



NSW GOVERNMENT
Department of Planning

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Our ref: MP07_0172
File: S07/00192-1

Duncan Hardie, Director
Hardie Holdings Pty Ltd
GPO BOX 2557
SYDNEY NSW 2001

Dear Mr Hardie

Subject: Director-General's Environmental Assessment Requirements - Sanctuary Villages Concept Plan and Project Application

I refer to your request for Director-General's Requirements (DGRs) for the Environmental Assessment of the Sanctuary Villages proposal.

As per your request, a revised set of DGRs has been prepared to allow for the simultaneous submission of a Concept Plan and the Project Application for the proposal. Please note that the new DGRs state that the proponent must confirm the regional developer contributions between the proponent and other agencies. This confirmation should take the form of a draft Voluntary Planning Agreement (VPA), which should be submitted prior to the exhibition of the Environmental Assessment for the Project Application. You are encouraged to consult the Roads and Traffic Authority, the Ministry of Transport, the Department of Education, State Emergency Services, and the NSW Fire Brigade to provide appropriate in-kind or monetary contributions for services/works required due to the development.

The DGRs were developed from information provided with your application. Section 75F(3) of the Act permits subsequent modification of the DGRs and may be invoked to address hitherto unidentified environmental impacts. If these powers are used, you will be formally notified of changes to the Director-General's requirements.

The DGRs for the Concept Plan and Project Application are attached. The requirements have been developed primarily in light of preliminary consultation with key stakeholders and a review of the preliminary environmental assessment.

Once you have lodged the Environmental Assessment, the Department will undertake a "test of adequacy" of the submitted documentation. Following that review, the environmental assessment (together with the DGRs) will be publicly exhibited for a minimum period of 30 days.

You should keep the contact officer for this project up to date with the preparation of the environmental assessment and, where relevant, any emerging issues. The officer, Nyrie Palmer, is available during business hours on (02) 9228 6424 or via return email to nyrie.palmer@planning.nsw.gov.au.

Yours sincerely

Jason Perica
Executive Director
Strategic Sites and Urban Renewal

19/3/08

**CONCEPT PLAN & PROJECT APPLICATION – SANCTUARY VILLAGES – MP07_ 0172
ENVIRONMENTAL ASSESSMENT REQUIREMENTS UNDER PART 3A OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Project Description	<p>Concept Plan and Project Application for Paxton and Millfield, including the:</p> <ul style="list-style-type: none"> • rezoning of land for mixed use urban development; • rezoning of land for conservation lands (553 ha); • subdivision of land; and, • construction of associated physical infrastructure.
Capital Investment Value	\$209.5 million
Site	Sanctuary Villages (Paxton and Millfield)
Proponent	Hardie Holdings Pty Ltd.
Date of Issue	19 March, 2008
Date of Expiration	19 March, 2010
Special Provision	The Minister for Planning formed the opinion that the development described is of a kind described in Clause 13 of Schedule 1 of <i>State Environmental Planning Policy (Major Projects) 2005</i> (MP SEPP) and to which Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> would apply.
General requirements – to be addressed individually by Concept Plan and Project Application.	<p>The Environmental Assessment (EA) for the Concept Plan and Project Application must include:</p> <ol style="list-style-type: none"> (1) an executive summary; (2) a description of the project including: <ol style="list-style-type: none"> (a) need for the project; (b) alternatives considered; (c) various components and staging of the project; and, (d) map indicating the footprint of the proposed work (3) a thorough site analysis and description of the existing environment; (4) justification of the project, taking into consideration the environmental impacts of the proposal, the suitability of the site and whether or not the project is in the public interest; (5) a consideration of all relevant statutory and non-statutory provisions and identification of any non-compliance with such provisions (especially Major Project SEPP, SEPP 11, SEPP55, Cessnock LEP 1989, Hunter Regional Environmental Plan 1989, Hunter Regional Environmental Plan 1989 (Heritage), and Planning for Bushfire Protection); (6) a draft Statement of Commitments outlining commitments to public benefits, environmental management, mitigation and monitoring measures (especially in relation to flooding, biodiversity and stormwater) to be established on site and clear identification of whom is responsible for these measures; (7) a signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading; and (8) the likely scope of developer contributions to Council and State Agencies consistent with the Department of Planning's Infrastructure Contributions Circular (PS 07-018), and existing Section 94 Plan or a comparable Section 94 Plan. (9) A report from a quantity surveyor identifying the capital investment value of the Concept Plan and the Project Application.
Key Assessment Requirements	<p>The Environmental Assessment must address the following key issues:</p> <p>Urban Design, development controls and land uses</p> <ol style="list-style-type: none"> (1) Propose development controls for the site based on a comprehensive site analysis of constraints and opportunities. The resulting development controls must satisfy the objects of the Act and the aims and objectives of relevant

