



NSW GOVERNMENT
Department of Planning

Contact: Jane Flanagan
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Our ref: MP08_0141/S08/01174
Your ref: 24532 LDC

Mr Alex Soovoroff
Malbec Properties
GPO Box 2641
SYDNEY NSW 2001

Dear Mr Soovoroff

Subject: RESIDENTIAL SUBDIVISION, Lot 3 DP568613, 58 JONSSON ROAD and Lot 384 DP755952 (Por 384), GEORGE EVANS ROAD, MUNDAMIA, MP 08_0141

The Department has received your application (MP08_0141) for a proposed 380 lot residential subdivision of the above site.

The Director-General's Environmental Assessment Requirements (DGRs) for the Environmental Assessment (EA) of the project for a Project Application are at **Attachment 1**. The DGRs have been prepared in consultation with the relevant government agencies, including Shoalhaven Council.

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

As the major project proposal requires a rezoning to proceed, you are strongly advised to progress your EA in a manner which ensures the findings of the investigative work for the Draft Shoalhaven Comprehensive LEP (Draft LEP) inform the final documentation submitted in support of your application, particularly the appropriate developable areas.

The Department has received a final Draft LEP and is reviewing it for section 65 certification. The Department will be able to exhibit the EA, either concurrently or, after the Draft LEP exhibition. Exhibition of the EA cannot occur prior to exhibition of the Draft LEP as the latter sets the permissibility framework for the proposal. Furthermore, the Major Project cannot be approved until the Draft LEP has been gazetted.

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 you seeking approval for the project.

Please contact the Department at least two weeks before you propose to submit the environmental assessment to determine:

- the fees applicable to the application;
- whether the proposal requires an approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, and any assessment obligations under that Act;
- applicable consultation and public exhibition arrangements; and
- number and format (hard-copy or CD-ROM) required for the EA.

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

Prior to exhibition, the Department will review the EA 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, he may require the proponent to revise it 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 DGRs 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 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 Department's website.

If the 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 *EPBC Act*. Such 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 (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 requires an approval under the *EPBC Act*. The Commonwealth Government has accredited the NSW environmental assessment process for assessing any impacts on matters of NES. Accordingly, 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.

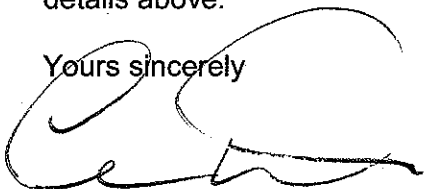
Please note that under 75U of the Act, Part 3A applications do not require certain permits/approvals required under other legislation. Those matters are assessed as part of the Part 3A process. For example, section 87 permits and section 90 consents under the *National Parks and Wildlife Act 1974* are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

Nonetheless, the Department still requires an equivalent level of information in 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 during the preparation of the environmental assessment should any sub-surface testing be required.

Copies of responses from government agencies to the Department's request for key issues and assessment requirements are at **Attachment 4**. Please note that those responses have been provided to you for information only and do not form part of the DGRs.

If you have any queries regarding these requirements, please contact Jane Flanagan on the details above.

Yours sincerely



Chris Wilson
Executive Director,
Major Project Assessment
as delegate for the Director-General

