

# Director-General's Requirements

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

<b>Project</b>	<b>Concept Plan (MP10_0088)</b> for a residential subdivision of the Nords Wharf site for up to 90 dwellings over approximately 10 hectares and dedication of approximately 117 hectares of conservation land.
<b>Site</b>	<b>Nords Wharf</b> Part Lot 6 DP 746077, Part Lot 5 DP 736170 and Part Lot 12 DP 854197
<b>Proponent</b>	Coal & Allied Industries Pty Ltd
<b>Date of Issue</b>	19 August 2010
<b>Date of Expiration</b>	(2 years from date of issue)
<b>General Requirements</b>	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> <li>(1) An executive summary.</li> <li>(2) A detailed description of the project including the: <ol style="list-style-type: none"> <li>(a) strategic justification for the project,</li> <li>(b) alternatives considered, and</li> <li>(c) various components and stages of the project in detail (and should include infrastructure staging).</li> </ol> </li> <li>(3) A consideration of the following with any variations to be justified: <ol style="list-style-type: none"> <li>(a) all relevant State Environmental Planning Policies, with particular regard to <i>SEPP Major Development 2005</i>, <i>SEPP 44</i>, <i>SEPP 55</i>, <i>SEPP 71</i> and <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>,</li> <li>(b) applicable planning instruments, and</li> <li>(c) relevant legislation and policies, including the <i>NSW Coastal Policy 1997</i>, <i>Lower Hunter Regional Strategy</i>, and <i>Lower Hunter Regional Conservation Plan</i>.</li> </ol> </li> <li>(4) A consideration of the proposal and cumulative impacts in relation to the development of other future urban land identified in the Lower Hunter Regional Strategy.</li> <li>(5) A draft Statement of Commitments, outlining specific commitments to the project's management, mitigation and monitoring measures with a clear identification of the timing and responsibility for these measures.</li> <li>(6) A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, mitigation measures to address these impacts, the cumulative impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.</li> <li>(7) Identify the development contributions applicable to the site between <ol style="list-style-type: none"> <li>(a) the Proponent and Lake Macquarie Council,</li> <li>(b) the Proponent and State Government agencies for State infrastructure in accordance with <i>Planning Circular PS 07-018</i>, and</li> <li>(c) if relevant, any public benefits to be provided with the development.</li> </ol> </li> <li>(8) A signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading.</li> <li>(9) A report from a quantity surveyor identifying the correct capital investment value for the concept plan and the four project applications.</li> </ol>
<b>Key Assessment Requirements</b>	<p><b>Urban design and built form</b></p> <ol style="list-style-type: none"> <li>(1) Provide an assessment against the <i>Coastal Design Guidelines for NSW</i> and <i>NSW Coastal Policy (1997)</i>.</li> <li>(2) Propose development controls and design guidelines for the site which ensure that the future development responds to the site location appropriately.</li> <li>(3) Provide details of proposed treatment of all public domain areas.</li> <li>(4) Identify opportunities to link the proposed development to the existing village and surrounding areas, including through appropriate pedestrian and cycleway connections.</li> </ol>

- (5) Address the principles of *Crime Prevention Through Environmental Design*.

**Coastal Foreshore and Public Access**

- (1) Outline measures to protect and enhance existing public access through the site to and along the foreshore and provide, where appropriate, new opportunities for public access that is compatible with the natural attributes of the coastal foreshore.

**Biodiversity impact**

- (1) Identify impacts of the development on threatened species and their habitats having regard to the draft *Threatened Species Assessment Guidelines* (DEC July 2005) and outline measures to avoid or mitigate impacts on threatened species and their habitat.
- (2) Demonstrate that biodiversity impacts can be appropriately offset in accordance with the NSW Government's policy for 'improvement or maintenance' of biodiversity values.
- (3) Consider and identify measures to manage interface impacts on land proposed to be dedicated for conservation.
- (4) Provide an assessment of the cumulative impacts on biodiversity of the proposed development, and other development proposed in the area.
- (5) Demonstrate consistency with the approval granted by the Commonwealth Department of Environment, Water, Arts and Heritage under the *Environmental Protection and Biodiversity Conservation Act 1999*.

**Transport and Accessibility**

- (1) Prepare a Traffic Study in accordance with RTA's *Guide Traffic Generating Developments* that includes (but is not limited to) the following:
- (a) an identification of all relevant vehicular traffic routes and intersection for access to/from the area;
  - (b) current traffic counts for all of the above traffic routes and intersections;
  - (c) the anticipated vehicular traffic generated from the proposed development and associated trip distribution on the road network;
  - (d) consideration of the traffic impact on the existing and proposed intersections and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicular traffic generated;
  - (e) an analysis of the cumulative traffic and transport impacts of the development taking into consideration other proposed developments;
  - (f) details of necessary road network infrastructure upgrades required to maintain existing levels of service both on the local and classified road network;
  - (g) an intersection analysis, using SIDRA or similar traffic model, as well as a micro simulation model to determine the need for intersection and mid block capacity upgrades and to ensure traffic signal co-ordination;
  - (h) proposed pedestrian and cycleway access within and to the site that connects to all relevant transport services, nearby settlements, and other key off-site locations having regard to the *NSW Planning Guidelines for Walking and Cycling* (2004), and the *NSW Bike Plan* (2010);
  - (i) timing of delivery of proposed transport infrastructure including road and intersection upgrades, pedestrian and cycle paths, and public transport infrastructure; and
  - (j) consideration of impacts on existing property access.
- (2) Assess the proposal against the objectives of the Integrating Land Use and Transport policy package.

