



NSW GOVERNMENT
Department of Planning

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Our ref: MP06_0124
File: 9042564

Geoff Smyth
Geoff Smyth Consulting
PO Box 1925
COFFS HARBOUR NSW 2450

Dear Mr Smyth

Proposed Tourist Facility, 49 Mullaway Drive, Mullaway, Major Project - MP06_0124

The Department has received your application for the tourist facility at 49 Mullaway Drive, Mullaway.

The Director General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the project for a Project Application 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;
- whether the proposal requires an approval under the Commonwealth *Environment Protection and Biodiversity Act* (EPBC Act) and any assessment obligations under that Act;
- 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-General's 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 Departments website.

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 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 Environment and Water Resources 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.

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.

If you have any queries regarding these requirements, please contact Ray Lawlor on 9228 6216 or email ray.lawlor@planning.nsw.gov.au.

Yours sincerely



17.6.07

Chris Wilson
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
MP06_0124
Project
Tourist Facility comprising tourist accommodation, art gallery, yoga pavilion/dining room, manager's residence, and car parking.
Location
49 Mullaway Drive, Mullaway, Lot 73 DP752853
Proponent
Geoff Smyth Consulting
Date issued
17 June 2007
Expiry date
2 years from date of issue
General requirements
The Environmental Assessment (EA) for the Project Application must include: <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 impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>;6. 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;7. The plans and documents outlined in Attachment 2;8. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;

9. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project; and
10. An assessment of the key issues specified below and a table outlining how 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 Address recommendations of Solitary Islands Marine Park Authority for 100m setback for new developments to mean high water mark adjacent to the marine park, as a buffer between urban land and the marine park.
- 1.3 Demonstrate consistency with the Sustainability Criteria set out in the relevant Regional Strategy (including draft Regional Strategies).

2. Urban Design, Visual Impact and Sustainability

- 2.1 Demonstrate suitability of the proposal with the surrounding area in relation to bulk, scale, amenity (including noise) and visual amenity having regard to the *Coastal Design Guidelines of NSW (2003)* and the *NSW Coastal Policy 1997*.
- 2.2 Address the visual impact of the proposal in the context of surrounding development, the site's prominent coastal location, the height and scale of the development (and in particular the proposed 9m high observation tower), and relevant mitigation measures. In particular address impacts on the amenity of the foreshore, overshadowing of public reserves, impact on views and loss of views from public places and cumulative impacts.
- 2.3 Use visual aids such as scale model and photomontage to demonstrate visual impacts. Amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas must be addressed.
- 2.4 Provide details of any advertising signage.
- 2.5 Submit an indicative external materials and finishes schedule.
- 2.6 Address sustainability in building construction and the implementation of water and energy saving measures.
- 2.7 Provide a Building Management Plan providing details in relation to occupancy, management systems, use of amenities and facilities.
- 2.8 Ensure that food preparation areas will comply with the relevant standards, such as Australia/NZ Food Standards Code.
- 2.9 Address staging arrangements, and in particular details of food preparation, dining, amenities and access provisions to the existing building for stage one operation of the facility.
- 2.10 Address provision of disability access and facilities.
- 2.11 Address provision of restricted pedestrian access points from the site to adjacent public reserve/s, including Coffs Coast Regional Park.

3. Infrastructure Provision

- 3.1 Address 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.
- 3.2 Address and provide the likely scope of any planning agreement and/or developer contributions with Council/ Government agencies.
- 3.3 Address waste management arrangements in accordance with the provisions of

Council's Waste Management DCP.	
4. Traffic and Access	
4.1	Address the traffic impact of the proposal having regard to matters listed in the RTA's Guide to Traffic Generating Developments, Table 2.1 'Key issues in preparing traffic impact studies'.
5. Hazard Management and Mitigation	
<i>Coastal Processes</i>	
5.1	Address coastal hazards, if any, and the provisions of the Coastline Management Manual. In particular consider impacts, if any, associated with wave and wind action, coastal erosion, climate change, sea level rise and more frequent and intense storms.
<i>Contamination</i>	
5.2	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>	
5.3	Identify the presence and extent of acid sulfate soils, if any, on the site and, where relevant, appropriate mitigation measures.
<i>Bushfire</i>	
5.4	Address the requirements of Planning for Bush Fire Protection 2006 (RFS).
<i>Geotechnical</i>	
5.5	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.
6. Water Cycle Management	
6.1	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, drainage and water quality controls for the catchment, and erosion and sedimentation controls at construction and operational stages.
6.2	Assess the impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site.
7. Heritage and Archaeology	
7.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance (Aboriginal community consultation should be undertaken in accordance with DEC's <i>Interim Community Consultation Requirements for Applicants</i>).
7.2	Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.
7.3	If relevant, address impacts on World Heritage areas, places listed on the National Heritage List and protected under the EPBC Act.
8. Flora and Fauna	
8.1	Outline potential impacts on aquatic and terrestrial flora and fauna and their habitats (within the meaning of the Threatened Species Conservation Act 1995 and the Fisheries Management Act 1994). Provide measures for their conservation, where relevant.

- 8.2 Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land and within adjoining reserves and Coffs Coast Regional Park.
- 8.3 Address impacts on koala habitat mapped under Council's Koala Plan of Management and vegetation mapped under Council's draft Vegetation Conservation DCP.
- 8.4 If relevant, address impacts on migratory species, RAMSAR wetlands and species listed under Section 18 and 18A of the EPBC Act.

Consultation

You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:

(a) *Agencies or other authorities:*

- Commonwealth Department of Environment and Environment and Water Resources (EPBC Act);
- Coffs Harbour City Council;
- Department of Environment and Climate Change;
- Department of Water and Energy;
- Department of Lands;
- NSW Rural Fire Service;
- Solitary Islands Marine Park Authority (Note: You should liaise with the Solitary Islands Marine Park Authority regarding consent required under clause 24 of *Marine Parks Regulation 1999* for commercial activities within the Marine Park);
- Local Aboriginal Land Council/s and other Aboriginal community groups; and
- relevant infrastructure providers.

(b) *Public:*

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

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. 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. The Environmental Assessment in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1. 6. The Architectural drawings 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 the land; • the floor plans; • the location 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; and
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	<ul style="list-style-type: none"> • pedestrian access to, through and within the site. <ol style="list-style-type: none"> 7. 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. 8. 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; 9. 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; 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); 11. 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; 12. View analysis – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development; and 13. 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, and 3pm.
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"> • Flora and Fauna; • Bushfire; • Landscaping; • Geotechnical and/or hydro geological (groundwater); • Stormwater/drainage; • Urban Design/Architectural; • Contamination. If relevant, in accordance with the requirements of SEPP 55; and • Acid Sulphate Soil Management Plan, if relevant.
Documents to be submitted	<ul style="list-style-type: none"> • 10 hard copies of the Environmental Assessment; • 10 sets of architectural and landscape plans to scale, including one (1) set at least A3 size (to scale); • 5 copies 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 (Department of 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)
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)
Bushfire	
	Planning for Bushfire Protection 2006 (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)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
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) 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 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)
EPBC Act	
For a controlled action under EPBC Act	Commonwealth Environment Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW: March 2007