



NSW GOVERNMENT
Department of Planning

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Our ref: 07_0010

Mr Anthony Thorne
Director
King and Campbell Pty Ltd
PO Box 243
PORT MACQUARIE NSW 2444

Dear Mr Thorne

Subject: Residential, Commercial and Tourist Development, Ocean Drive, Lake Cathie (07_0010) – Amended Director-General’s Environmental Assessment Requirements

I refer to your letter dated 16 July 2009 requesting that the Department review the Director-General’s Environmental Assessment Requirements (DGRs) issued on 3 August 2007 for the proposed Residential, Commercial and Tourist Development at Lake Cathie.

Due to the time that has lapsed since the DGRs were issued, the Department has updated the DGRs to reflect current policies and guidelines pursuant to section 75F(3) of the *Environmental Planning and Assessment Act 1979* (the Act). Amendments include additional key issues and assessment requirements related to the following:

- Geotechnical management and mitigation;
- Climate change; and,
- Socioeconomic impacts.

The updated DGRs for the Environmental Assessment (EA) of the project are attached to this correspondence as **Attachment 1**. **Attachment 2** lists the relevant plans and documents which will be required upon submission of your proposal. The list of relevant technical and policy guidelines at **Attachment 3** has also been updated to reflect current guidelines. Please ensure the EA has been prepared using these guidelines.

It should be noted that the DGRs have been prepared based on the information provided to date. 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 EA is not exhibited within 2 years of the date of issue of the amended 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 concept application 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.

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.

If you have any queries regarding these requirements, please contact Lily Wang on 9228 6540 or email lily.wang@planning.nsw.gov.au.

Yours sincerely



David Kitto
A/Executive Director
Major Projects Assessment
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 07_0010
Project
<p>A Concept Plan for a residential, commercial and tourist development comprising:</p> <ul style="list-style-type: none"> Low density residential (17.86ha) – 214-268 lots (based on a density of 12-15 dwellings/ha); Medium density residential (2.75ha) – approximately 68 dwellings (based on a density of 25 dwellings/ha); Commercial/ residential/ tourist - 3-4 storey buildings comprising approximately 26 commercial/tourist units and 120-140 residential/tourist apartments; and Open Space (0.6ha). <p>A Project Application comprising:</p> <ul style="list-style-type: none"> Removal of weeds from the vegetation on the western side of the SEPP 26 rainforest; Rainforest revegetation on the western side of the SEPP 26 rainforest; and Fencing of the revegetation area and hedging with a spiky hedge.
Location
Lot 1 DP374315, Lot 4 DP615261 and adjacent Crown Reserve, Ocean Drive, Lake Cathie
Proponent
Milland Pty Ltd and Seawide Pty Ltd c/- King and Campbell
Date issued
3 August 2007
Date amended
22 / 7 / 09
General requirements
<p>The Environmental Assessment (EA) must include:</p> <p>PART A: Concept Plan Application</p> <ol style="list-style-type: none"> An executive summary; 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; A thorough site analysis including constraints mapping and description of the existing environment; 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 and Development Control Plans;

5. Consideration of impacts, if any, on matters of national environmental significance under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*;
6. Consideration of principles of ecological sustainable development (ESD);
7. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project;
8. The plans and documents outlined in **Attachment 2**;
9. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;
10. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project; and
11. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.

PART B: Project Application

1. The matters listed above in Part A, and
2. A detailed description, including plan details, of the project application component, comprising the revegetation and rehabilitation works.

Key Issues for the Concept Plan

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. Specifically address the Port Macquarie-Hastings Council *Area 14 Structure Plan*.
- 1.2 Demonstrate consistency with the Sustainability Criteria set out in the relevant Regional Strategy (including draft Regional Strategies).
- 1.3 Ensure that the proposal is consistent with the rezoning process of Port Macquarie – Hastings Council. Note: the EA cannot proceed to public exhibition until the draft LEP for the site has been granted a certificate certifying that it may be publicly exhibited under s65 of the Act.

