



NSW GOVERNMENT
Department of Planning

Contact: Paula Tomkins
Phone: 9228 6397
Fax: 9228 6540
Email: paula.tomkins@planning.nsw.gov.au
Our ref: S06/00219

Mr David Hogendijk
Thakral Holdings Limited
Level 12, 301 George Street
SYDNEY NSW 2000

Dear Mr Hogendijk

Subject: MP 06_0188 – Subdivision of land at Pacific Bay Resort (western lands), Pacific Highway, Korora, Coffs Harbour

I refer to your letter dated 15 July 2008 requesting that the current concept plan for the above project be changed to a project application. Amended Director-General's Environmental Assessment Requirements (DGRs) are attached to this correspondence at **Attachment 1**.

In light of the concurrent rezoning process the Environmental Assessment (EA) for the proposal will not be placed on public exhibition until the draft Local Environmental Plan has received certification that it may be publicly exhibited under s65 of the Act. Further, the Department advises the proponent to consult with Council in regard to Council's preparation of the development control plan and developer services and developer contributions plans for the larger North Coffs Study Area.

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 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 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.

It would be appreciated if you would contact the Department at least two weeks before you propose to submit the EA for the project to determine:

- the fees applicable to the application. Note that you will need to provide a signed statement from a Quantity Surveyor to verify the capital investment value of the project;
- consultation and public exhibition arrangements that will apply; and
- number and format (hard-copy or CD-ROM) of the EA that will be required.

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

Prior to exhibiting the EA, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the EA does not adequately

address the DGRs, 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. 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. As a result, the Department would appreciate it if all documents that are subsequently submitted to the Department are in a suitable format for the web, and if you would arrange for an electronic version of the EA to be hosted on a suitable website with a link to the Departments website.

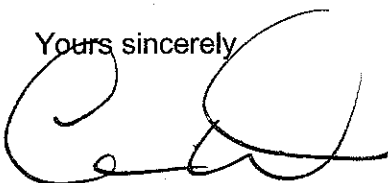
If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance (NES), it will require an additional approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Commonwealth Department of 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.

Please note that under 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, the Department still requires an equivalent level of information within the EA 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 EA.

If you have any enquiries regarding these requirements, please contact Paula Tomkins on 9228 6397 or email paula.tomkins@planning.nsw.gov.au.

Yours sincerely



29.8.09

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
MP 06_0188
Project
Subdivision of the land into approximately 170 residential lots.
Location
Pacific Highway, West Korora, Coffs Harbour Lot 1 DP 592173, Lot 2 DP 226560, Lots 3, 4, and 5 DP 820652 and Lot 23 DP 716144
Proponent
Thakral Holdings Limited
Date issued
24 August 2008
General requirements
<p>The Environmental Assessment for the Project Application must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. A detailed description 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 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 as well as impacts, if any, on matters of National Environmental Significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; 5. Consideration of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>. 6. 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; 7. The plans and documents outlined in Attachment 2; 8. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and 9. An assessment of the key issues specified below and a table outlining how these key issues have been addressed. 10. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project.
Key Issues

The Environmental Assessment (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 Ensure that the proposal is consistent with the rezoning process of Coffs Harbour City Council (Amendment No. 38). Note: the EA cannot proceed to public exhibition until the draft LEP for the site has been granted a certificate certifying that it may be publicly exhibited under s65 of the Act.
- 1.3 Demonstrate that the design response for the proposed development will integrate with the whole North Coffs Study Area, particularly in regard to connectivity, location of neighbourhood business centres, provision of neighbourhood playgrounds and community service provisions.

2. Land Use Suitability

- 2.1 Address the suitability, compatibility and relationship of proposed commercial/retail land uses with residential development of the site and with existing and proposed development of the surrounding area.
- 2.2 Address suitability of urban development of the site in relation to land that currently or potentially supports agricultural uses, including the quality and value of land for continued agricultural use, and compatibility between potentially conflicting land uses.

3. Subdivision Design and Visual Impacts

- 3.1 Demonstrate that the subdivision layout and design will be consistent with the *Coastal Design Guidelines of NSW* (2003), NSW Coastal Policy 1997 and SEPP 71 – Coastal Protection.
- 3.2 Demonstrate the subdivision layout and design will address site topography, landscape setting and retention of significant vegetation.
- 3.3 Demonstrate that the subdivision layout and proposed design guidelines can provide for energy efficiency, safety (Safer by Design principles) and appropriate controls for the proposed commercial/retail areas.
- 3.4 Provide details of potential building envelopes, built form and design quality controls and the means for implementing them. Include consideration of advertising controls adjacent to the Pacific Highway.
- 3.5 Identify the type of subdivision proposed i.e. Torrens, community, strata.
- 3.6 Provide details of any staging that demonstrates the lots will be released in an orderly and coordinated manner.
- 3.7 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.
- 3.8 Address the visual impact of the proposal in the context of surrounding development and relevant mitigation measures. In particular address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places and cumulative impacts.

4. Traffic Management and Access

- 4.1 Prepare a traffic impact study in accordance with Table 2.1 of the RTA's Guide to Traffic Generating Developments, with regard to the Pacific Highway Planning Strategy. Note: Advice from RTA and Council states that there be no new connections to the Pacific Highway; and Bruxner Park Road, and that proposed connections to West Korora Road and to Lot 1 DP590365 and Lot 22 DP716144 be deleted.
- 4.2 Address the provision of pedestrian and cyclist access within and through the site, including connectivity with the North Coffs Study Area.

