

Attachment 1

Director-General's Environmental Assessment Requirements

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

Application number
08_0033
Project
25 lot community title subdivision and tourist facilities
Location
Lot 101 DP 833435 Point Plomer Road, Big Hill via Crescent Head.
Proponent
King and Campbell Pty Ltd
Date issued
08/05/2008
General requirements
<p>The Environmental Assessment (EA) for the Project 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 how these key issues have been addressed.
Key Issues
The EA must address the following key issues:
<ol style="list-style-type: none"> 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.
2. Tourist Uses	
2.1	Demonstrate how the continuation of the 'holiday cabin' use of the land can be controlled. Provide an outline of provisions for a Community Management Statement that incorporates details relating to occupancy, management systems, use of amenities and facilities and body corporate roles and responsibilities etc. Demonstrate that no part of the development will be used for permanent accommodation. Provide details of appropriate mechanisms, including restrictive covenants to ensure that the development is used for short stay tourist uses only.
3. Subdivision Design, Layout, Desired Future Character and Visual Impact	
3.1	Demonstrate the consistency of the proposed subdivision design and layout with relevant policies and guidelines, the character of existing and expected development in the locality, scale, building envelopes and future built form controls, aesthetics, energy and water efficiency and safety.
3.2	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> .
3.3	Provide details of potential building envelope, built form and design quality controls and the means for implementing them.
3.4	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.
3.5	Address the visual impact of the proposal in the context of surrounding environment/development and relevant mitigation measures. In particular address impacts on the amenity of the adjacent beach, Goolawah State Park and Limeburners Creek Nature Reserve.
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	Demonstrate arrangements for existing or creation of any easements for services onsite. In particular address the existing 80m Council easement for maintenance of the flood mitigation channel.
4.3	Address and provide the likely scope of any planning agreement and/or developer contributions with Council/ Government agencies.
4.4	Demonstrate how the on-site disposal of effluent will be achieved without impacting on the surrounding environment, in particular in times of flood.
5. Traffic and Access	
5.1	<p>Prepare a traffic impact study in accordance with Table 2.1 of the RTA's Guide to Traffic Generating Developments which addresses, but is not limited to the following matters:</p> <ul style="list-style-type: none"> • The capacity of the road network to safely and efficiently cater for the additional traffic generated; • Access to and within the site; • Servicing and parking arrangements including internal traffic movement / hazards; • Intersection site distances; • Provision of access for pedestrians and cyclists to, through and within the site; and • Identify suitable mitigation measures, if required to ensure the efficient functioning of the road network.
6. Hazard Management and Mitigation	
Contamination	

6.1	Identify any contamination on site including a detailed investigation of all materials deposited onsite and undertake appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land.
<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 <i>Planning for Bush Fire Protection 2006 (RFS)</i> .
<i>Geotechnical</i>	
6.4	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations. Address, in particular the long-term stability of the mounds on which the holiday cabins are proposed to be built.
<i>Flooding</i>	
6.5	Provide an assessment of any flood risk on site, taking into consideration any relevant provisions of the <i>NSW Floodplain Development Manual (2005)</i> including the potential effects of sea level rise and an increase in rainfall intensity.
6.6	Demonstrate that flood free access/egress from the site will be provided.
6.7	Consider the effect of flooding on the stability of the mounds, the proposed holiday cabins and sewage infrastructure.
6.8	Address the need to maintain access for the Council to maintain flood mitigation infrastructure.
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 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	Submit a Water Cycle Management Plan which demonstrates the means and adequacy of managing stormwater within the site, in particular detailing measures to show that the quality and quantity of stormwater from the developed site will not adversely affect the downstream receiving environment (adjacent SEPP 14 Coastal Wetland, flood mitigation channel) and the existing stormwater drainage patterns/regime.
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	Demonstrate how water will be re-used on-site (e.g. rainwater tanks, greywater recycling) and how the principles of Water Sensitive Urban Design will be incorporated into the development.
8. Heritage and Archaeology	
8.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance in accordance with the <i>Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A</i> . 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	Outline potential impacts, including impacts from increased recreational usage/visitation, 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>). Assessment should be undertaken in accordance with the <i>Draft Guidelines for assessment of impacts on Threatened Species under Part 3A</i> . Provide measures for their conservation, where relevant.
9.2	Outline measures for the conservation of existing wildlife corridor values and/or connective

- importance of any vegetation on the subject land.
- 9.3 Address measures to enhance, protect and manage the riparian corridor of the flood mitigation channel and adjacent aquatic habitats, including the provision of appropriate buffers.
- 9.4 Where appropriate, create new opportunities for controlled public access for riparian and open space areas. Consider access for the disabled, where appropriate.

10. Noise

- 10.1 Address potential noise impacts, in particular road traffic noise, for future residents and appropriate mitigation measures.

