



NSW GOVERNMENT
Department of Planning

Contact: Paula Tomkins
Phone: 9228 6397
Fax: 9228 6540
Email: paula.tomkins@planning.nsw.gov.au
Our ref: 06_0036; 9041850

Ms Michelle Chapman
All About Planning Pty Ltd
PO Box 2196
Port Macquarie NSW 2444

Dear Ms Chapman

Subject: Proposed Rural Tourist Facility and Aquaculture Precinct, Rainbow Reach Road, South West Rocks (06_0036)

The Department has received your application for the above proposal. It is noted that this application supersedes a previous proposal for a tourist facility on the site. The Director-General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the project application are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with the relevant government agencies including council. It should be noted that these DGRs replace those issued for the previous proposal (dated 7 December 2006).

Attachment 2 lists the relevant plans and documents which will be required upon submission of your proposal.

It should be noted that the DGRs have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

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

Please 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 the 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.

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance (NES), it will require an additional approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Commonwealth Department of the Environment, Water, Heritage and the Arts in Canberra (6274 1111 or <http://www.environment.gov.au>) to determine if the proposal is likely to have a significant impact on matters of NES and would require an approval under the EPBC Act. The Commonwealth Government has accredited the NSW environmental assessment process for assessing any impacts on matters of NES. As a result, if it is determined that an approval is required under the EPBC Act, please contact the Department immediately as supplementary DGRs will need to be issued.

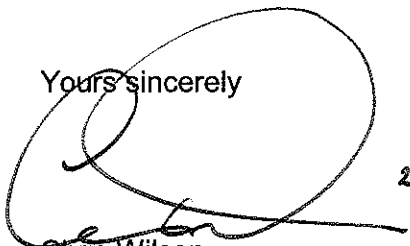
Please note that under section 75U of the Act, Part 3A applications do not require certain permits/approvals required under other legislation. These matters are considered as part of the Part 3A assessment process. For example, Section 87 permits and Section 90 consents under the *National Parks and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

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

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

Yours sincerely



25.2.09

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
06_0036
Project
A project application for: <ul style="list-style-type: none"> • A rural tourist facility; and • An aquaculture precinct including a 12 lot Torrens title subdivision and sheds.
Location
Lots 73, 77, 78, 79 and 80 DP 752409 'Meriki Island' Rainbow Reach Road, South West Rocks
Proponent
Mr P and Mrs S Yarwood
Date issued
25 February 2009
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. A detailed description of the proposal including: <ul style="list-style-type: none"> • any development options; • justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest; • outline of the staged implementation of the project if applicable; 3. A thorough site analysis including constraints mapping and description of the existing environment; 4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans; 5. Consideration of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>; 6. Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; 7. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 8. The plans and documents outlined in Attachment 2; 9. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and 10. An assessment of the key issues specified below and a table outlining where in the EA these key issues have been addressed.

Key Issues	
The EA must address the following key issues:	
1. Strategic Planning	
1.1	Justify the proposal with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies.
2. Urban Design and Sustainability	
2.1	Demonstrate suitability of the proposal with the surrounding area in relation to bulk, scale, amenity (including noise) and visual amenity having regard to the <i>Coastal Design Guidelines of NSW</i> (2003) and the <i>NSW Coastal Policy 1997</i> .
2.2	Provide a Building Management Plan providing details in relation to occupancy, management systems, use of amenities and facilities and body corporate roles and responsibilities etc.
3. Visual Impact	
3.1	Address the visual impact of the proposal in the context of surrounding development and relevant mitigation measures.
3.2	Use visual aids such as photomontages to demonstrate visual impacts. Address the amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas.
4. Infrastructure Provision	
4.1	Address existing capacity and requirements of the development for water, electricity, waste disposal, telecommunications and gas in consultation with relevant agencies. Identify and describe staging, if any, of infrastructure works.
4.2	Provide a detailed assessment of the proposed effluent and waste disposal system including treatment of wastewater, mitigation of impacts on surface and groundwater and the management of potential impacts on adjacent oyster farms, particularly in cases of potential effluent and waste disposal failures. Consider the provisions of Development Control Plan 32 – Onsite Sewage Management Strategy.
4.3	Address and provide the likely scope of any planning agreements and/or development contributions with Council/ Government agencies (including relevant community/state infrastructure contributions).
5. Traffic and Access	
5.1	Prepare a traffic impact statement in consideration of the RTA's <i>Guide to Traffic Generating Developments</i> and Council's <i>Parking Code Policy</i> .
5.2	Provide details of the areas that will be accessible during operation of the site (including consideration of access for persons with a disability).
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 wave and wind action, coastal erosion, sea level rise and more frequent and intense storms.
<i>Bushfire</i>	
6.2	Address access to and egress from the site during bushfire as access to the site is through bushfire prone land.
<i>Contamination</i>	
6.3	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of <i>SEPP 55 – Remediation of Land</i> , in particular consider the potential contamination from tar, hydrocarbons and other chemicals which have been used in the oyster industry as well