17.10.08

c. Mr Matt Philpott
Allen Price and Associates

Attachment 1

Director-General's Environmental Assessment Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number
MP08_0141
Project
Project Approval is sought for a 380 lot residential lot subdivision.
Location
Lot 3 DP568613, 58 Jonsson Road and Lot 384 DP755952 (Por 384), George Evans Road, Mundamia
Proponent
Allen Price and Associates
Date issued
17 October 2008
Expiry date
2 years from date of issue
General requirements
The Environmental Assessment (EA) for the 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; 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 <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth); 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 those 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, policies and plans, including the Mundamia Master Plan. Provide justification for any inconsistencies.
1.2	Demonstrate consistency with the South Coast Regional Strategy, specifically the Sustainability Criteria; and the use of the delivery of key infrastructure such as electricity, water, and sewer as a tool to implement the staging program.
1.3	Address the Nowra Bomaderry Structure Plan, specifically the Considerations, Desired Future character, and Planning and Design Principles identified for the area. Address how the proposal will be linked to the remainder of the new Living Area (not included as part of the proposal) identified within the Structure Plan.
1.4	Address the findings of the investigative work for the Draft Shoalhaven Comprehensive LEP (Draft LEP). Address the permissibility framework provided by the Draft LEP, noting that approval of the Major Project will not occur until gazettal of the Draft LEP.
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	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> .
2.3	Identify the proposed titling of subdivision across the site (i.e. community, Torrens, strata).
2.4	Provide details of potential building envelope, built form, design quality and 'safety by design' controls, and the means for implementing them.
2.5	Demonstrate a subdivision layout that accommodates housing choice with a mix of medium density and detached dwellings, and potentially some appropriate student accommodation.
2.6	Provide details of any staging that demonstrates the lots will be released in an orderly and co-ordinated manner.
2.7	Outline 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 the amenity of the foreshore, overshadowing of public reserves, loss of views from public places and cumulative impacts.
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 of infrastructure works.
4.2	Address and provide the likely scope of a 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 Guide to Traffic Generating Developments which addresses matters, including the following: • Connectivity to existing, surrounding developments, including West Nowra, Wollongong University and the Thompsons Point area; • Provision for a future road reserve on both sides of George Evans Road to link to the west Bypass corridor and to the Nowra CBD; and

5.2	• Upgrade requirements for Yawal/George Evans Roads and Yaiwal/Albatross intersections. Undertake intersection modelling using SIDRA for the key junctions in the area including the Yawal Road and MR92 intersection, and consider: • AM and PM peak volumes and holiday peak volumes; • Existing traffic volumes with and without development; and • 10 year projected volumes with and without the proposal.
6. Hazard Management and Mitigation	
<i>Coastal Processes</i>	
6.1	Address coastal hazards and the provisions of the <i>Coastline Management Manual</i> . In particular consider impacts associated with sea level rise and more frequent and intense storms.
6.2	A risk management assessment of climate change impacts to the year 2100, is to be undertaken using the latest available information from the International Panel on Climate Change (IPCC), Department of Environment and Climate Change (DECC), and the CSIRO. This should include sensitivity analyses for low level, mid range and high level ocean impacts as set out in the relevant DECC Guideline (<i>Floodplain Risk Management Guideline: Practical Consideration of Climate Change</i> , 2007).
<i>Contamination</i>	
6.3	Prepare a preliminary site assessment and 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>	
6.4	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures.
<i>Bushfire</i>	
6.5	Address the requirements of <i>Planning for Bush Fire Protection 2006</i> (RFS). Demonstrate that the proposal can provide asset protection zones, access arrangements, water supplies and utilities, building construction and design, and emergency management arrangements in accordance with <i>Planning for Bush Fire Protection 2006</i> .
<i>Geotechnical</i>	
6.6	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.
<i>Flooding</i>	
6.7	Provide an assessment of any flood risk on site in consideration of any relevant provisions of the <i>NSW Floodplain Development Manual</i> (2005), including the potential effects of sea level rise and an increase in rainfall intensity.
6.8	Consider the potential impacts of filling on the flood regime of the site and adjacent land.
7. Water Cycle Management	
7.1	Address and outline measures for integrated water cycle management (including stormwater) based on water sensitive urban design principles which address impacts on the surrounding environment, mitigate impacts on water quality downstream, drainage and water quality controls for the catchment, and erosion and sedimentation controls during construction and for the life of the proposal.
7.2	Assess the impacts of the proposal on surface and groundwater hydrology and quality during construction and occupation of the site.
7.3	Address safeguards to mitigate any impacts upon water quality, including impacts downstream on Flat Rock Creek, Flat Rock Creek Dam and the Shoalhaven River. Provide details of proposed effluent management, stormwater, road drainage, and water quality management for the site, for example, description and locations of on-site wastewater systems, swales, water

