



NSW GOVERNMENT

Department of Planning

Contact: Lisa Pemberton
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Our ref: MP07_0126
Your ref:

Lucas Property Group
GPO Box 4395
SYDNEY NSW 2001

Dear Sir/ Madam,

Subject: Mixed Use Development Badgee Lagoon, Sussex Inlet MP 07_0126.

The Department has received your application for the proposed mixed use development on lands surrounding Badgee Lagoon, Sussex Inlet- MP07_0126.

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

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.

As the concept plan proposal requires a rezoning to proceed, you are strongly advised to progress your EA in a manner which ensures that the findings of the Environmental Study inform the final documentation submitted in support of your application, in particular the appropriate developable areas.

I understand that Council is currently undertaking section 62 consultation for the draft LEP. Following the issue of a Section 65 Certificate it would be expected that an adequate EA could be exhibited.

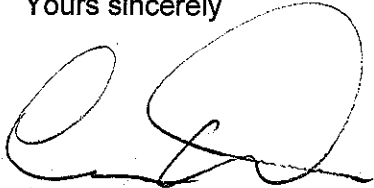
A list of some relevant technical and policy guidelines which may assist in the preparation of this Environmental Assessment are attached at **Attachment 3**.

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 is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Commonwealth Department of 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. This may be relevant to migratory bird species and Ramsar wetlands.

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, *unless* specifically identified in the DGRs.

If you have any queries regarding these requirements, please contact Lisa Pemberton, on 9228 6485 or email lisa.pemberton@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Chris Wilson', written in a cursive style.

20.2.08

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*

Application number
MP07_0126
Project
Residential, commercial and tourist development, including associated infrastructure, and open space.
Location
Badgee Lagoon, Sussex Inlet
Proponent
Lucas Property Group P/L
Date issued
20 February, 2008
Expiry date
2 years from date of issue
General requirements
<p>The Environmental Assessment (EA) for the Concept Plan Application must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. An outline of the scope of the project including: <ul style="list-style-type: none"> • any development options; • 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; • outline of the staged implementation of the project if applicable; 3. A thorough site analysis including constraints mapping and description of the existing environment; 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. 5. Consideration of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>. 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 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; 8. The plans and documents outlined in Attachment 2; 9. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;

10. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project; and
11. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.

Key Issues

The EA must address the following key issues:

1. Strategic and Environmental Planning

- 1.1 Justify the proposal with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies. The Sustainability Criteria set out in the Regional Strategy (including draft Regional Strategy) must be addressed.
- 1.2 Demonstrate consistency with the following, with particular reference to river and wetland protection, water quality, protecting and rehabilitating estuaries, protection of marine ecosystems, native vegetation and species conservation. Any inconsistencies require justification.
 - *NSW Coastal Policy 1997*;
 - *Sussex Inlet Settlement Strategy*;
 - *Independent Panel's Report into the South Coast Sensitive Urban Lands Review*;
 - *SEPP 71 Coastal Protection*;
 - *Coastal Design Guidelines 2003*;
 - *Southern Rivers Catchment Action Plan*; and
 - *St Georges Basin Estuary Management Plan*.

2. Urban Design, Layout and Desired Future Character

- 2.1 Outline the proposed character of the new development and demonstrate its compatibility with existing development and the locality.
- 2.2 Demonstrate suitability of the proposal in relation to bulk, scale, and visual amenity having regard to the *Coastal Design Guidelines of NSW (2003)*, *SEPP 71 – Coastal Protection* and the *NSW Coastal Policy 1997*. In particular address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places and cumulative impacts.
- 2.3 Provide details of proposed building envelopes, built form and design quality controls and the means for implementing them, through subsequent applications post concept plan approval.
- 2.4 Provide details of any staging that demonstrates the lots will be released in an orderly and coordinated manner.
- 2.5 Outline the long-term management and maintenance of any areas of proposed open space or conservation including ownership and control, management and maintenance funding, public access, revegetation and rehabilitation works and bushfire management.
- 2.6 Demonstrate the potential for future compliance with *SEPP 65* and *BASIX*, where applicable.
- 2.7 Protect existing public access to and along the coastal foreshore and provide, where appropriate, new opportunities for controlled public access. Consider access for the disabled, where appropriate.