	as contamination due to past land uses (e.g. grazing and light agriculture).
Acid Sulfate Soils	
6.4	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures. Prepare an Acid Sulfate Soil Management Plan (in accordance with ASSMAC Guidelines).
Geotechnical	
6.5	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.
Flooding	
6.6	Provide an assessment of any flood risk on site (for the full range of floods including events greater than the design flood, up to probable maximum flood; and from coastal inundation, catchment based flooding or a combination of the two) and having consideration of any relevant provisions of the <i>NSW Floodplain Development Manual 2005</i> and Council's <i>Floodplain Risk Management Policy</i> . 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.
6.7	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).
Waste Management	
6.8	Provide a waste management plan for the development that identifies how operational waste from both the aquaculture and tourist components of the proposal will be managed.
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	Prepare a conceptual design layout plan for the preferred stormwater treatment train showing location, size and key functional elements of each part of the system.
7.3	Assess the impacts of the proposal on surface water hydrology and quality during both construction and occupation of the site. Demonstrate that the proposal will not result in a net increase in pollutants entering water bodies consistent with the <i>Marine Water Quality Objectives for NSW Ocean Waters 2005</i> (DEC) and ANZECC and ARCMANZ.
7.4	Consider the nature and profile of the groundwater regime under the site, including any hydrologic impacts which would affect its depth or water quality, result in increased groundwater discharge, impact on the stability of potential acid sulfate soils in the vicinity, or affect groundwater dependent native vegetation.
7.5	Prepare a stream geomorphology report investigating the patterns of erosion and accretion on and around the island, and consider the need for erosion control measures to ensure that any structure proposed to be erected near the river banks will not be at risk from future erosion of the river bank. In preparing the stream geomorphology report, have regard to the requirements of the <i>Macleay River Estuary Data Compilation Study</i> .
8. Heritage and Archaeology	
8.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance. The assessment must address the information and consultation requirements of the draft <i>Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation</i> (DEC 2005) and <i>Interim Community Consultation Requirements for Applicants</i> (DEC 2004)
8.2	Identify any items of non-indigenous heritage significance and, where relevant, provide measures for the conservation of such items.
9. Flora and Fauna	

9.1	Assess the potential direct and indirect impacts of the development on flora and fauna and their habitat taking into consideration impacts on any threatened species, populations, ecological communities and/or critical habitat and any relevant recovery plan in accordance with DECC's <i>Guidelines for Threatened Species Assessment</i> (2005) in particular coastal saltmarsh and swamp oak floodplain forest. Provide measures for the conservation of flora and fauna, 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 protect and manage the riparian corridor and adjacent aquatic habitats.
9.4	Saltmarsh will be further threatened by ongoing sea level rises and will require a buffer to allow it to adapt. Demonstrate that the siting of buildings and structures does not preclude such adaptation.
9.5	Outline proposals for rehabilitation works on the site.
10. SEPP 14 Wetland	
10.1	Undertake ground-truthing by a suitably qualified consultant to determine the actual location of the SEPP 14 wetland boundary in relation to the proposal. An overlay of maps should clearly identify the location of the wetlands in relation to the site's boundaries.
10.2	Identify appropriate buffers to the wetland in consultation with DECC and DPI.
11. Aquaculture	
10.3	Address <i>SEPP 62 – Sustainable Aquaculture</i> and the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> .
Consultation	
You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:	
(a) <i>Agencies or other authorities:</i>	
<ul style="list-style-type: none"> • Kempsey Shire Council; • Department of Environment and Climate Change; • Department of Primary Industries; • Department of Water and Energy; • State Emergency Service; and • Local Aboriginal Land Council/s and other Aboriginal community groups. 	
(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.	
Deemed Refusal Period	
60 days	