planning instruments.

- (2) Demonstrate that development controls will complement surrounding existing land uses and the dedicated conservational lands.
- (3) Provide a detailed contour plan to identify the finished contour levels of the site, with details provided on the earthworks required to achieve the finished contours.
- (4) Provide details and an assessment of the impacts of any site preparation works required to accommodate the construction of the proposed physical infrastructure.
- (5) Provide plans and documentation for the project applications that is of a quality suitable to assess the building typology (including the quantum of floor space). Plans and documentation should be equivalent to the standard ordinarily required for lodgement under Part 4.
- (6) Address the principles of Crime Prevention Through Environmental Design with consideration given to the relationship to surrounding areas; pedestrian and bicycle movement to, within and through the site; key connections to the existing village and coast.

Air Quality

- (1) Assess the odour and air quality impacts of the nearby existing development including the Paxton Waste Water Treatment Plant (PWWTP) on the proposed development. The assessment must consider the impacts of any projected increase in load to the PWWTP, particularly from this proposal. The assessment must be consistent with the Technical Framework Assessment and management of odour from stationary sources in NSW (DECC November 2006) and the Technical Notes Assessment and management of odour from stationary sources in NSW (DECC November 2006).
- (2) Demonstrate how the proposal will be located, designed, constructed, operated and maintained to minimise impacts from air quality and odour.

Subdivision

- (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.
- (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.
- (3) Outline the long-term management and maintenance of any areas of open space or conservation (including off-set areas) or both, including the ownership and control, management and maintenance of public access revegetation and rehabilitation works and bushfire management.

Conservation lands

- (1) Identify the extent, locations, and timing of dedication of proposed conservation lands.
- (2) Discuss any edge effects between the development area, and the conservational and surrounding lands. Commit to an ongoing management program for of edge effects – assess the provision of a buffer zone.
- (3) Explore linkages, access and integration of the recreational and conservational lands to the residential and commercial elements of the development as well as the wider community.
- (4) Provide a plan for the continued management conservation lands and details of who would be responsible for each task.

Biodiversity

- (1) Assess the impact of the proposed rezoning, subdivision and construction of physical infrastructure on existing native flora and fauna, and ecological corridors. The assessment must be conducted in accordance with the Guidelines for Threatened Species Assessment (DEC July 2005) and include a field study.
- (2) Describe the actions that would be taken to avoid or mitigate impacts on biodiversity, threatened species, their habitat and ecological corridors.

Geotechnical

- (1) Assess the implications for development of slope stability, rehabilitation (compaction) and the presence of potential and actual acid sulfate soils if any.
- (2) Identify and address the location and stability of mines proximate to the proposed site (particularly in Paxton), potential for subsidence, hazards associated with subterranean gasses and contamination and other associated risks for development.
- (3) Identify the impacts of the development of the proposal and conservation offsets on the future recovery of resources of coal and coal-seam methane below the site.
- (4) Outline actions, management and mitigation measures required.

Traffic/Transport

- (1) Include a traffic study in accordance with the RTA Guide to Traffic Generating Developments, which addresses:
 - (a) Impacts on regional road networks during construction and operation.
 - (b) Opportunities to minimise traffic on sensitive road frontages during construction and operation;
 - (c) Efficiency of emergency vehicle access/egress;
 - (d) Proposed access from the wider road network as well the opportunities and constraints of alternative vehicular access points;
 - (e) Measures to introduce and promote public transport usage and mode share; and
 - (f) Proposed pedestrian and cycle access within and to the site that connects to all relevant transport services and key off-site locations.

