



NSW GOVERNMENT
Department of Planning

Contact: Jane Flanagan
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Our ref: MP06_0068
Your ref:

Ms Clare Gilligan
Development Manager
Canberra Investment Corporation Limited
GPO Box 3199
CANBERRA ACT 2601

Dear Ms Gilligan,

Subject: Amended Director General's Environmental Assessment Requirements for MP06_0068 – Tathra River Estate, Stage 2 – Lot 2 DP 582074

On 4 October 2007, the Department issued Director-General's Environmental Assessment Requirements (DGRs) for the environmental assessment of a Concept Plan Application and part Project Application on the above site.

Additional information has been included to require consideration of impacts of sea level rises and increases in rainfall intensity. Please find at **Attachment 1** amended DGRs (highlighted in italics at Items General 4, 5.1, 5.7 and Attachment 3 Water_Floodplain), which supersede previously issued DGRs.

Attachment 2 lists the relevant plans and documents which are likely to be required upon submission of your proposal. However, this should be confirmed with the Department prior to lodgement.

It should be noted that the DGRs have been prepared based on the information provided to date. Under section 75F(3) of the *EP&A 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;
- whether the proposal requires an approval under the Commonwealth *Environment Protection and Biodiversity Act* (EPBC Act) and any assessment obligations under that Act;
- consultation and public exhibition arrangements that will apply; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessment that will be required.

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

The Department will review the Environmental Assessment prior to exhibition 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 you to revise the Environmental Assessment accordingly.

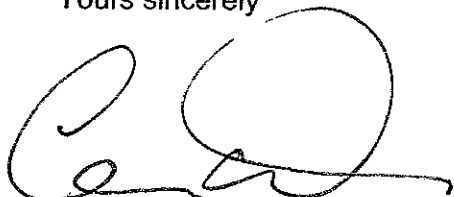
Following the review period, the Environmental Assessment will be made publicly available for a minimum of 30 days. The Director-General's requirements will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. Therefore, the Department would appreciate if all documents subsequently submitted to the Department are in a format suitable for the Internet; and if you would arrange for an electronic version of the EA to be hosted on a suitable website with a link to the Department's website.

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 and Water Resources in Canberra (telephone 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 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. If it is determined that an approval is required under the *EPBC Act*, please contact the Department immediately as supplementary DGRs will need to be issued.

Please note that under section 75U of the *EP&A Act*, Part 3A applications do not require certain permits and approvals required under other legislation. Those matters are assessed as part of the Part 3A process. For example, section 87 permits and section 90 consents under the *National Parks and Wildlife Act 1974*, and Part 3A permits under the *Rivers and Foreshores Improvement Act 1948*, are not required for Part 3A applications. Section 75U of the *EP&A Act* applies from the date of issue of the DGRs. However, the Department still requires an equivalent level of information within the Environmental Assessment as would ordinarily be required for any such permit/approval, to enable an assessment of the relevant works. Please notify the Department should any sub-surface testing be required during the preparation of your Environmental Assessment.

If you have any queries regarding these requirements, please contact Jane Flanagan on 9228 6431 or email <mailto:jane.flanagan@planning.nsw.gov.au>.

Yours sincerely



28.2.08

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: **MP06_0068**

Project: **Tathra River Estate – Stage 2**

A Concept Plan to address:

- open space
- landscaping and revegetation
- water sensitive urban design
- pedestrian and cycleway access
- road design
- voluntary planning agreement with Bega Valley Shire Council
- Design control guidelines for built form
- dwelling yields for Torrens Title lots and cluster housing

A Project Application to address:

- staged subdivision to create Torrens Title lots and cluster housing super-lot
- construction of public roads and services
- water sensitive urban design / detention structures
- landscaping and revegetation

Location: **Lot 2 DP 582074, off Thompson Drive, Tathra**

Proponent: **Canberra Investment Corporation Limited**

Date issued: **28 February 2008**

Expiry date: **2 years from date of issue**

General requirements

The Environmental Assessment (EA) for the **Concept Plan and Project Application** must include:

1. an executive summary;
2. an outline of the scope of the project including:
 - 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; this should include a detailed contour map showing all drainage lines, foreshore and significant vegetation;
4. consideration of and justification with 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 their *Sustainability Criteria*, the recommendations of the South Coast Sensitive Urban Lands Review and Development Control Plans;
5. consideration of the consistency of the project with the objects of the *Environmental Planning and Assessment Act 1979*;
6. consideration of impacts, if any, on matters of national environmental significance under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*;
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;
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. Subdivision Design, Layout and Desired Future Character

- 1.1 Demonstrate that the proposal is consistent with the character of existing development in terms of scale, density, building envelopes, streetscape, future built form and safety.
- 1.2 Demonstrate the consistency of the proposed subdivision design and layout with the *Coastal Design Guidelines for NSW*, *NSW Coastal Policy 1997* (including Appendix C Table 3) and *SEPP 71 – Coastal Protection*.
- 1.3 Identify the type of subdivision proposed across the site i.e. community, Torrens, strata.
- 1.4 Detail the intended staging of the release of lots.
- 1.5 Provide details of the proposed location, nature, purpose and scale of tourist/commercial uses.
- 1.6 Outline the long-term management and maintenance of any areas of open space or conservation areas including ownership, public access, and vegetation works.
- 1.7 Provide the proposed Design Control Guidelines.
- 1.8 Provide details of proposed foreshore structures including diagrams and plans showing location and design details for all proposed foreshore structures that extend below Mean High Water Mark.

