



NSW GOVERNMENT
Department of Planning

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Our ref: S07/01792
Y08/25

Mr Keith Johnson
Managing Director
Johnson Property Group
PO Box A1308
SOUTH SYDNEY NSW 1235

Dear Mr Johnson,

Subject: North Cooranbong Residential Precinct (MP 07_0147 Concept Plan) – Modified Director General's Requirements

I refer to my letter dated 23 November 2007 setting out the Director-General's Environmental Assessment Requirements for the above Major Project.

The Commonwealth Department of Environment, Water, Heritage and the Arts (DEWHA) has subsequently determined on 17 December 2007 that your proposal:

1. is a "controlled action" under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and
2. will be assessed under the Bilateral Agreement which accredits the assessment regime under Part 3A of the EP&A Act for assessment purposes under the EPBC Act.

DEWHA has identified the need to ensure the Environment Assessment comprehensively addresses the potential impacts on, and proposed mitigation measures for, certain listed threatened species listed under the EPBC Act.

Therefore pursuant to 75F(3) of the Environmental Planning and Assessment Act 1979 please find attached modified Director-General's Environmental Assessment Requirements. The modification made is the insertion of item 8(5) under Key Assessment Requirements.

You should keep the contact officer for this project up to date with the preparation of the Environmental Assessment Report and, where relevant, any emerging issues. The officer, Mark Attiwill is available on (02) 9228 6430 or via email mark.attiwill@planning.nsw.gov.au.

Yours sincerely

Jason Perica
Executive Director
Strategic Sites & Urban Renewal

7/1/08

Director-General's Requirements

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

Major Project No.	MP07_0147 (Concept Plan)
Project Description	Concept Plan on land predominantly owned by the Australasian Conference Association (ACA) and Avondale Greens Pty Ltd (AG P/L) at North Cooranbong Investigation Area to create a staged subdivision to produce approximately 1,600 conventional allotments; approximately 400 lots for small lot housing / apartments; up to 5 environmental living allotments; associated roads, drainage and service infrastructure and community and recreational facilities.
Site	North Cooranbong Residential Precinct (NCRP) covers 350 ha. of land adjacent to the Cooranbong township. The subject site comprises two components. The larger component comprises approximately 340ha within the NCRP and is generally bounded by existing residential to the south; Onley State Forest to the west and north; and rural residential lots and Avondale School to the east. The second, smaller component of approximately 14 ha is south of the larger component, on land known as the Cooranbong Town Common.
Proponent	Johnson Property Group (acting on behalf of ACA and AG P/L)
Date of Issue	9 January 2008
Date of Expiration	9 January 2010 (2 years from date of issue)
General Requirements	The Environmental Assessment (EA) must include (1) An executive summary; (2) A detailed description of the project including: (a) strategic justification for the project; (b) the various components and stages of the project in detail (eg land uses, infrastructure and dedications) (3) A consideration of the following with any variations to be justified: (a) all relevant State, Regional and Local (including Draft) Environmental Planning Instruments (b) all applicable Planning Strategies such as the Lower Hunter Regional Strategy and Lake Macquarie City Council's Lifestyle 2020 Strategy (c) all applicable s117 Directions and DoP Circulars (d) Environmental Protection and Biodiversity Conservation Act 1999. (4) An assessment of the social, environmental and economic impact of the proposal with particular focus on the Key Assessment Requirements outlined below. (5) A draft Statement of Commitments, outlining commitments to manage, mitigate and /or monitor the social, environmental and economic impacts of the project with a clear identification of who is responsible for these measures and when the commitments will be fulfilled (6) A report from a quantity surveyor identifying the capital investment value for the works outlined in the concept plan (7) An indication of employment generated by the project. (8) A conclusion justifying the project having regard to the General Requirements above. (9) A signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading
Key Assessment Requirements	The Environmental Assessment must address the following key issues: 1. Site Analysis (1) Undertake a site opportunity and constraints analysis that identifies the relevant natural and built environmental features within and adjoining the Site. (2) The site analysis should form the basis for justifying the configuration of the development of the land and the mix of land uses. 2. Urban Design (1) Provide a plan showing the proposed development and conservation footprints, their