2. Urban Design and Sustainability

- 2.1 Consider the integration and compatibility of the proposed land uses (residential, commercial, tourist and open space) across the site with regard to access arrangements, traffic, environmental buffers (e.g. SEPP 26, asset protection zones), density controls and suitability of the land use with surrounding development.
- 2.2 Demonstrate the consistency of the proposed subdivision design and layout with the *Coastal Design Guidelines for NSW*, *NSW Coastal Policy 1997* and *SEPP 71 – Coastal Protection*.
- 2.3 Provide details of the proposed staging of the proposal including timeframes.
- 2.4 Identify any potential impacts of the proposal on adjacent Crown Reserve R82555 including the potential impacts of any works proposed within in it.
- 2.5 Outline the long-term management and maintenance of areas of open space and conservation including ownership and control, management and maintenance funding, public access and bushfire management.
- 2.6 Provide owner's consent for the proposed works on the adjacent Crown Land.

3. Visual Impact	
3.1	Address the visual impact of the proposal in the context of surrounding development and relevant mitigation measures. In particular address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places and cumulative impacts.
4. Infrastructure Provision	
4.1	Address existing capacity and requirements of the development for sewerage, water, electricity, waste disposal, telecommunications and gas in consultation with relevant agencies. In particular, demonstrate the ability of the sewerage treatment plant at Bonny Hills to accommodate the development.
4.2	Address and provide the likely scope of any planning agreement and/or development contributions with Council/ Government agencies (including relevant community/state infrastructure contributions).
5. Traffic and Access	
5.1	Prepare a traffic impact study in accordance with Table 2.1 of the RTA's <i>Guide to Traffic Generating Developments</i> .
5.2	Address the provision of formal public access to the beach in consideration of the potential impacts on the SEPP 26 littoral rainforest and Crown Reserve R82555. Note: a limited number of controlled accesses should be facilitated by the proposal with consideration given to the provision of beach access for the disabled and emergency vehicles.
6. Hazard Management and Mitigation	
<i>Coastal Processes</i>	
6.1	Address coastal hazards and the provisions of the Coastline Management Manual. In particular consider impacts associated with wave and wind action, coastal erosion, climate change, sea level rise and more frequent and intense storms.
<i>Contamination</i>	
6.2	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land.
<i>Acid Sulfate Soils</i>	
6.3	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures. Identify the need for an Acid Sulfate Management Plan (prepared in accordance with ASSMAC Guidelines).
<i>Bushfire</i>	
6.4	Address the requirements of <i>Planning for Bush Fire Protection 2006</i> (RFS).
<i>Geotechnical</i>	
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.
<i>Flooding</i>	
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> . 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 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).
7. Water Cycle Management	
7.1	Address measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles, which address impacts on the surrounding lands, drainage and water quality controls for the catchment. Consideration should be given to Council's preferred water management strategy for the site (STORM Consulting Pty Ltd, 2006). Note: stormwater should not be directed to the SEPP 26 littoral rainforest as these ecosystems are sensitive to hydrological changes.
7.2	Assess the impacts of the proposal on surface and groundwater hydrology and quality, particularly Duchess Creek and the SEPP 26 littoral rainforest.
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	Identify the potential impacts of the proposed development on the SEPP 26 littoral rainforest, particularly with regard to surface and groundwater hydrology and quality, public access to the beach and edge effects. Outline measures for the ongoing management and protection of the SEPP 26 vegetation.
9.2	Outline potential impacts on aquatic and terrestrial flora and fauna, endangered ecological communities and their habitats (within the meaning of the <i>Threatened Species Conservation Act 1995</i> and the <i>Fisheries Management Act 1994</i>). Provide measures for their conservation, where relevant, including consideration of compensatory habitat.
9.3	Outline measures for the conservation of any existing wildlife corridor values and/or connective importance of any vegetation on the subject land.
9.4	Address measures to protect and manage the riparian corridor and adjacent aquatic habitats.
10. Noise	
10.1	Address potential noise impacts, in particular road traffic noise, for future residents and appropriate mitigation measures.
11. Socio-economic Impacts	
11.1	Provide a social impact assessment for the development. Address the social and economic context of the development (for both the tourist and residential components) in terms of infrastructure requirements, public transport, community services and facilities (including schools and medical services).