Consultation

During the preparation of the Environmental Assessment, you should undertake an appropriate and justified level of consultation with the following:

(a) Agencies or other authorities:

- Commonwealth Department of the Environment, Water, Heritage and the Arts;
- Kempsey Shire Council;
- Department of Environment and Climate Change;
- Department of Primary Industries;
- NSW Rural Fire Service;
- Department of Water and Energy;
- Roads and Traffic Authority;
- Department of Lands;
- Northern Rivers Catchment Management Authority;
- Local Aboriginal Land Council/s and other Aboriginal community groups; and
- 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, issues raised and how these have been addressed 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, existing easements, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways etc.).
4. A **locality/context plan** drawn to 1:500 scale (or other appropriate scale) should be submitted indicating:
 - significant local features such as parks, community facilities and open space, water courses and heritage items;
 - the location and uses of existing buildings, shopping and employment areas;
 - traffic and road patterns, pedestrian routes and public transport nodes; and
 - The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation.
5. **Subdivision plans** are to show the following:-
 - the location, boundary dimensions, site area and north point of the land, and names of roads fronting the land;
 - title showing the description of the land with lot and DP numbers etc;
 - existing and proposed subdivision pattern including all measurements and sites areas of existing and proposed allotments;
 - location and details of all proposed roads and footpaths;
 - location of all structures proposed and retained on site;
 - cross sections of roads, including gradients, widths, road names, footpaths etc.
 - existing and proposed finished levels in relation to roads, footpaths and structures;
 - location and details of access points to the subdivision;
 - existing vegetation on the land and vegetation to be retained;
 - location of services and infrastructure, and proposed methods of draining the land;
 - any easements, covenants or other restrictions either existing or proposed on the site;
 - type of subdivision proposed (Torrens, strata and/or community title).

6. **Architectural plans** are to show the following:-
- the location of proposed new buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development;
 - floor plans of proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building;
 - elevations and sections showing proposed external finishes, materials and heights;
 - proposed finished levels of the land in relation to buildings and roads;
 - building perspectives, where necessary to illustrate the proposed building;
 - proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate);
 - proposed landscaping and treatment of the land (indicating plant types and their height at maturity);
 - proposed methods of draining the land;
 - waste management;
 - details of services – water, sewer, stormwater;
 - provisions of access and facilities for people with a disability;
 - cross sections of the structure and extent of cut and fill;
 - proposed building materials and their finished colours; and,
 - trees to be removed.
7. **Shadow Diagrams** to show the potential impacts of overshadowing at winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.
8. **View analysis** – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development.
9. **BASIX** – compliance details and relevant certificates.
10. **Stormwater Management 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.
11. **Landscape Plan** – showing planting design and plant/tree species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised in relation to the treatment of communal/public open space areas, footpaths, driveways and the public domain including details of street trees, furniture, signage, lighting and surface treatments (i.e. pavers).
12. **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.
13. **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 practising consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Planning; • Engineering; • Flora and Fauna; • Bushfire; • Landscaping; • Geotechnical and/or hydro geological (groundwater); • Stormwater/drainage; • On-site sewage management; • Urban Design/Architectural; • Contamination; and • Acid Sulphate Soil Management Plan.
Documents to be submitted	<ul style="list-style-type: none"> • 1 colour copy of the Environmental Assessment for the Test of Adequacy, including one (1) set of A3 size plans (to scale); • 10 - 15 hard copies of the Environmental Assessment (once the EA has been determined adequate); • 10 - 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	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> ▪ All files must be no bigger than 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 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)
	Draft Threatened Biodiversity Survey and Assessment Guidelines (DEC 2004)
	Key Habitats and Corridors For Forest Fauna (Scotts 2003)
	Threatened Species Management Manual (NPWS, 1998)
Fish and Aquatic Ecosystems	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
Coastal Planning	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, NSW Government, 1997
	Coastal Design Guidelines for NSW, PlanningNSW, February 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
Bushfire	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
Contamination of Land	
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
Environmental Management Systems	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
Heritage	
Aboriginal	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A (Planning 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)
	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)

Aspect	Policy /Methodology
Rehabilitation	
	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
Safety and Hazards	
	Electrical Safety Guidelines (Integral Energy)
Soils	
	Acid Sulfate Soil Manual (ASSMAC)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
Traffic & Transport	
	Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03)
	Guide to Traffic Generating Developments (RTA, 2002)
Urban Design: Cycleway/Pathway Design	
	Guidelines for the Design and Construction of Paths and Cycleways along Watercourses and Riparian Areas (Version 2) (DIPNR/DNR)
Water	
	Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
Floodplain	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
	Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007)
Groundwater	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
Stormwater	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
Waterways	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)
EPBC Act	
	Commonwealth Environment Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW: March 2007