3. Infrastructure Provision	
3.1	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.
3.2	Address and provide the likely scope of any planning agreement and/or developer contributions with Council and/or Government agencies.
4. Traffic and Access	
4.1	Prepare a traffic impact study in accordance with Table 2.1 of the RTA's <i>Guide to Traffic Generating Developments</i> .
4.2	Identify proposals for public transport, including bus routes, pedestrian pathways and pathways for cyclists.
5. Hazard Management and Mitigation	
<i>Coastal Processes</i>	
5.1	Address coastal hazards and the provisions of the Coastline Management Manual. In particular consider impacts associated with wave and wind action, coastal erosion, sea level rise and the consequence of more frequent and intense storms.
<i>Contamination</i>	
5.2	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>	
5.3	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures.
<i>Bushfire</i>	
5.4	Address the requirements of Planning for Bush Fire Protection 2006 (RFS).
<i>Geotechnical</i>	
5.5	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations
5.6	Determine and map the soil types and their characteristics in relation to erodability and dispersability and their characteristics which may be detrimental to water quality.
<i>Flooding and Sea Level Rise</i>	
5.7	Provide an assessment of any flood risk on site in consideration of any relevant provisions of the NSW Floodplain Development Manual (2005) and/ or relevant floodplain management plans or risk assessment framework adopted by the Council. The assessment must also consider increased in rainfall intensity associated with sea level rise (Refer to the document <i>Practical Consideration of Climate Change – Floodplain Risk Management Guideline</i> (DECC, October 2007).
5.8	Consider the potential impacts of any filling on the flood regime of the site and adjacent lands.
<i>Mosquito Management</i>	

5.9	Assess the potential impacts of nearby known and potential mosquito breeding areas for future residents of the site.
<i>Noise</i>	
5.10	Address potential noise impacts, in particular road traffic noise, for future residents and identify appropriate mitigation measures
6. Water Cycle Management	
6.1	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 (refer to <i>Managing Urban Stormwater</i> (DEC 2006 series)) and the <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i> (2000) (ANZECC & ARMCANZ). This is to include the identification of impacts from the proposed golf course and the identification of golf course mitigation and management strategies.
6.2	Outline water supply requirements including surface and ground water extraction and identify the impacts of the development on groundwater hydrology and quality. This is to include attention to the potential impacts and details of management measures for those areas of public open space where the irrigation of treated effluent may be proposed and impacts associated with the golf course.
6.3	Assess the surface and groundwater hydrology, particularly as they relate to the functioning of the wetlands on the site and on adjacent lands including the waters of Badgee Lagoon.
7. Heritage and Archaeology	
7.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance (Aboriginal community consultation, must be undertaken in accordance with DEC's <i>Interim Community Consultation Requirements for Applicants</i>).
7.2	Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.
8. Flora and Fauna	
8.1	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. This assessment must be undertaken in accordance with the <i>Draft Guideline for assessment of Threatened Species under Part 3A</i> (DOP 2005).
8.2	Investigate and map <i>Endangered Ecological Communities</i> and propose vegetated corridors and riparian buffers, and any other form of proposed methods of conservation within the property. All wetlands should be surveyed and inventory of the wetland vegetation and map the boundaries of the wetland by vegetation type using GIS
8.3	Outline measures for the conservation of existing <i>wildlife corridor values</i> and/or connective importance of any vegetation on the subject land.
8.4	Assess the effects of potential changed nutrient and sediment transport from the proposal on the surrounding <i>wetlands</i> and the vegetation communities. Develop scenarios for managing increased sediment and nutrients as a result of the increased urbanisation of the wetland catchments (Refer to the <i>St Georges Basin Nutrient Survey Geosciences Australia</i> (2004); <i>St Georges Basin Estuary Management Study</i> (SCC 1999); <i>Travers Morgan Nutrient Study</i> (1994).

- 8.5 Identify the appropriate location and width of *buffer zones* in relation 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, conservation area dedications, foreshore wetland rehabilitation and revegetation 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.
- 8.6 Identify current *riparian zone* areas and proposed rehabilitation, including details of where native vegetation will be retained and will be replanted and how any current and future areas will be rehabilitated.
- 8.7 Provide details of the management of the boundary interface between developed areas and public open spaces to prevent future private encroachments and dumping of garden refuse on public areas.
- 8.8 In addressing the above, including the targeted threatened species and Endangered Ecological Communities relating to flora and fauna assessment, refer to correspondence from the Department of Environment and Climate Change in **Attachment 4**.

