



NSW GOVERNMENT
Department of Planning

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Our ref: MP05-0091
Your ref: 9041017

Ms Kellie Shapland
Senior Planner
Jim Glazebrook & Associates Pty Ltd
PO Box 827
MURWILLUMBAH NSW 2484

Dear Ms Shapland,

MP 05_0091 – 208 lot residential subdivision – Lot 73 DP 851902 Bayside Way, Brunswick Heads

The Department has received your application for the proposed Residential Subdivision (Major project: MP 05_0091) lodged on 15 August 2006. The Minister authorised a concept plan to be lodged pursuant to S75M of the *Environmental Planning and Assessment Act 1979* ("the Act") on 9 January 2007.

The Director General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the project for a Concept Plan are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with the relevant government agencies including Council.

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

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

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

- the fees applicable to the application;
- consultation and public exhibition arrangements that will apply; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessment that will be required.

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

Prior to exhibiting the Environmental Assessment, 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 Environmental Assessment does not adequately address the DGRs, the Director-General

may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent.

Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days. The Director-Generals requirements will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. As a result, the Department would appreciate it if all documents that are subsequently submitted to the Department are in a suitable format for the web, and if you would arrange for an electronic version of the EA to be hosted on a suitable website with a link to the Department's website.

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance, it will require an additional approval under the Commonwealth Environment Protection Biodiversity Conservation Act 1999 (EPBC Act). This approval would be in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of Environment and Heritage in Canberra (6274 1111 or <http://www.deh.gov.au>).

If you have any queries regarding these requirements, please contact Verity Humble-Crofts on 02 9228 6523 or via email to verity.humble-crofts@planning.nsw.gov.au.

Yours sincerely

Yolande Stone
A/ Executive Director
as delegate for the Director General

Attachment 1

Director-General's Environmental Assessment Requirements

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

Application number	MP 05_0091
Project	<p>A Concept Plan for the following:</p> <ul style="list-style-type: none">• a 209 residential subdivision comprising a mix of single dwelling, dual occupancy and medium density lots; and• the provision of local parks and the dedication of an 8.2 hectare parcel of land adjacent to Simpson's Creek for the purpose of an environmental park.
Location	Lot 73 DP 851902 Bayside Way, Brunswick Heads
Proponent	Jim Glazebrook & Associates Pty Ltd
Date issued	12 January 2007
Expiry date	12 January 2009
General requirements	<p>The Environmental Assessment for the Concept Plan 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 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), State Environmental Planning Policies and Development Control Plans as well as impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>;5. 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;6. The plans and documents outlined in Attachment 2;7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and8. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.9. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project.
Key issues	The Environmental Assessment must address the following key issues:

