	Constructed Wetlands Manual (DLWC, 1998)
Heritage	
Aboriginal	Draft guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, July 2005)
	NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit – Working Draft (NPWS, September 1997)
	Aboriginal cultural heritage: standards and guidelines (DEC 2005)
	Protecting Aboriginal Objects and Places - Interim Guidelines for Community Consultation (DEC 2005)
Noise & Vibration	
	Environmental Criteria for Road Traffic Noise (DEC, June, 1999)
	Noise Guide for Local Government (DEC, 2004)
Soils & Contamination	
	Acid Sulfate Soil Manual (Acid Sulfate Soils Management & Advisory Committee [ASSMAC], 1998; published by DUAP)
	Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land, Department of Urban Affairs & Planning and the Environment Protection Authority 1998.
	Contaminated Land: Planning Guidelines for Contaminated Land, Department of Urban Affairs and Planning and the NSW EPA, October 1995.
Traffic and Transport	
	Guide to Traffic Generating Developments (RTA, 1993)
	RTA Road Design Guide (RTA, 1996)
	Planning Guidelines for Walking and Cycling (DIPNR & RTA, December 2004)
	Guide to Traffic Engineering and Guide to Geometric Design of Rural

Aspect	Policy /Methodology
	Roads (Ausroads, 2003)
Water	
Water Quality	Australian & New Zealand Guidelines for Fresh & Marine Water Quality (Australian & New Zealand Environment & Conservation Council (ANZECC), October 2000)
	Water Quality Guidelines for the protection of Aquatic Ecosystems for Upland Rivers (ANZECC, 2000)
Floodplain	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
Groundwater	NSW State Groundwater Quality Protection Policy (DLWC, 1998)
Stormwater	Managing Urban Stormwater: Construction Activities (EPA, 1988)
	Water Sensitive Planning Guide - for Sydney Region, WSUD, 2003
	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
Water Management	National Water Initiative (Council of Australian Governments, June 2004)
	Best Practice in Water Management (Commonwealth Department of Environment and Heritage, 1999)
	Integrated Water Cycle Management Guidelines for NSW Local Utilities, Oct 2004