	areas and proposed zonings. (2) Provide an indicative lot, open space and street layout and nominate indicative total lot yield, mix and density. (3) Demonstrate a range of housing will be made available on site (4) Demonstrate compliance with the Urban Design and Neighbourhood Planning Principles and density provisions contained in the Lower Hunter Regional Strategy. (5) Develop conceptual design guidelines for housing and open space (both public and private realm) and identify how the design guidelines will be implemented. 3. Visual Impact (1) Identify any visual impact created by the project and mitigation measures. 4. Open Space and Facilities (1) Provide details of publicly available open space and facilities to be provided, long term management and maintenance arrangements and proposed ownership. 5. Utilities and Infrastructure (1) Provide a utility and infrastructure servicing strategy identifying existing capacity and any necessary staged augmentation. (2) The strategy should include means for a recycled water service. 6. Drainage, Stormwater and Groundwater Management (1) Provide a drainage, stormwater and groundwater management strategy identifying measures to be incorporated on site, including on site stormwater detention and WSUD measures (2) The strategy should demonstrate compliance with the principles of the NSW Groundwater Policy Framework. 7. Flooding (1) Identify and address any potential flooding risk faced or created by the project. 8. Biodiversity (1) Address the impact of the development on existing native flora and fauna and their habitats, including identified threatened species, having regard to the Threatened Species Assessment Guidelines and recommend a biodiversity conservation strategy including offset and/or rehabilitation measures to avoid or mitigate impacts on threatened species and their habitat. (2) Consider the development of ecological corridors to link flora and fauna corridors within the site and to adjoining sites. (3) Consider and mitigate any impact upon watercourses and associated riparian buffer / vegetation (4) Identify the intended ownership and long term management (including funding arrangements) for conservation lands. (5) Comprehensively address potential impacts on, and proposed mitigation measures for listed threatened species under the EPBC Act (including <i>Angophora inopina</i>, <i>Grevillea parviflora subsp. parviflora</i> and <i>Tetratheca juncea</i>). See Attachments 1 and 2 for reference. 9. Contamination, Geotechnical and Mine Subsidence (1) Provide a report detailing the suitability of the site for its proposed uses having regard to matter such as erosion hazard, slope stability, uncontrolled fill, soil reactivity, saturated soils, acid sulphate soils, mine subsidence and site contamination. (2) Demonstrate that suitable measures will be made in accordance with SEPP 55 to address any contamination issues. 10. Bushfire (1) Demonstrate compliance with <i>Planning for Bush Fire Protection 2006</i> (2) Identify ownership and ongoing management of any proposed APZs 11. Heritage (1) Identify and assess any items of European and Indigenous heritage on site and any potential impacts created by the project. (2) Provide an assessment against DECCs draft <i>Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i>.
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	12. Traffic and Transport (1) Prepare a Traffic Study in accordance with RTA's <i>Guide Traffic Generating Developments</i> (2) Prepare a TMAP which addresses the requirements covered in the Interim TMAP Guidelines which are available at www.transport.nsw.gov.au 13. Social Infrastructure (1) Demonstrate there will be sufficient social services and infrastructure to support the population generated by project. (2) Identify positive & negative impacts and the means to mitigate any negative impacts 14. Employment (1) Identify and address the employment needs of the incoming population. 15. Commercial Development (1) Justify the amount and type of commercial development proposed by the project both in terms of the ongoing economic viability of existing commercial development and the objectives of the Lower Hunter Regional Strategy. 16. Planning Agreements and /or Developer Contributions (1) Provide the scope and justification for any planning agreement(s) (should one or more be proposed) between the proponent, Council and other Agencies for matters such as regional and local infrastructure, social infrastructure, public transport, recreational and community facilities and the like. 17. Ecologically Sustainable Development (1) Demonstrate how the development will commit to ESD principles. 18. State Significant Site (SSS) Study (1) As outlined in correspondence from DoP to JPG dated 8 November 2007 a SSS study is required to be prepared by the proponent (2) This SSS study should be completed and submitted concurrently with the Environmental Assessment. This will enable joint assessment and concurrent exhibition of the EA and SSS study.
Consultation Requirements	An appropriate and justified level of consultation should be undertaken with the following relevant parties during the preparation of the environmental assessment, having regard to any previous consultation. a) <i>Agencies and other authorities:</i> • Lake Macquarie City Council • NSW Department of Water and Energy • Hunter Water Corporation • NSW Ministry of Transport; • NSW Roads and Traffic Authority; • NSW Department of Education and Training; • NSW Department of Conservation and Climate Change; • NSW Rural Fire Service; • Commonwealth Department of Environment and Water Resources and • All relevant utility providers. b) <i>Public</i> 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.
Landowner's Consent	Landowner's consent is to be provided within the EA in accordance with clause 8F of the Environmental Planning & Assessment Regulation 2000.
Deemed refusal period	120 days