	<p>1 Flora, Fauna and Aquatic Habitats</p> <p>1.1 Conduct a field survey on the site and outline measures for the conservation of flora and fauna and their habitats within the meaning of the <i>Threatened Species Conservation Act 1995</i>, particularly the Wallum vegetation and Wallum Froglet identified on the site.</p> <p>1.2 Address impacts of clearing of native vegetation, and outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land. In particular, limit the impact on the creek line running north/south on the western side of the lot in consultation with Council.</p> <p>1.3 Address direct and indirect impacts on the riparian zone, and identify conservation (riparian) buffer zones between the development areas and adjoining vegetation, having regard to a recommended minimum 50m buffer width and findings, conclusions and recommendations of the Brunswick Estuary Management Study and Management Plan (or draft Management Plan).</p> <p>1.4 Address ownership of proposed conservation areas, riparian zones and buffer zones, and management regimes to be undertaken in these areas and zones.</p> <p>1.5 Address the preliminary design for the footbridge over Simpson's Creek, and its potential impacts on aquatic habitat, including any requirements of Department of Primary Industries/Fisheries regarding this habitat.</p> <p>1.6 Address impacts of the proposed beach access through Tyagarah Nature Reserve, and any requirements of Department of Environment and Conservation.</p> <p>2 Water Cycle Management & Watercourses</p> <p>2.1 Address potential impacts on the nearby SEPP 14 wetlands; on local surface water and groundwater quality; and the potential of the development to contaminate groundwater quality or impact on groundwater dependent ecosystems.</p> <p>2.2 Address and outline measures for an Integrated Water Cycle Management (IWCM) plan for the site, including the impact and treatment of stormwater discharge including overland flows from the site to the local waterways (including the creek line referred to at Section 1.2 above) and potential impacts of stormwater run off to adjoining land and watercourses.</p> <p>2.3 In consultation with Council address appropriateness of the wetland and detention ponds adjoining the proposed park, particularly having regard to potential mosquito habitat.</p> <p>2.4 Address the requirements of the relevant flooding data, having regard to the NSW Floodplain Management Manual.</p> <p>3 Hazard Management and Mitigation</p> <p>3.1 Demonstrate compliance with the relevant provisions of <i>Planning for Bush Fire Protection 2001</i>.</p> <p>3.2 Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land.</p>
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	<p>4 Landuse Pattern</p> <p>4.1 Assess and demonstrate the suitability of the site in terms of integration and compatibility of the proposed land uses and community facilities (schools, aged care, residential properties, hospitals, parks) and potential impacts such as access arrangements for each use, traffic, buffers, density controls, noise impacts and suitability of the proposed development with the surrounding area.</p> <p>5 Subdivision Design</p> <p>5.1 Address the requirements of the Coastal Design Guidelines of NSW (2003).</p> <p>5.2 Provide details of staging, if any, of the proposed subdivision.</p> <p>5.3 Provide details of the proposed site layout including density, indicative landscaping treatment and street tree planting.</p> <p>6 Traffic Management and Access</p> <p>6.1 Prepare a 'Traffic Impact Study' in accordance with the RTA's Guide to Traffic Generating Development and in particular address road design requirements adjacent to the proposed child care centre.</p> <p>6.2 Road design should be in accordance with the Brunswick Heads Settlement Strategy 2004 and street layout designed to discourage speeding.</p> <p>6.3 Identify available public transport, additional demands for such transport, and means of meeting those demands</p> <p>6.4 Illustrate pedestrian and cyclist linkages in the vicinity of the site and provide additional walkway/cycleway facilities where appropriate.</p> <p>7 Infrastructure Provision and Services</p> <p>7.1 In consultation with relevant agencies and Council, address the existing capacity and requirements of the development for sewerage, water, electricity, telecommunications, waste disposal and gas; and any restrictions on development. Identify how sewerage provision is to be addressed considering that Council has indicated that sewerage connection to the current system cannot be provided until the existing Brunswick STP is upgraded.</p> <p>7.2 Address the provision of public services and infrastructure having regard to relevant developer contribution plans, including Council's section 94 contributions plans.</p> <p>8 Heritage</p> <p>8.1 Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance.</p> <p>8.2 Identify any other items of European heritage significance and provide measures for conservation of such items.</p> <p>9 Ownership/Owner's Consent</p> <p>9.1 Address land ownership and provision of owners' consent for all land and aspects of the project/concept plan including the proposed footbridge on Simpson's Creek and proposed beach</p>
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	access through Tyagarah Nature Reserve.
Consultation	<p>You should undertake an appropriate and justified level of consultation with the following agencies, where relevant, during the preparation of the environmental assessment:</p> <p>(a) <i>Agencies or other authorities:</i></p> <ul style="list-style-type: none"> • Byron Shire Council. • NSW Department of Environment and Conservation. • NSW Department of Primary Industries (Fisheries). • NSW Department of Natural Resources. • NSW Department of Lands. • NSW Rural Fire Service. • Roads and Traffic Authority. • Cape Byron Marine Park Authority. • Local Aboriginal Land Councils <p>(b) <i>Public:</i></p> <p>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.</p> <p>The consultation process and the issues raised should be described in the Environmental Assessment.</p>
	60 days

Attachment 2

Plans and Documents to accompany the Application

<p>Plans and Documents of the development</p>	<p>The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your application:</p> <ol style="list-style-type: none"> 1. The existing site survey plan is to be drawn to 1:500 scale (or other appropriate scale) and show: <ul style="list-style-type: none"> • the location of the land, the measurements of the boundaries of the land, the size of the land and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; and • location and height of adjacent buildings and private open space. 2. 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). 3. 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. 4. The Environmental Assessment in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1. 5. The Subdivision Concept plans (where relevant) are to show the following:- <ul style="list-style-type: none"> • General dimensions of proposed and/or existing allotments; • Location of all structures proposed and retained on site; • North point; • Name of the road fronting the site; • Title showing the description of the land with lot and DP numbers etc; • Vegetation retention; • Access points; and • Type of subdivision proposed (Torrens, strata and/or community title). 6. Quantity Surveyor's Certificate of cost to verify the capital investment value of the proposal. 7. Stormwater Concept Plan - illustrating the concept for stormwater management from the site.
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Specialist advice	<p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practicing consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Flora and Fauna; • Bushfire; • Traffic; • Landscaping; • Geotechnical and/or hydro geological (groundwater); • stormwater/drainage; • Urban Design/Architectural; • Contamination in accordance with the requirements of SEPP 55; • Acid Sulfate Soil Management Plan, developed in accordance with the Acid Sulfate Soil Manual (Acid Sulfate Soil Management and Advisory Committee [assmac] 1998); and • On-site effluent disposal.
Documents to be submitted	<ul style="list-style-type: none"> • Initially only 1 hard copy of the Environmental Assessment and 1 set of plans should be submitted to the Department, so that a preliminary test of adequacy can be carried out, prior to final submission of all documentation. • 10 hard copies of the Environmental Assessment; • 10 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"> • Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files. • File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files. • Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order. • Graphic images will need to be provided as [.gif] files. • Photographic images should be provided as [.jpg] files. • Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. • Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order. <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>

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	
Flora and Fauna	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Planning 2005)
Fish and Aquatic Ecosystems	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Threatened Species Management Manual (NPWS, 1998)
	NSW Groundwater Dependent Ecosystem Policy (DLWC, 2000)
Coastal Planning	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, UAB, 1997
	Coastal Design Policy for NSW, PlanningNSW, March 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
Bushfire	
	Planning for Bushfire Protection 2001 (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)
	Draft Guideline for Aboriginal Cultural Heritage Impact Assessment and Community Consultation.
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)

Aspect	Policy /Methodology
	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)
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)
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)