Key Issues for the Project Application	
The EA must address the following key issues:	
12. Compliance with the requirements for the Concept Plan	
12.1	The Environmental Assessment must demonstrate consistency with all DGRs detailed in Part A, and the following additional matters.
13. Rehabilitation and Revegetation	
Consultation	
13.1	Provide a detailed Revegetation Management Plan that includes, but is not limited to, the following: <ul style="list-style-type: none"> • A list of plant species proposed to be used; • A plan and description of where the revegetation will be undertaken; • A description of the methods employed for the revegetation including a probable timeframe for the completion of the works; and • Proposed management and maintenance measures to ensure the ongoing viability of the works and the party responsible for their implementation.
13.2	Provide details of the proposed fencing of the SEPP 26 - Littoral Rainforests vegetation.
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"> • Port Macquarie - Hastings 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; 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	
120 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 Concept Plan 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. The Subdivision Concept plans 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 road fronting the site; • Title showing the description of the land with lot and DP numbers; • Vegetation retention; • Access points; and • Type of subdivision proposed (Torrens, strata, community title). 7. The Architectural Concept drawings (where relevant) are to be drawn to scale and illustrate the following general features: <ul style="list-style-type: none"> • the location of any existing building envelopes or structures on site;
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	<ul style="list-style-type: none"> • indicative floor plans including locations 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; • pedestrian access to, through and within the site. <p>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.</p> <p>9. Stormwater Concept Plan - illustrating the concept for stormwater management from the site and must include details of any major overland flow paths through the site and any discharge points to the street drainage system. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided;</p> <p>10. Landscape Concept Plan – plan or drawing that shows the basic detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised and surface treatments (i.e. pavers, lawn etc);</p> <p>11. View analysis – artist's impression, photomontages, etc of the proposed development in the context of the surrounding 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 Project Application:</p> <p>1. Revegetation Management Plan – a plan detailing the revegetation and rehabilitation works in accordance with Attachment 1, Issue 12.1</p> <p>2. Shadow Diagrams – diagrams showing solar access to the site and adjacent properties, including the public reserve, at summer solstice (Dec 21), winter solstice (Jun 21) and the equinox (Mar 21 and Sept 21) at 9am, 12 midday, 3pm and 6.30pm.</p>
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; • Traffic; • Geotechnical and/or hydro geological (groundwater); • Aboriginal and European heritage; • Stormwater/drainage; • Contamination in accordance with the requirements of SEPP 55; and • Acid Sulphate Soil Management Plan.

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)
	Threatened Biodiversity and Threatened Species Assessment – Guideline for Developments and Activities – Working Draft 2004
	Guidelines for Development Adjoining DECC Land (DECC, 2008)
	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)
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).
	National Environment Protection (Assessment of Site Contamination) Measure (NEPC 1999)

Aspect	Policy /Methodology
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 (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)
	Crime prevention and assessment of development applications 2001
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)
Vibration	
	Assessing Vibration: A Technical Guideline (DEC, 2006)
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

Aspect	Policy /Methodology
	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"
	Managing Urban Stormwater: Soils & Construction – Volume 2 (DECC, January 2008)
	Managing Urban Stormwater: Harvesting and Reuse (DEC, May 2006)
	Constructed Wetlands Manual (NSW DLWC 1998)
Waterways	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)
Wetlands	NSW Wetlands Management Policy (DLWC 2000)