Attachment 1. Guidelines on EPBC Act matters – for reference

The Commonwealth Minister for the Environment has declared the project to be a controlled action under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Under the provisions of the Bilateral Agreement between New South Wales and Commonwealth Governments, the environmental assessment of the impacts of the controlled action must be assessed under Part 3A of the EP&A Act.

The Assessment should also include enough information about the controlled action and its relevant impacts to allow the Commonwealth Environment Minister to make an informed decision whether or not to approve the controlled action under the EPBC Act. This assessment is to be integrated into the assessment required for Part 3A of the EP&A Act. As a guide, the following matters in the EPBC Act and Schedule 4 of the EPBC Regulations 2000 should be considered.

1. General information

The background of the action including:

- (a) the title of the action;
- (b) the full name and postal address of the designated proponent;
- (c) a clear outline of the objective of the action;
- (d) the location of the action;
- (e) the background to the development of the action;
- (f) how the action relates to any other actions (of which the proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action;
- (g) the current status of the action;
- (h) the consequences of not proceeding with the action.

2. Description of the controlled action

A description of the action, including:

- (a) all the components of the action;
- (b) the precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts;
- (c) how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts;
- (d) to the extent reasonably practicable, a description of any feasible alternatives to the controlled action that have been identified through the assessment, and their likely impact, including:
 - (i) if relevant, the alternative of taking no action;
 - (ii) a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the action;
 - (iii) sufficient detail to make clear why any alternative is preferred to another.

3. A description of the relevant impacts of the controlled action;

An assessment of all relevant impacts that the controlled action has, will have or is likely to have on:

- (a) threatened ecological communities and threatened species potentially present and listed under sections 18 and 18A of the EPBC Act;
- (b) migratory species listed under the EPBC Act;
- (c) RAMSAR Wetlands;
- (d) places listed on the National heritage list and protected under the EPBC Act;
- (e) World heritage areas.

Information must include:

- (a) a description of the relevant impacts of the action on matters of national environmental significance;
- (b) a detailed assessment of the nature and extent of the likely short term and long term relevant impacts;
- (c) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- (d) analysis of the significance of the relevant impacts;
- (e) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

4. Proposed safeguards and mitigation measures

A description of feasible mitigation measures, changes to the controlled action or procedures, which have been proposed by the proponent or suggested in public submissions, and which are intended to prevent or minimise relevant impacts. Information must include:

- (a) a description, and an assessment of the expected or predicted effectiveness of, the mitigation measures;
- (b) any statutory or policy basis for the mitigation measures;
- (c) the cost of the mitigation measures;
- (d) an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing;
- (e) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program;
- (f) a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the proponent.

