



NSW GOVERNMENT
Department of Planning

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Our ref: 06_0169

Ed Munday
Project Manager
LandPartners
PO Box 278
MACLEAN NSW 2463

Dear Mr Munday

Subject: 06_0169 Residential Subdivision at Kerry Street, Maclean (Lot 356 DP 751388)

The Department has received your application for the proposed residential subdivision at Kerry Street, Maclean in the Clarence Valley local government area.

The Director-General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the project application are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with the relevant government agencies including Clarence Valley Council. **Attachment 2** lists the relevant plans and documents which are required upon submission of your proposal.

It should be noted that the DGRs have been prepared based on the information provided to date. Under section 75F(3) of 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.

If the Environmental Assessment (EA) is not exhibited within 2 years of the date of issue of these requirements, you should consult further with the Director-General in relation to the preparation of the EA.

On 30 August 2006 the Director-General agreed to delegate all assessment powers and functions in relation to the assessment of the concept application to Clarence Valley Council. The delegation allows Council to undertake exhibition and assessment of the proposal. The Minister remains as the approval authority.

It would be appreciated if you would contact Council at least two weeks before you propose to submit the Environmental Assessment (EA) for the project to determine:

- consultation and public exhibition arrangements that will apply; and
- number and format (hard-copy or CD-ROM) of the EA that will be required.

The fees for the project application should be submitted to the Department at the time you lodge the EA with Council. Please contact the Department to confirm the fees payable for the concept application.

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

Prior to exhibiting the EA, Council, as delegate for the Director-General, will review the document to determine if it adequately addresses the DGRs. Council may consult with other relevant government agencies in making this decision. If Council considers that the EA does not adequately address the DGRs, Council, as delegate for the Director-General, may require the proponent to revise the EA to address the matters notified to the proponent. Following this review period, the EA 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 (NES), it will require an additional approval under the Commonwealth *Environment Protection and 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 the 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 of Planning immediately as supplementary DGRs will need to be issued.

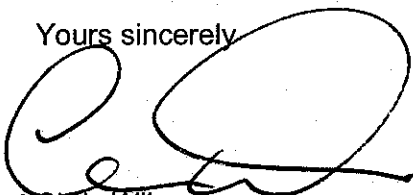
Please note that under section 75U of the Act, Part 3A applications do not require certain permits/approvals required under other legislation. These matters are assessed as part of the Part 3A process. For example, Section 87 permits and Section 90 consents under the *National Parks and Wildlife Act 1974* are not required for Part 3A applications. Section 75U applies from the date of issue of the DGRs.

Notwithstanding, an equivalent level of information as would ordinarily be required for the issue of any such permit/approval should be provided within the EA to enable an assessment of the relevant works. Please notify the Department should any sub-surface testing be required during the preparation of your EA.

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.

If you have any queries regarding these requirements, please contact Sally Munk on 9228 6498 or email sally.munk@planning.nsw.gov.au.

Yours sincerely



12.9.08

Chris Wilson
Executive Director
Major Project Assessments
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_0169
Project
66 lot residential subdivision and open space reserve
Location
Kerry Street, Maclean (Lot 356 DP 751388)
Proponent
Ian Hicks
Date issued
12 September 2008
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; and 10. An assessment of the key issues specified below and a table outlining where these key issues have been addressed.

Key Issues	
The EA must address the following key issues:	
1. Strategic 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.
1.2	Demonstrate consistency with the Sustainability Criteria set out in the Draft Mid North Coast Regional Strategy.
2. Subdivision Design, Layout and Desired Future Character	
2.1	Demonstrate the consistency of the proposal with the character of existing development in terms of the locality, street frontage, scale, building envelopes and future built form controls, aesthetics, energy and water efficiency and safety.
2.2	Provide details of potential building envelope, built form and design quality controls and the means for implementing them having consideration for site topography.
2.3	Demonstrate the consistency of the proposed subdivision design and layout with the <i>Coastal Design Guidelines for NSW</i> , <i>NSW Coastal Policy 1997</i> and <i>SEPP 71 – Coastal Protection</i> .
2.4	Identify the type of subdivision proposed across the site ie. Community, Torrens, Strata.
2.5	Provide details of any staging that demonstrates the lots will be released in an orderly and coordinated manner.
2.6	Outline the long-term management and maintenance of any areas of open space or conservation including ownership and control, management and maintenance funding, public access, revegetation and rehabilitation works and bushfire management.
3. Visual Impact	
3.1	Address the visual impact of the proposal in the context of surrounding development and relevant mitigation measures. In particular address impacts on scenic quality and amenity, overshadowing of public reserves, loss of views from public places and cumulative impacts as a result of proposed clearing for access building envelopes and associated fire hazard control.
4. Infrastructure Provision	
4.1	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.
4.2	Address and provide the likely scope of any planning agreement and/or developer contributions with Council/Government agencies.
5. Traffic and Access	
5.1	Prepare a traffic impact study in accordance with Table 2.1 of the RTA's <i>Guide to Traffic Generating Developments</i> . Justification for the road / bridge crossing through the 7(b) Environmental Protection (Conservation/Habitat) Zone should be provided.
5.2	Protect existing public access to and along the riparian corridor and provide, where appropriate, new opportunities for controlled public access. Consider access for the disabled, where appropriate.
5.3	Demonstrate that the proposal will not restrict access to any adjoining properties which currently benefit from legal access from the Crown road reserve to the south east of the site.
5.4	Demonstrate that the Crown road reserve is no longer required by the RTA for the proposed upgrade of the Pacific Highway.
6. Hazard Management and Mitigation	
Contamination	
6.1	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of <i>SEPP 55 – Remediation of Land</i> .

