



Planning



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Department Generated Correspondence (Y)

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Our ref: 09_0153

File: 10/08893

Phillip Lee
Tea Garden Farms Pty Ltd
67 Mars Rd
LANE COVE WEST NSW 2066

Dear Mr Lee,

SUBJECT: CONCEPT PLAN APPLICATION – RESIDENTIAL SUBDIVISION AND TOURIST AND RECREATIONAL FACILITIES 09_0153

The Department has received your application for a residential subdivision and tourist and recreational facilities at 6 Bundabah Road, Bundabah (known as 'Fame Cove') which is situated within the Great Lakes local government area.

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

Attachment 2 lists the relevant plans and documents which will 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.

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. Further responses are expected within the coming week, these will be forwarded as they are received.

If you have any queries regarding these requirements, please contact Stuart Withington on 9228 6546 or email stuart.withington@planning.nsw.gov.au.

Yours sincerely



Mark Schofield
A/ Director
Regional Projects Branch
as delegate for the Director General

cc: Gordon Kirkby, JBA Planning

Attachment 1

Director-General's Environmental Assessment Requirements

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

Application number
09_0153
Project
Concept plan for residential subdivision, tourist and recreation facilities
Location
Lot 101-103 & 104 DP1049845 & Lot 2 DP1076610 Bundabah Rd, Fame Cove
Proponent
Tea Garden Farms P/L
Date issued
23 April 2010
General requirements
<p>The Environmental Assessment (EA) for the Concept Application must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. An outline of the scope of the project including: <ul style="list-style-type: none"> • any development options; • justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest; • outline of the staged implementation of the project if applicable; 3. A thorough site analysis including constraints mapping and description of the existing environment; 4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans; 5. Consideration of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>; 6. Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; 7. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 8. The plans and documents outlined in Attachment 2; 9. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and 10. An assessment of the key issues specified below and a table outlining 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.
1.2	Justify the rezoning with reference to Part 3 of 'A Guide to Preparing Planning Proposals'. The issues addressed in the justification must include: Infrastructure Provision, Access, Housing Diversity, Employment Lands, Avoidance of Risk, Natural Resources, Environmental Protection & Quality and Equity in Services.
2. Design, Layout and Desired Future Character	
2.1	Demonstrate the suitability of the proposal with regard to the character of existing development in terms of the locality, scale, development envelopes and any future built form controls, aesthetics and energy and water efficiency.
2.2	Demonstrate that, with regards to the constraints and environmental values of the site, and the position of the site within the surrounding landscape, that an appropriate and sustainable mix of development has been proposed. In particular, the proposed hillside residential precinct and the golf course will require thorough justification.
2.3	Demonstrate the consistency of the proposal with the <i>Coastal Design Guidelines for NSW</i> , <i>North Coast Urban Design Guidelines</i> , <i>NSW Coastal Policy 1997</i> and <i>SEPP 71 – Coastal Protection</i> .
2.4	Outline the long-term management and maintenance of any areas of open space or conservation including ownership and control, management and maintenance funding, public access, revegetation and rehabilitation works and bushfire management.
2.5	Provide a draft plan of the proposed residential subdivision.
3. Visual Impact	
3.1	Address the visual impact of the proposal with regard to the potential visual impacts from North Arm Cove, Port Stephens waterway and Great Lakes Marine Park. Conceptual photomontages should be provided.
3.2	Intended view corridors should be identified including any areas of native vegetation or trees required to be removed to facilitate views.
4. Infrastructure Provision	
4.1	Address existing capacity and future requirements of the proposal for sewerage, water, electricity, waste disposal, roads, telecommunications and gas in consultation with relevant agencies. Identify and describe staging, if any, of infrastructure works.
4.2	Provide concept level assessment for on-site effluent disposal for the site taking into consideration existing drainage capacity and septic absorption potential of the existing soils. Potential impacts of the system on the groundwater table, Port Stephens Marine Park water quality and the nearby priority oyster aquaculture areas must be considered.
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	Present an outline of the access layout and a concept level traffic study.
6. Hazard Management and Mitigation	
Coastal Processes	
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.