5. Flora and Fauna	
5.1	Outline potential direct and indirect 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.
5.2	Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land, including consideration of provisions of Coffs Harbour City Koala Plan of Management.
6. Proposed Conservation Areas and Buffer Zones	
6.1	Identify appropriate conservation areas and buffer zones to protect remnant vegetation and riparian areas, in particular Jordan's Creek. Note: the recommended buffer width is 50m, increased to 100m or more where adjacent to ecologically sensitive areas. Any departure from these buffer widths requires assessment and justification by appropriately qualified professional/s.
7. Water Cycle Management	
7.1	Address potential impacts on surface and groundwater quality, including Jordan's Creek, and on groundwater dependent ecosystems.
7.2	Address and outline measures for an Integrated Water Cycle Management Plan (including stormwater concept) based upon Water Sensitive Urban Design principles, and include both construction and operational management measures.
7.3	Liaise with the Department of Water and Energy and Department of Primary Industries (Fisheries) regarding requirements for water use, water management and work within and adjacent to watercourses, in particular Jordan's Creek, and measures to ensure free passage of fish.
8. Hazard Management and Mitigation	
<i>Bushfire</i>	
8.1	Address the requirements of <i>Planning for Bush Fire Protection 2006</i> (NSW Rural Fire Service).
<i>Flooding</i>	
8.2	Provide an assessment of any flood risk on site and a strategic Floodplain Risk Management Plan in consideration of any relevant provisions of the NSW <i>Floodplain Development Manual</i> (2005). The assessment should determine: the flood hazard in the area; address the impact of flooding on the proposed development, address the impact of the development (including filling) on flood behaviour of the site and adjacent lands; and address adequate egress and safety in a flood event.
8.3	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).
<i>Contamination</i>	
8.4	Identify any contamination on site and appropriate mitigation measures, including consideration of the <i>Guidelines for Assessing Banana Plantation Sites</i> (EPA, 1997).
<i>Acid Sulfate Soils</i>	
8.5	Identify the presence and extent of acid sulfate soils on the site and appropriate mitigation and management measures.

Geotechnical

8.6 Address geotechnical issues including land stability and suitability for development.

9. Noise

9.1 Address potential noise impacts, in particular road traffic noise, for future residents and appropriate mitigation measures, including consideration of the impacts of the RTA's Pacific Highway Upgrade.

10. Infrastructure and Services

10.1 In consultation with relevant agencies, address the existing capacity and requirements of the development for sewerage, water, electricity, telecommunications, waste disposal and gas. Identify whether infrastructure works will be staged.

10.2 Consider impacts on existing community facilities such as schools, hospitals, parks, and on existing infrastructure.

10.3 Address and provide the likely scope of any planning agreement/s and/or development contributions with Council/Government Agencies (including relevant community/state infrastructure contributions).

11. Heritage

11.1 Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance (Aboriginal community consultation should be undertaken in accordance with DEC's *Interim Community Consultation Requirements for Applicants*).

11.2 Identify any other items of European heritage significance and provide measures for conservation of such items.

12. Socioeconomic Impacts

12.1 Provide a social impact assessment for the development. Address the social and economic context of the development in terms of infrastructure requirements, public transport, community services and facilities (including schools and medical services).

Ownership

12.2 Address land ownership and provision of owners' consent for all parcels of land involved in the proposed development, including the existing pedestrian tunnel or underpass to the Pacific Highway.

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:

- Coffs Harbour City Council;
- Department of Water and Energy;
- Department of Environment and Climate Change;
- Department of Lands;
- Department of Primary Industries;
- Roads and Traffic Authority;
- NSW Rural Fire Service;
- Country Energy;
- Telstra;
- Local Aboriginal Land Council/s and other relevant Aboriginal community groups.

(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

<p>Plans and Documents of the development</p>	<p>The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for 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. 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, footpaths etc. • Existing and proposed finished levels in relation to roads, footpaths and structures; • Location and details of access points to the subdivision;
--	--

	<ul style="list-style-type: none"> • 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>7. Other plans including:</p> <ul style="list-style-type: none"> • 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; • View analysis - artists impression, photomontages, etc of the proposed development in the context of the surrounding development; and • 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); • 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; • 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;
Specialist advice	<p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practicing consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Flora and Fauna; • Bushfire; • Traffic; • Landscaping; • Geotechnical and/or hydro geological (groundwater); • stormwater/drainage; • Urban Design/Architectural; • Contamination in accordance with the requirements of SEPP 55; • Acid Sulphate Soil Management Plan.
Documents to be submitted	<ul style="list-style-type: none"> • Initially only 1 hard copy of the Environmental Assessment and 1 set of plans should be submitted to the Department, so that a preliminary test of adequacy can be carried out, prior to final submission of all documentation, being: • 15 hard copies of the Environmental Assessment; • 15 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

Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-

- 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.

Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.

Attachment 3

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)
	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)
	Coastline Management Manual (NSW Government 1990)
Community Consultation	
	Guidelines For Major Project Community Consultation, (NSW Department of Planning, 2007) http://www.planning.nsw.gov.au/assessingdev/pdf/Dr3%20DOP%20GuideMajProjComConsult%20BRO.pdf
Bushfire	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
Contamination and Soils	
	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)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
	NSW Acid Sulfate Soil Management Advisory Committee - Acid Sulfate Soil Manual (ASSMAC, 1998).
Environmental Management Systems	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)

Aspect	Policy /Methodology
Heritage	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
	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, NSW Heritage Office, 2000
	Statements of Heritage Impact, NSW Heritage Office 2002
	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)
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 Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
	Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)
	Effluent Reuse Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)
	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)
	NSW State Groundwater Quality Protection Policy (DLWC 1998)
	NSW Groundwater Dependent Ecosystem Policy (DLWC 2000)
	Stormwater Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
	Waterways Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)
	Wetlands NSW Wetlands Management Policy (DLWC 2000)