<i>Acid Sulfate Soils</i>	
6.2	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures.
<i>Bushfire</i>	
6.3	Address the requirements of Planning for Bush Fire Protection 2006 (RFS).
<i>Geotechnical</i>	
6.4	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, provide appropriate design considerations that address these limitations, including appropriate access to all lots on steeper blocks.
<i>Flooding</i>	
6.5	Provide an assessment of any flood risk on site in consideration of any relevant provisions of the NSW Floodplain Development Manual (2005) including the potential effects of an increase in rainfall intensity as a result of climate change.
6.6	Consider the potential impacts of any filling on the flood regime of the site and adjacent lands and where necessary, identify appropriate mitigation measures.
7. Water Cycle Management	
7.1	Address and outline measures for Water Cycle Management based on Water Sensitive Urban Design principles which addresses impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sedimentation controls at construction and operational stages.
7.2	Provide an assessment of the nature and profile of the groundwater regime under the site.
7.3	Assess the impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site.
7.4	Prepare conceptual design layout plan for the preferred stormwater treatment train showing location, size and key functional elements of each part of the system.
8. Heritage and Archaeology	
8.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance. The assessment must address the information and consultation requirements of the draft <i>Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation</i> and <i>Interim Community Consultation Requirements for Applicants</i> .
8.2	Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.
9. Flora and Fauna	
9.1	Assess the potential impacts of the development on flora and fauna taking into consideration impacts on any threatened species, populations, ecological communities and/or critical habitat and any relevant recovery plan in accordance with DECC's <i>Guidelines for Threatened Species Assessment</i> (2005), having particular regard for the Grey Headed Flying Fox.
9.2	Describe actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on threatened species and their habitat. Assess the effectiveness and reliability of the measures and any residual impacts after implementation.
9.3	Prepare a management plan for the Grey Headed Flying Fox colony on and adjacent to the site.
9.4	Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land.
9.5	Address measures to protect and manage the riparian corridor and adjacent aquatic habitats, including the provision of appropriate buffers.
10. Noise	
10.1	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:*

- Commonwealth Department of the Environment, Water, Heritage and the Arts;
- Clarence Valley 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;
- NSW Police Service;
- State Emergency Service;
- Northern Rivers Catchment Management Authority;
- Local Aboriginal Land Council/s and other Aboriginal community groups; and
- 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.

The consultation process and the issues raised should be described in the Environmental Assessment.

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 of all proposed roads and footpaths;
 - Location of all structures proposed and retained on site;
 - 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; and,
 - Any easements, covenants or other restrictions either existing or proposed on the site.

	<p>6. 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>7. 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>8. View analysis – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development to demonstrate the impact on scenic quality.</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"> • Planning; • Flora and Fauna; • Bushfire; • Landscaping; • Geotechnical and/or hydrogeological (groundwater); • Stormwater/drainage; • Urban Design/Architectural; • Contamination in accordance with the requirements of SEPP 55; and • Acid Sulfate Soil Management Plan.
Documents to be submitted	<ul style="list-style-type: none"> • Both hard copy and electronic versions of the Environmental Assessment will be required to be submitted. Please contact the Department prior to submitting your Environmental Assessment to determine how many copies will be required. • If the Environmental Assessment is bulky, 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 Department for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> ▪ All files should be approximately 5 Mb. ▪ Large files of more than 5 Mb will need to be broken down and supplied as different files.

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	
	Draft Guidelines for Threatened Species Assessment (DEC & DPI, 2005)
	Draft Threatened Biodiversity Survey and Assessment Guidelines (DEC, 2004)
	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Policy and Guidelines: Aquatic Habitat Management and Fish Conservation (NSW Fisheries, 1999)
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)
Soils and Contamination	
	Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (DUAP & EPA, 1998)
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
	Acid Sulfate Soil Manual (ASSMAC)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
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 Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, 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)

Aspect		Policy /Methodology
Noise		
		Environmental Criteria for Road Traffic Noise (EPA, 1999)
		Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)
Safety and Hazards		
		Electrical Safety Guidelines (Integral Energy)
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)

Attachment 4
Agency Responses to Request for Key Issues
- For Information Only