Contamination	
6.2	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of <i>SEPP 55 – Remediation of Land</i> .
Acid Sulfate Soils	
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).
Bushfire	
6.4	Address the requirements of <i>Planning for Bush Fire Protection 2006</i> (RFS).
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> . 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).
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 address impacts on the surrounding environment (including the Marine Park, wetlands and Endangered Ecological Communities), drainage and water quality controls for the catchment, and erosion and sedimentation controls.
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.
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)
9. Flora and Fauna	
9.1	Assess the potential direct and indirect impacts of the development on flora and fauna 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>Threatened Species Assessment Guidelines</i> (2005), having particular consideration for the koala, <i>Melaleuca groveana</i> and Lowland Rainforest Endangered Ecological Community.
9.2	Survey methodology is to follow DECCW best practice survey methodology in accordance with the draft <i>DECC Threatened Biodiversity Survey and Assessment Guideline</i> (2004) and the guideline for field survey methods for amphibians.
9.3	Address measures to protect and manage riparian corridors, adjacent aquatic habitats and coastal floodplain and estuarine environments.
9.4	Address potential impacts on wildlife corridors and wildlife movement.
9.5	Address any potential indirect impacts on the adjacent Gir-um-bit National Park and the Port Stephens Marine Park.
9.6	Any land proposed for conservation offset is to be surveyed in detail to assess its conservation

9.7	value. Address any potential direct or indirect impact on fish habitat or on adjacent oyster leases.
10. 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).
Consultation	
<p>You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:</p> <p>(a) <i>Agencies or other authorities:</i></p> <ul style="list-style-type: none"> • Great Lakes Council; • Department of Environment and Climate Change; • Department of Primary Industries; • NSW Rural Fire Service; • Department of Water and Energy; • Hunter-Central Rivers Catchment Management Authority; • Port Stephens- Great Lakes Marine Park; • Karuah Local Aboriginal Land Council/s and other Aboriginal community groups; and • relevant infrastructure providers. <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>	
Deemed Refusal Period	
60 days	

Attachment 2

Plans and Documents to accompany the Application

Plans and Documents of the development

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your application:

1. The **existing site survey plan** is to be drawn to 1:500 scale (or other appropriate scale) and show:
 - the location of the land, the measurements of the boundaries of the land, the size of the land and north point;
 - the existing levels of the land in relation to buildings and roads;
 - location and height of existing structures on the site; and
 - location and height of adjacent buildings and private open space.
2. An **aerial photograph** of the subject site with the site boundary superimposed.
3. A **Site Analysis Plan** must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways etc.).
4. A **locality/context plan** drawn to 1:500 scale (or other appropriate scale) should be submitted indicating:
 - significant local features such as parks, community facilities and open space, water courses and heritage items;
 - the location and uses of existing buildings, shopping and employment areas;
 - traffic and road patterns, pedestrian routes and public transport nodes; and
 - The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation.
5. 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:-
 - 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;

	<ul style="list-style-type: none"> Any easements, covenants or other restrictions either existing or proposed on the site; Type of subdivision proposed (Torrens, strata and/or community title). <p>7. 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;</p> <p>8. 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;</p> <p>9. 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).</p> <p>10. 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;</p> <p>11. View analysis – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development.</p>
Specialist advice	<p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> Planning; 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)
	Threatened Biodiversity Survey and Assessment - Guideline for Developments and Activities - DECCW 2009
	Threatened Species Assessment Guidelines: The Assessment of significance - DECC 2007
	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)
	Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007)
	Draft Coastal Risk Management Guide: Incorporating sea level rise benchmarks in flood risk assessments (DECCW, 2009)
	Draft Coastal Risk Management Guide: Incorporating the sea level rise benchmarks in coastal hazard assessments (DECCW, 2009)
	Draft NSW Coastal Planning Guideline: Adapting To Sea Level Rise (DoP, 2009)
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 –

Aspect		Policy /Methodology
		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)
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 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)
		Interim Construction Noise Guideline (DECC, 2009)
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)

Aspect	Policy /Methodology
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 – Volume 1 (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)
EPBC Act	
FOR A CONTROLLED ACTION	Commonwealth Environment Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW: March 2007