



Planning

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Mr Stephen J Connelly
S J Connelly CPP Pty Ltd
6 Byron Street
LENNOX HEAD NSW 2478

Our ref.: 10_0103

Dear Mr Connelly,

Director-General's Requirements for proposed Residential Subdivision and Biobanking Scheme, Steve Eagleton Drive, South West Rocks (ref:MP10_0103)

I have attached a copy of the Director-General's Requirements (DGRs) for the preparation of an Environmental Assessment for the above project. These requirements have been prepared in consultation with relevant government authorities. I have also attached a copy of the government authorities' comments for your information.

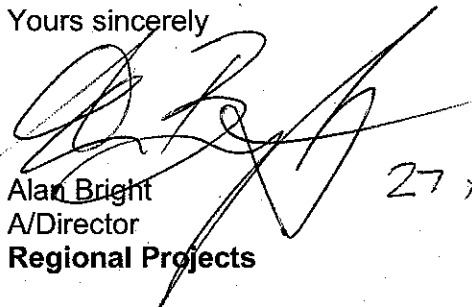
The DGRs have been prepared based on the information you have provided to date. Please note that under section 75F(3) of the *Environmental Planning and Assessment Act 1979*, the Director-General may alter these requirements at any time. If you do not submit an Environmental Assessment for the project within 2 years, the DGRs will expire.

If the Director-General considers that the Environmental Assessment does not adequately address the DGRs, the Director-General may require you to revise the Environmental Assessment. Once the Director-General is satisfied that the DGRs have been adequately addressed, the Environmental Assessment will be made publicly available for at least 30 days.

If your project is likely to have a significant impact on matters of National Environmental Significance, it will require an approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation and it is your responsibility to contact the Department of the Environment, Water, Heritage and the Arts to determine if an approval under the EPBC Act is required for your project (<http://www.environment.gov.au> or 6274 1111).

Your contact officer for this proposal, Stuart Withington, can be contacted on the details above. Please contact him for any queries you may have.

Yours sincerely



Alan Bright
A/Director
Regional Projects

27 AUGUST 2010

Attachment 1

Director-General's Environmental Assessment Requirements

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

Application number
10_0103
Project
'Settlers Ridge' Concept Plan for 220 lot residential and 19 hectare rural lot Subdivision and Biobanking Proposal, Steve Eagleton Drive, South West Rocks.
Location
Lot 223 DP754396, Lot 57 DP 1117398 and Lot 31 DP 754396, Gregory Street and Steve Eagleton Drive, Settlers Ridge, South West Rocks, Kempsey LGA.
Proponent
SJ Connelly CPP Pty Ltd
Date issued
27 August 2010
General requirements
<p>The Environmental Assessment (EA) for the Concept Plan 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 including biobanking proposals 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	Provide a planning proposal for the proposed re-zoning. In particular provide detail on why part of the site is proposed to be rezoned as Rural rather than Environmental Protection under the <i>Kempsey Local Environmental Plan 1987</i> considering the environmental qualities contained in that part of the site.
2. Subdivision Design, Layout and Desired Future Character	
2.1	Demonstrate the consistency of the proposal with the character of existing development in terms of the locality, street frontage, scale, future built form controls, aesthetics, energy and water efficiency and safety. Reference should be made to Council's <i>Development Control Plan No. 31 Energy Smart Homes</i> (subdivision component), <i>Development Control Plan Crime Prevention through Environmental Design</i> and <i>Development Control Plan No.22 Local Housing Strategy</i> .
2.2	Demonstrate the consistency of the proposed subdivision design and layout with the <i>Coastal Design Guidelines for NSW</i> , <i>NSW Coastal Policy 1997</i> and <i>SEPP 71 – Coastal Protection</i> .
2.3	In terms of minimum lot sizes demonstrate consistency with the <i>Kempsey Local Environmental Plan 1987</i> .
2.4	Demonstrate that the provision of both passive and active open space is consistent with the <i>South West Rocks Open Space Strategy</i> .
2.5	Demonstrate consistency with recommendations to reduce urban/rural land use conflict as outlined in <i>Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast</i> (Southern Cross University 2007).
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 loss of views from public places and cumulative impacts.
4. Infrastructure Provision	
4.1	Prepare an Infrastructure Servicing Strategy that addresses existing capacity and requirements of the development for sewerage, water, electricity, waste disposal, telecommunications and gas in consultation with relevant agencies. Identify and describe staging, if any, of infrastructure works.
4.2	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 Study in accordance with Table 2.1 of the RTA's <i>Guide to Traffic Generating Developments</i> .
5.2	The Traffic Impact Study should include a justification for the proposed collector/link road.
5.3	The Traffic Impact Study is to provide a conceptual plan depicting potential pedestrian and cyclist movement, public transport and relevant road improvements to the adjacent local road network. Reference should be made to Council's <i>2003 Pedestrian Access Mobility Plan</i> , <i>Kempsey and South West Rocks</i> and <i>DCP 36 Engineering Guidelines for Subdivision and Development</i> .