5. Other approvals and conditions

Any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action. Information must include:

- (a) details of any local or State government planning scheme, or plan or policy under any local or State government planning system that deals with the proposed action, including:
 - (i) what environmental assessment of the proposed action has been, or is being, carried out under the scheme, plan or policy;
 - (ii) how the scheme provides for the prevention, minimisation and management of any relevant impacts;
- (b) a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action;
- (c) a statement identifying any additional approval that is required;
- (d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

6. Environmental record of person proposing to take the action

- (1) Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:
 - (a) the person proposing to take the action; and
 - (b) for an action for which a person has applied for a permit, the person making the application.
- (2) If the person proposing to take the action is a corporation — details of the corporation's environmental policy and planning framework.

7. Information sources

For information given in an environment assessment, the draft must state:

- (a) the source of the information; and
- (b) how recent the information is; and
- (c) how the reliability of the information was tested; and
- (d) what uncertainties (if any) are in the information.

8. Consultation

- (a) Any consultation about the action, including:
 - (i) any consultation that has already taken place;
 - (ii) proposed consultation about relevant impacts of the action;
 - (iii) if there has been consultation about the proposed action — any documented response to, or result of, the consultation.
- (b) Identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

Attachment 2. Specific EPBC Act matters – for reference

Vegetation surveys and mapping

Development site

Conduct flora surveys targeting the three listed threatened EPBC species; *Angophora inopina*, *Grevillea parviflora* subsp. *parviflora* and *Tetratheca juncea* to establish their distributions and populations on the proposed development site.

Provide accurate maps of the distribution of *Angophora inopina*, *Grevillea parviflora* subsp. *parviflora* and *Tetratheca juncea* on the proposed development site.

Provide accurate estimates of the populations of *Angophora inopina*, *Grevillea parviflora* subsp. *parviflora* and *Tetratheca juncea* on the proposed development site.

Provide accurate estimates of the total numbers of *Angophora inopina*, *Grevillea parviflora* subsp. *parviflora* and *Tetratheca juncea* on the proposed development site that will be removed and the total numbers that will be conserved in onsite reserves.

Offset areas

Conduct flora surveys targeting the three listed threatened EPBC species; *Angophora inopina*, *Grevillea parviflora* subsp. *parviflora* and *Tetratheca juncea* to establish their distributions and populations on the offset sites that have been purchased (or are proposed for purchase).

Provide accurate maps of the distribution of *Angophora inopina*, *Grevillea parviflora* subsp. *parviflora* and *Tetratheca juncea* on the offset sites that have been purchased (or are proposed for purchase).

Provide accurate estimates of the populations of *Angophora inopina*, *Grevillea parviflora* subsp. *parviflora* and *Tetratheca juncea* on the offset sites that have been purchased (or are proposed for purchase).

Urban design

Provide a detailed plan which delineates the proposed development and conservation footprints and minimises the impacts on *Angophora inopina*, *Grevillea parviflora* subsp. *parviflora* and *Tetratheca juncea*.

Given the current development footprint proposes clearing *Angophora inopina* habitat that may contain 8-10 % of the total known population of *Angophora inopina* (in terms of bio-diversity conservation) the design priority should be to minimise the impacts on *Angophora inopina*.

Provide detailed explanation on how the preferred design minimises impacts on these species.

Other information to be provided

- the total area to be conserved in the proposed onsite reserves
- details about land that has been purchased or will be purchased to offset the loss of vegetation on the site. The information required includes the total area to be conserved in the offset areas, a general description of the vegetation communities and records of EPBC listed threatened species in the offset areas
- a short description of vegetation linkages between proposed onsite reserves, proposed or existing offset areas and other substantial forested areas in the district
- proposed management arrangements for onsite reserves and any offset areas. The information should identify whether ownership of the reserves will be transferred to Council or a State Government Agency as well as proposed management regimes to maintain and enhance habitat for EPBC listed threatened species. These management regimes include (but should not be limited to) fire management and feral animal and weed control.