Attachment 2

Plans and Documents to accompany the Application

Plans and Documents of the development	<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. A zoning plan must be provided which shows the existing zoning overlaid with the proposed development layout. An extract of the land use table or relevant clauses from the subject LEP is required. 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; • 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;
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- Any easements, covenants or other restrictions either existing or proposed on the site;
- Type of subdivision proposed (Torrens, strata and/or community title).
- Cross sections of roads, including gradients, widths, road names, footpaths etc.
- Existing and proposed finished levels in relation to roads, footpaths and structures;

7. The **Architectural drawings** are to be drawn to scale and illustrate the following general features:

- the location of any existing building envelopes or structures on the land;
- the floor plans;
- the location of lifts, stairs and corridors;
- adaptable housing requirements;
- section plans;
- fenestrations, balconies and other features;
- communal facilities and servicing points;
- the height of the proposed development in relation to the land;
- significant level changes;
- parking and vehicular access arrangements; and
- pedestrian access to, through and within the site.

8. **Elevations** – of the proposed buildings drawn to the same scale as the architectural drawings. The elevations are to indicate height and key datum lines, building length and articulation, the composition of the façade and roof design, existing buildings on the site, building entries (pedestrian, vehicular and service), and profile of buildings on adjacent properties.

9. **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;

10. **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;

11. **Landscape Concept 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. **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;

13. **View analysis** – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development.

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"> • Planning; • Flora and Fauna; • Bushfire; • Landscaping; • Geotechnical and/or hydrogeological (groundwater); • Stormwater/drainage; • Urban Design/Architectural; • Contamination in accordance with the requirements of SEPP 55; and • Acid Sulfate Soils.
Documents to be submitted	<ul style="list-style-type: none"> • Both hard copy and electronic versions of the Environmental Assessment will be required to be submitted. Please contact the Department prior to submitting your Environmental Assessment to determine how many copies will be required. • If the Environmental Assessment is bulky, you will be required to package up each Environmental Assessment ready for distribution by the Department to key agencies.
Electronic Documents	<p>Electronic documents presented to the Department for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> ▪ All files should be approximately 5 Mb. ▪ Large files of more than 5 Mb will need to be broken down and supplied as different files.

Attachment 3

State Government technical and policy guidelines

The following list provides relevant technical and Policy Guidelines which may assist in the preparation of the Environmental Assessment. It should be noted, however, that this list is not exhaustive as other documents and policies may need to be reviewed. It is also important to note that not of all of these guidelines may be relevant to your proposal.

The majority of these documents can be found on the relevant Departmental Websites, on the NSW Government's on-line bookshop at <http://www.bookshop.nsw.gov.au> or on the Commonwealth Government's publications website at <http://www.publications.gov.au>.

Aspect	Policy /Methodology
Biodiversity	
	Draft Guidelines for Threatened Species Assessment (DEC & DPI, 2005)
	Draft Threatened Biodiversity Survey and Assessment Guidelines (DEC, 2004)
	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Policy and Guidelines: Aquatic Habitat Management and Fish Conservation (NSW Fisheries, 1999)
	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%20Guide MajProjComConsult%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)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)

Aspect	Policy /Methodology
Heritage	
Aboriginal	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual, 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)
Safety and Hazards	
	Electrical Safety Guidelines (Integral Energy)
Traffic & Transport	
	Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03)
	Guide to Traffic Generating Developments (RTA, 2002)
Urban Design: Cycleway/Pathway Design	
	Guidelines for the Design and Construction of Paths and Cycleways along Watercourses and Riparian Areas (Version 2) (DIPNR/DNR)
Water	
Water Quality	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)