Noise Impact

- (1) Demonstrate that the proposal will be designed, constructed, operated and maintained so that there are no unacceptable impacts from noise (including traffic noise).

Heritage

- (1) Assess in accordance with the Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation DEC (July 2005) the heritage significance of the area.
- (2) Provide detail of how the development will incorporate and not negatively impact on sites setting, landscapes, landmark elements, heritage items, views and vistas.

Surface water and groundwater quality

- (1) Assess any potential impact of the development on hydrology and hydrogeology of the Site and adjacent areas in terms of impact to water quality, regime, sources of groundwater and water-dependant ecosystems, particularly in regard to impact on the Ellalong Lagoon. This should include but not be limited to impacts from:
 - (a) Clearing, dredging, draining, filling, or diversion works;
 - (b) Sedimentation during the development and operation of the proposal;
 - (c) Onsite pollution such as accidental spills and sewer overflows;
 - (d) Risks such as weed invasion, encroachment and litter.
 - (e) Water and groundwater extraction.
- (2) Identify drainage and stormwater management issues, including: on site detention of stormwater; water sensitive urban design (WSUD); and drainage infrastructure.
- (3) Provide details in relation to the short and long term management of water quality and ecosystem health during construction and the life of the development, including the formation of buffer zones.

Flooding

- (1) Assess potential flooding resulting from or impacting on the development

Climate Change

- (1) Prepare a comprehensive assessment of and report on the project's predicted affect on climate change, including impacts of the project on greenhouse gas emissions, having regard to the 2006 Australian Greenhouse Office Factors &

	<p>Methods Workbook.</p> <p>(2) Evaluate and report on the feasibility of measures to reduce greenhouse gas emissions.</p> <p>Bushfire Risk Assessment</p> <p>(1) Provide an assessment against the current version of <i>Planning for Bush Fire Protection 2006</i>, section 100B of the <i>Rural Fires Act 1997</i> and Section 79BA of the <i>EP&AA 1979</i>.</p> <p>(2) Identify the ongoing management arrangements of proposed Asset Protection Zones.</p> <p>Utilities Infrastructure</p> <p>(1) Prepare a utility and infrastructure servicing report and plan for the site – This must:</p> <ul style="list-style-type: none"> (a) identify existing utilities and infrastructure such as the supply of water, sewerage, stormwater, gas, electricity and telephone services. (b) assess the capacity of utility infrastructure to service the proposed development in conjunction with existing uses, proposed uses and potential future uses (including fire suppression). (c) demonstrate compliance with the requirements of any public authorities in regard to the connection to, relocation and/or adjustment of services affected by the development proposal. (d) Detail technologies which may reduce the demand or need for servicing or provide for the supply of sustainable services (such as water sensitive urban design measures and sediment control measures). <p>Ecologically Sustainable Development (ESD)</p> <p>(1) The EA should demonstrate that all aspects of the concept plan satisfy the principles of ESD including compliance with BASIX.</p> <p>Developer contributions</p> <p>(1) Provide details of the likely scope of developer contributions between the proponent, Council and other agencies for matters such as community infrastructure, public transport provision, social infrastructure, affordable housing and employment. Details of the developer contributions should be provided in the forum of a draft Voluntary Planning Agreement.</p>
Consultation Requirements	<p>During the preparation of the EA, the proponent must undertake an appropriate and justified level of consultation with relevant parties. If consultation has already been undertaken or will be undertaken during exhibition, this needs to be documented. Relevant agencies must include, but not be limited to:</p> <ul style="list-style-type: none"> • Cessnock City Council • Hunter Water • Roads and Traffic Authority • Department of Environment and Climate Change • Department of Natural Resources • Mine Subsidence Board • Department of Transport and Rural Services • Utility and infrastructure providers • Emergency Services, including the Ambulance Service of NSW, the State Emergency Services, RFS and NSW Fire Brigades. <p>If the Director-General considers that significant changes are proposed to the nature of the project, the Director-General may require the proponent to make the preferred project available to the public.</p>
Deemed refusal period	<p>120 days (see Clause 8E of the Environmental Planning & Assessment Regulation)</p>
Landowners Information	<p>The consent of the landowner is to be provided in accordance with s8F of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p>