Consultation

You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:

(a) *Agencies or other authorities:*

- Commonwealth Department of Environment, Water, Heritage and the Arts;
- Shoalhaven City Council;
- Department of Environment and Conservation;
- Consultation with the Coastal Branch of the Department of Environment and Climate Change (Mr Doug Lord for climate change and Mr Duncan McLuckie for flooding)
- Department of Primary Industries;
- NSW Rural Fire Service;
- Roads and Traffic Authority;
- Department of Water and Energy
- Department of Lands;
- NSW Police Service;
- State Emergency Service;
- Southern Rivers Catchment Management Authority;
- Local Aboriginal Land Council/s and other Aboriginal community groups; and
- Country Energy
- Shoalhaven Water.
- Department of Health
- Department of Education

(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.

Deemed Refusal Period

120 days

Attachment 2

Plans and Documents to accompany the Application

Plans and Documents of the development	<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"> 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 of the subject site with the site boundary superimposed. 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; and • 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. A plan, to scale, clearly showing the boundaries of the subject site with adjacent waterways, water course on site, and Crown land. This plan should also identify Mean High Water mark. 7. Subdivision plans are to show the following:- <ul style="list-style-type: none"> • The location, boundary dimensions, site area and north point of the land, and names of roads fronting the land; • Title showing the description of the land with lot and DP numbers etc; • Existing and proposed subdivision pattern including all measurements and sites areas of existing and proposed allotments; • Location and details of all proposed roads and footpaths; • Location of all structures proposed and retained on site; • Cross sections of roads, including gradients, widths, road names,
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	<p>footpaths etc.</p> <ul style="list-style-type: none"> • Existing and proposed finished levels in relation to roads, footpaths and structures; • Location and details of access points to the subdivision; • Existing vegetation on the land and vegetation to be retained; • Location of services and infrastructure, and proposed methods of draining the land; • Any easements, covenants or other restrictions either existing or proposed on the site; • Type of subdivision proposed (Torrens, strata and/or community title). <p>8. The Architectural drawings are to be drawn to scale and illustrate the following general features:</p> <ul style="list-style-type: none"> • the location of any existing building envelopes or structures on the land; • the floor plans; • the location of lifts, stairs and corridors; • adaptable housing requirements; • section plans; • fenestrations, balconies and other features; • communal facilities and servicing points; • the height of the proposed development in relation to the land; • significant level changes; • parking and vehicular access arrangements; and • pedestrian access to, through and within the site. <p>9. Elevations – of the proposed buildings drawn to the same scale as the architectural drawings. The elevations are to indicate height and key datum lines, building length and articulation, the composition of the façade and roof design, existing buildings on the site, building entries (pedestrian, vehicular and service), and profile of buildings on adjacent properties.</p> <p>10. Stormwater Concept Plan - 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>11. 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;</p> <p>12. Landscape Concept 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);</p> <p>13. Construction Management Plan – 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>14. BASIX – compliance details and relevant certificates, where applicable;</p> <p>15. View analysis – artist's impression, photomontages, etc of the proposed</p>
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	<p>development in the context of the surrounding development; and</p> <p>16. Shadow Diagrams – diagrams showing solar access to the site and adjacent properties, including the public reserve, at summer solstice (Dec 21), winter solstice (Jun 21) and the equinox (Mar 21 and Sept 21) at 9am, 12 midday, 3pm and 6.30pm.</p>
Specialist advice	<p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Flora and Fauna; • Bushfire; • Landscaping; • Geotechnical and/or hydro geological (groundwater); • Stormwater/drainage; • Urban Design/Architectural; • Contamination in accordance with the requirements of SEPP 55; and • Acid Sulphate Soil Management Plan.
Documents to be submitted	<ul style="list-style-type: none"> • 10 hard copies of the Environmental Assessment; • 10 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); • 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below); and • 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.
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

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
Biodiversity	
Flora and Fauna	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Department of Planning 2005)
	Native Vegetation Regulation 2005: Environmental Outcomes Assessment Methodology www.nativevegetation.nsw.gov.au
Fish and Aquatic Ecosystems	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Threatened Species Management Manual (NPWS, 1998)
Coastal Planning	
	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)
Bushfire	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
Contamination of Land	
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
Environmental Management Systems	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
Heritage	
Aboriginal	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A (Planning 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)
	NSW Heritage Manual (NSW Heritage Office, 1996)
Noise	

Aspect	Policy /Methodology
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	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)
Floodplain	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)
Groundwater	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
Stormwater	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
Waterways	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)
EPBC Act	
FOR A CONTROLLED ACTION	Commonwealth Environment Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW: March 2007

Attachment 4
Agency Responses to Request for Key Issues