6. Hazard Management and Mitigation	
<i>Contamination</i>	
6.1	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of <i>SEPP 55 – Remediation of Land</i> .
<i>Bushfire</i>	
6.2	Address the requirements of <i>Planning for Bush Fire Protection 2006</i> (RFS).
<i>Geotechnical</i>	
6.3	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>	
6.4	Provide an assessment of any flood risk on site.
7. Water Management	
7.1	The EA should demonstrate consistency with the intent and targets outlined in the <i>Northern Rivers Catchment Action Plan</i> . 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, including Spencers Creek and indirectly Saltwater Lagoon and Creek, 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 and that post development flows reflect pre-development flows in terms of quality and quantity.
7.3	Assess the impacts of the proposal on surface water hydrology and quality during both construction and occupation of the site.
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.
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 Impact Assessment and Community Consultation</i> (DEC 2005).
9. Biodiversity	
9.1	<p>A Biodiversity Assessment Report should be prepared which includes an assessment of the development site and the proposed Biobanking site with respect to biodiversity values. All components of the biodiversity assessment must be undertaken in accordance with the <i>BioBanking Assessment Methodology and Credit Calculator Operational Manual</i> (DECCW, 2008) and be undertaken by an accredited BioBanking Assessor. The Biodiversity Assessment Report should (but not be limited to):</p> <ul style="list-style-type: none"> • set out the ecosystem credits and species credits required to be offset; • set out how the ecosystem and/or species credits are going to be secured and obtained and the intended mechanism/s by which offsets are proposed to be provided e.g. through retirement of biodiversity credits, reservation of land, or other mechanisms; • demonstrate how all options have been explored to avoid red flag areas; • if the ecosystem or species credits cannot be obtained, provides appropriate alternative options to offset expected impacts; and • include all relevant BioBanking files (e.g. *.xml output files), data sheets and documentation (including maps, aerial photographs, GIS shape files, other remote sensing

9.2	imagery etc.) to ensure DECCW can conduct an appropriate review of the assessment. Where appropriate, likely impacts (both direct and indirect) on any adjoining and/or nearby DECCW estate reserved under the <i>National Parks and Wildlife Act 1974</i> or any marine and estuarine protected areas under the <i>Fisheries Management Act 1994</i> or the <i>Marine Parks Act 1997</i> should be considered. Refer to the <i>Guidelines for developments adjoining land and water managed by the Department of Environment, Climate Change and Water</i> (DECCW, 2010).
10. Noise	
10.1	The EA should address potential noise impacts, in particular road traffic noise, for future residents and appropriate mitigation measures. The proposal must be designed, constructed, operated and maintained so that there are no adverse impacts from noise (including traffic noise).
11. Socio-economic Impacts	
11.1	Provide a social impact assessment for the project. Address the social and economic context of the development in terms of infrastructure requirements, public transport, affordable housing, community services and facilities (including schools and medical services).
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 Planning North Coast Office (Grafton); • Department of Environment, Climate Change and Water; • NSW Rural Fire Service; • Department of Water and Energy; • Roads and Traffic Authority; • Land and Property Management Authority; • Northern Rivers Catchment Management Authority; • Kempsey Local Aboriginal Land Council; and • infrastructure providers. 	
(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.</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, size of the land and north point; • the existing levels of the land in relation to buildings and roads; and • location and height of existing structures on the site. 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 and view corridors. 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; and • traffic and road patterns, pedestrian routes and public transport nodes. 4. The subdivision plans are to show the following: <ul style="list-style-type: none"> • Dimensions of proposed and/or existing allotments; • Location of all structures proposed and retained on site; • Vegetation retention; • Any easements, covenants or other restrictions either existing or proposed on the site; and • Approximate access points. 5. A recent aerial photo of the site overlain with: <ul style="list-style-type: none"> • Constraints; and • Proposed subdivision.
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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 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)
	NSW Coastal Planning Guideline - Adapting to Sea Level Rise (NSW Government 2010)
Community Consultation	
	Guidelines For Major Project Community Consultation, (NSW Department of Planning, 2007) http://www.planning.nsw.gov.au/assessingdev/pdf/Dr3%20DOP%20GuideMajProjComConsult%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

Aspect		Policy /Methodology
		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)
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)

Attachment 4
Agency Responses to Request for Key Issues
For Information Only

Agency responses received from:

Kempsey Shire Council
DECCW
Northern Rivers Catchment Management Authority