2. Visual Impact

- 2.1 Prepare a visual impact assessment that identifies the impacts of the proposal to and from surrounding development, the foreshore, and from the public domain including existing and proposed reserves.

3. Infrastructure Provision

- 3.1 Address sewerage, water, electricity, waste disposal, telecommunications and gas requirements for the development in consultation with relevant agencies and describe staging of providing such works. Consider water, sewer and energy saving options including recycled water systems.
- 3.2 Detail intentions to facilitate the provision of sewer services to the Stage 1 development.
- 3.3 Detail the likely scope of a planning agreement and/or developer contributions with Council/Government agencies.
- 3.4 Prepare a social impact assessment to examine the capacity of primary and secondary schools, health services and aged care facilities in the locality, to cater for the increase in population.

4. Traffic and Access

- 4.1 Prepare a traffic impact study in accordance with Table 2.1 of the RTA's Guide to Traffic Generating Developments.
- 4.2 Submit a pedestrian and cycleway plan that demonstrates provide public access to and along the river (including for disabled persons), provides opportunities for controlled public access, and addresses rubbish removal and safety.

5. Hazard Management and Mitigation	
<i>Coastal Processes</i>	
5.1	Address coastal hazards and the provisions of the <i>Coastline Management Manual</i> . In particular, consider impacts associated with wave and wind action, coastal erosion, sea level rise and 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>Soils</i>	
5.3	Identify the capability of the soils to cater for the development, and the presence and extent of acid sulfate soils on the site and appropriate mitigation measures.
<i>Bushfire</i>	
5.4	Address the requirements of Planning for Bush Fire Protection 2006 (RFS).
<i>Flooding</i>	
5.5	Assess any flood risk on site with consideration of the NSW Floodplain Development Manual (2005).
5.6	Assess the impacts of any filling on the flood regime of the site and adjacent lands.
5.7	Assess the potential impacts of sea level rise and an increase in rainfall intensity on the flood regime of the site and adjacent lands with consideration of <i>Practical Consideration of Climate Change – Floodplain Risk Management Guideline</i> (DECC, October 2007).
6. Water Cycle Management	
6.1	Address and outline measures for Integrated Water Cycle Management based on Water Sensitive Urban Design principles that addresses impacts on the surrounding environment, water quality and water quantity for the catchment, and erosion and sedimentation controls at construction and operational stages.
6.2	Assess the impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site.
7. Heritage and Archaeology	
7.1	Identify appropriate measures to preserve Aboriginal cultural heritage in accordance with the guidelines set out in Attachment 3.
7.2	Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.
7.3	Address impacts on World Heritage areas, places listed on the National Heritage List and protected under the EPBC Act.
8. Flora and Fauna	
8.1	Outline potential impacts on aquatic and terrestrial flora and fauna and their habitats, wildlife corridor values, and native vegetation, and measures for their conservation, in accordance with relevant legislation and the guidelines set out in Attachment 3.
8.2	Address measures to protect and manage the riparian corridor and adjacent aquatic habitats, consistent with the Southern Rivers Catchment Action Plan.
8.3	Address impacts on migratory species, RAMSAR wetlands and species listed under Section 18 and 18A of the EPBC Act.
8.4	Demonstrate that any clearing of native vegetation satisfies the Native Vegetation Regulation 2005: Environmental Outcomes Assessment Methodology.
9. Noise	
9.1	Address potential noise impacts, in particular road traffic noise, for future residents and appropriate mitigation measures.

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:*

- Bega Valley Shire Council
- Department of Environment and Climate Change
- Department of Primary Industries
- NSW Rural Fire Service
- Department of Water and Energy
- Roads and Traffic Authority
- Department of Lands
- Southern-Rivers Catchment Management Authority;
- Department of Education and Training
- Department of Health
- Local Aboriginal Land Council/s and other Aboriginal community groups
- relevant infrastructure providers

(b) *Public:*

Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.

Deemed Refusal Period: 60 days

Attachment 2

Plans and Documents to accompany the Application

Plans and Documents of the development

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:

1. The **existing site survey plan** is to be drawn to 1:500 scale (or other appropriate scale) and show:
 - 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:
 - 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. **Subdivision plans** are to show the following:-
 - 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, footpaths etc.
 - 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;

	<ul style="list-style-type: none"> Any easements, covenants or other restrictions either existing or proposed on the site; Type of subdivision proposed (Torrens, strata and/or community title).
Documents to be submitted	<ul style="list-style-type: none"> 20 hard copies of the Environmental Assessment; 20 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)
	<i>Native Vegetation Regulation 2005: Environmental Outcomes Assessment Methodology</i> (NSW Department of Natural Resources)
Fish and Aquatic Ecosystems	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Policy and Guidelines for Aquatic Habitat Management and Fish Conservation 1999 (NSW Fisheries, 1999)
	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)

Aspect		Policy /Methodology
		NSW Heritage Manual (NSW Heritage Office, 1996)
Noise		
		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