7.4	quality retention ponds, etc). Address the requirements, where relevant, of the Flat Rock Creek Notification Area under the <i>Mining Act 1992</i> (NSW) and the <i>Dam Safety Act 1978</i> (NSW). Include consideration of any specific existing or draft Estuary Management Plan and Coastline Management Plan.
8. Heritage and Archaeology	
8.1	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 <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	Prepare a Flora and Fauna Assessment Report. Assess in accordance with DECC's <i>Draft Guidelines for Assessment of Impacts on Threatened Species Under Part 3A</i> (2005), potential impacts of the development on the flora and fauna of the site and setting in the landscape, particularly impacts on any threatened species, populations, endangered ecological communities (EECs), and/or critical habitat, and any relevant recovery plan, with particular regard for relevant EECs or threatened species, where known (bearing in mind DECC's letter dated 30 September 2008, attached, particularly its comments in relation to Attachment A and the proposed development envelope). Surveys should target the <i>Triplarina nowraensis</i> species and the assessment should demonstrate that the proposal will have minimal impact on this species. Provide measures for the conservation of flora and fauna, habitats and communities, where relevant, including the provision of adequate vegetated buffers, particularly on the eastern side, bordering the Flat Rock Creek gully.
9.2	Address the potential bio-certification of the Draft Shoalhaven LEP 2009. Any native vegetation proposed to be removed within the area identified in DECC's submission dated 30 September 2008 (attached), needs to be offset in accordance with the principles of "maintain or improve environmental outcomes" in DECC's Draft Guidelines (above).
9.3	Resolve the provision of arterial road access for the proposal and any impacts on threatened species assessed, using the "avoid, mitigate, offset framework in DECC's Draft Guidelines.
9.4	Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land. Address the conservation and enhancement of the remnant line of trees running east-west across the centre of the property by the provision of a wildlife corridor from the creek to the forest. Investigate opportunities to conserve or enhance local and regional corridors and important habitats, such as creek lines, in the design of the proposal.
9.5	Describe all aquatic environments (watercourses, wetlands) located on or adjacent to the site and their regional significance.
9.6	Predict impacts upon aquatic environments on or adjacent to the site (both temporary and permanent). Predict any temporary and permanent impacts upon water quality and aquatic threatened species, populations and ecological communities listed under the <i>Fisheries Management Act 1994</i> (NSW).
9.7	Address measures and safeguards to protect adjacent aquatic habitats, including SEPP 14 wetlands and riparian habitats; and provide full details and widths of proposed riparian buffer zones for Flat Rock Creek.
10. Noise	
10.1	Address potential noise impacts (existing and proposed) on the development, in particular, from road traffic and aircraft noise, and noise from the proposed Bamarang Power Station Stage 2 (MP08_0021). Address appropriate mitigation measures to ameliorate any identified noise impacts.
11.0 Aviation/Defence	
11.1	Address potential impacts of the proposal on the operations of HMAS Albatross, and consider flight path impacts from military aircraft operations on the proposal.

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:*

- Shoalhaven Council;
- Department of Environment and Climate Change (Mr Doug Lord for climate change and Mr Duncan McLuckie for flooding);
- Department of Primary Industries;
- Rural Fire Service;
- Department of Water and Energy;
- Roads and Traffic Authority;
- Department of Lands;
- Department of Defence;
- Wollongong University;
- Nowra 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, the issues raised and the means for addressing them 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 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, footpaths and cycleways; • 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; • Any easements, covenants or other restrictions either existing or proposed on the site;
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	Type of subdivision proposed (Torrens, strata and/or community title). 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; 7. 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; 8. 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); 9. 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; 10. View analysis – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development.
Specialist advice	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: - 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	20 hard copies of the Environmental Assessment; 20 sets of 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, please package each copy 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:- - All files a maximum of 5 Mb. - Large files more than 5 Mb need to be broken down and supplied as different files. Alternatively, electronic documents may be placed on your own web site with a link to the Department of Planning's website.

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. However, 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)
Fish and Aquatic Ecosystems	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2004)
	Threatened Species Management Manual (NPWS, 1998)
	Policy and Guidelines for Fish Friendly Waterway Crossings (2004) (www.dpi.nsw.gov.au under 'Aquatic Habitats' and 'Publications').
	Department's Policy and Guidelines Aquatic Habitat Management and Fish Conservation (1999) (www.dpi.nsw.gov.au)
Biodiversity Certification	<i>Principles for the use of biodiversity offsets in NSW</i> , in Appendix 11 of <i>Guidelines for Biodiversity certification of Environmental Planning Instruments: Working Draft</i> (DECC 2007)
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 Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC/DoP, 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)
Design		
		Healthy By Design: A Planners' Guide to Environments for Active Living, (National Heart Foundation of Australia, 2004).
		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