**Mining Activities**

- (1) Identify the requirements of previous consents, approvals, lease arrangements, and current legal and financial responsibilities in relation to the mine operation and closure and the impact approvals will have on these arrangements.
- (2) Provide a risk analysis examining the risk factors associated with the former mining use of the site and what effects it may have on future development, including mine subsidence.
- (3) Identify measures that would that would be implemented to avoid, minimise or remediate potential mine subsidence issues encountered on the site.
- (4) Investigate the impacts on future mining activities.

**Heritage**

- (1) Provide an archaeological assessment and heritage impact statement in accordance with NSW Heritage Office guidelines. The statement should assess the impacts of the application on the area and any significant components of the site, including indigenous heritage.
- (2) Provide an assessment in accordance with the *draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC 2005).

**Water quality**

- (1) Provide appropriate detailed information on the drainage and stormwater management measures to be incorporated on site, including on site stormwater detention, water sensitive urban design measures, and drainage infrastructure.
- (2) Identify future management arrangements for proposed stormwater infrastructure including, where relevant, in consultation with Council.
- (3) Assess the impact of the proposal on the hydrology of the site and surrounding areas including impacts on quality of surface water, groundwater, a coastal lake, a coastal creek or other similar body of water, or a rock platform) in accordance with the *NSW Groundwater Dependant Ecosystems Policy*.

**Flooding**

- (1) Develop suitable flood planning levels for the proposed development and identify flood evacuation requirements for land up to the Probable Maximum Flood level. Demonstrate consistency with the *NSW Floodplain Development Manual: the management of flood liable land (2005)*, the *DECCW Floodplain Risk Management Guideline – Practical Consideration of Climate Change*, the *NSW Sea Level Rise Policy Statement (DECCW 2009)*, and *Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise* (Department of Planning 2009).

**Visual**

- (1) Assess and provide mitigation measures in response to the visual impacts of the project in the context of adjoining development, impact on any heritage items (on-site or in the vicinity) and the development as viewed from publicly accessible areas and the natural environment.

**Bushfire**

- (1) Identify how the proposed concept plan addresses the requirements of *Planning for Bush Fire Protection* and *Australian Standard 3959 (Building in Bush Fire Prone Areas)*.
- (2) Outline ongoing management arrangements of any proposed APZs, including through negotiation with relevant agencies where APZs are proposed to be located on land to be dedicated for a public purpose.

	<p><b>Impact on Crown Land</b></p> <p>(1) Identify potential direct and indirect impacts arising from development on the adjacent Munmorah State Conservation Area, Point Wollstonecraft State Recreation Area and Lake Macquarie State Recreation Area.</p> <p><b>Infrastructure and utilities</b></p> <p>(1) Identify and address the impacts of additional demand created by the development on existing infrastructure including public transport, open space, and recreation facilities, retail facilities and other social and community facilities. Identify the need for additional facilities through negotiation with State or local government agencies. This should inform the scope of proposed State and local infrastructure contributions.</p> <p>(2) Prepare a utility and infrastructure servicing report and plan for the Site that includes (but is not limited to):</p> <ul style="list-style-type: none"> <li>(a) Identification and assessment of the capacity of existing utility and infrastructure servicing the site; and</li> <li>(b) Identification and assessment of all necessary augmentation works to service the site and whether these works can sustain this and others development foreshadowed for the Wallarah Peninsula shown in the <i>Lower Hunter Regional Strategy</i>.</li> </ul> <p><b>Ecologically Sustainable Development (ESD)</b></p> <p>(1) Demonstrate how the development will commit to ESD principles in design, construction and ongoing operation phases.</p> <p>(2) Demonstrate that the development is capable of achieving the requirements of BASIX.</p> <p><b>Site preparation works</b></p> <p>(1) Identify the likely extent of site preparation works with respect to cut and fill activities to cater for the proposed residential development. In particular, assess how the proposed built form will respond to final levels of the site and demonstrate consideration to minimise the extent of cut and fill required.</p> <p><b>Subdivision</b></p> <p>(1) Provide a subdivision plan to identify all covenants, easements and notations proposed for each title, for the proposed subdivision to facilitate transfer of lands to Government agencies.</p> <p><b>Future Public Land</b></p> <p>(1) Identify any proposed open space or conservation lands and outline arrangements for ownership and control, management and maintenance, funding, public access, revegetation and rehabilitation works, and bushfire management.</p>
<p><b>Consultation Requirements</b></p>	<p>An appropriate and justified level of consultation should be undertaken. Where consultation has already been undertaken this should be documented in the EA.</p> <p>Consultation must be undertaken with the following relevant agencies:</p> <ul style="list-style-type: none"> <li>• Lake Macquarie Council</li> <li>• Wyong Shire Council</li> <li>• Hunter Water</li> <li>• Local Aboriginal Land Council</li> <li>• Catchment Management Authority - Hunter – Central Rivers</li> <li>• NSW Department of Industry and Investment</li> <li>• NSW Department of Environment, Climate Change and Water</li> <li>• NSW Office of Water</li> <li>• Transport NSW</li> <li>• Roads and Traffic Authority</li> </ul>

	<ul style="list-style-type: none"><li>• NSW Emergency Service agencies, namely NSW Police Department, the Ambulance Service of NSW, the State Emergency Service, NSW Rural Fire Service, and NSW Fire Brigades</li><li>• Utility providers</li></ul> <p>The consultation process and the issues raised should be described in the Environmental Assessment.</p>
<b>Deemed refusal period</b>	60 days