



NSW GOVERNMENT
Department of Planning

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Our ref: 06_0049
File: 9041942

Mr David Mann
Batemans Bay Marina Developments Pty Ltd
GPO Box 286
Brisbane QLD 4001

Dear David,

Subject: Director-General Environmental Assessment Requirements for Batemans Bay Marina Redevelopment

The Department has received your application for the proposed redevelopment of Batemans Bay Marina Beach Rd, Batemans Bay (MP06_0049).

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.

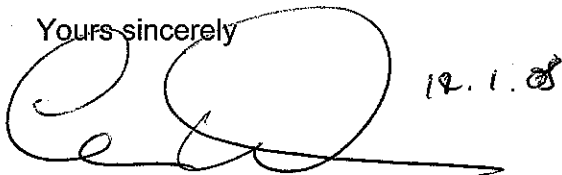
Please note that under 75U of the Act, Part 3A applications do not require certain permits/approvals required under other legislation. These matters are assessed as part of the Part 3A process. For example, Section 87 permits and Section 90 consents under the *National Parks and Wildlife Act 1974* are 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 Environmental Assessment as would ordinarily be required for 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.

If you have any queries regarding these requirements, please contact Nicola Hoare on 9228 6484 or email Nicola.hoare@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Chris Wilson', with a date '12.1.08' written to its right.

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_0049
Project
Proposed Batemans Bay Marina redevelopment
Location
Beach Rd Batemans Bay
Proponent
Batemans Bay Marina Developments Pty Ltd
Date issued
January 2008
Expiry date
2 years from date of issue
General requirements
<p>The Environmental Assessment (EA) for the Project 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 provisions including the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>; 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.

2. 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, building envelopes and future built form controls, aesthetics, energy and water efficiency and safety.
- 2.2 Demonstrate the consistency of the proposed marina design and layout with the *Coastal Design Guidelines for NSW*, *NSW Coastal Policy 1997* and *SEPP 71 – Coastal Protection*.
- 2.3 Provide details of potential building envelope, built form and design quality controls and the means for implementing them.
- 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 Demonstrate the provision of adequate pedestrian and public and emergency access to the foreshores of the Clyde River.
- 2.6 Provide details about the navigation and restrictions of an opening bridge.
- 2.7 Provide details of any associated works on adjoining properties (including the western edge of the marina) in relation to stabilisation of the existing retaining walls and other lands.

3. Visual Impact

- 3.1 Address the visual impact of the proposal (on the basis that the marina is ultimately developed to its full potential) 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 and private lands 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. Identify and describe staging, if any, of infrastructure works.
- 4.2 Address and provide the likely scope of a planning agreement and/or developer contributions with Council/ Government agencies.

5. Traffic and Access

- 5.1 Prepare a traffic impact study in accordance with Table 2.1 of the RTA's Guide to Traffic Generating Developments which addresses, but is not limited to the following matters:
- The capacity of the road network to safely and efficiently cater for the additional traffic generated;
 - Access to and within the site;
 - Servicing and parking arrangements;
 - Intersection site distances;
 - Connectivity to existing developments;
 - Impact on public transport (including school bus routes);

	<ul style="list-style-type: none"> • Provision of access for pedestrians and cyclists to, through and within the site; and • Identify suitable mitigation measures, if required to ensure the efficient functioning of the road network.
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.
<i>Geotechnical</i>	
6.4	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>	
6.5	Provide an assessment of any flood risk on the site, taking into consideration any relevant Council requirements and the NSW Floodplain Development Manual (2005). This should include: determining flood hazard, the impact of flooding on the proposed development, the impact of the development on existing flood behaviour and the impact of flooding on the safety of people/users of the development.
6.6	Implications of climate change on flooding (due to coastal inundation and sea level rise) should be considered.
6.7	Consider the potential impacts of any filling on the flood regime of the site and adjacent lands.
<i>Bushfire</i>	
6.8	Address the requirements of "Planning for Bush Fire Protection 2006" (RFS).
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 addresses impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sedimentation controls at construction and operational stages.
7.2	Assess the impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site.
7.3	Identify mitigative measures to address impacts on water quality, particularly downstream into the Clyde River that may be generated by stormwater drainage, fuel spills and discharge from boats.
7.4	Demonstrate consistency with relevant State Groundwater, Rivers, Wetlands and Estuary Policies, any relevant Statement of Joint Intent established by the Healthy Rivers Commission.
7.5	Address flushing and coastal processes both within and outside the marina

7.6	Demonstrate the provision of a sustainable water supply and Water Management Plans with minimal reliance on surface and ground water resources.
7.7	Assessment of the natural ecosystems surrounding the development area should include consideration of the hydrologic processes (runoff, tidal movement, flood flows, groundwater) and their significance in terms of ecosystem sustainability.
7.8	An assessment of the expected changes in hydrology from the proposed development (runoff, tidal flow and groundwater regime) and their impact on the environmental lands within and surrounding the development is recommended.
8. Heritage and Archaeology	
8.1	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>).
8.2	Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.
9. Flora and Fauna	
9.1	Outline potential impacts on aquatic and terrestrial flora and fauna 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.
9.2	Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land.
9.3	Address measures to protect and manage the riparian corridor and adjacent aquatic habitats.
9.4	Address any impact on designated SEPP14 wetlands.
10. Noise	
10.1	Address potential noise impacts, in particular during the construction and operation of the marina and appropriate mitigation measures for these.
11. Air Quality	
11.1	Address potential air quality impacts, in particular during the construction and operation of the marina and appropriate mitigation measures for these
12. Aquaculture	
12.1	Assess the impacts of the development on downstream aquaculture operations and recreational fishing with regard to NSW Oyster Industry Sustainable Aquaculture Strategy.
13. Navigation and safety	
13.1	Include an assessment of the impacts on water based traffic.
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"> • Eurobodalla Shire Council; • Department of Environment and Climate Change; • Department of Primary Industries; • Department of Water and Energy; • Roads and Traffic Authority; • NSW Maritime; 	

- Marine Parks Authority;
- Rural Fire Service;
- 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

Plans and Documents of the development	<p>The following plans, 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: <ul style="list-style-type: none"> • the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land; • the floor plans (including the location of lifts, stairs and corridors); • fenestrations, balconies and other features; • section plans illustrating detailed sections of the proposed facades; • public domain works, proposed communal facilities and servicing points; • indicative building heights shown as building envelopes in elevation significant level changes; • the height of the proposed development in relation to the land; • any changes that will be made to the level of the land by excavation, filling or otherwise; • the level of the lowest floor, the level of any yard or unbuilt area and the level of the ground;
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	<ul style="list-style-type: none"> • parking arrangements, where vehicles will enter and leave the site, and how vehicles will move about the site; • pedestrian access to, through and within the site • shadow diagrams identifying overshadowing impacts of the proposed structures. <p>7. Other Plans including (where relevant):</p> <p>Road Hierarchy & Open Space Network Plans - illustrating indicative road and open space networks.</p> <p>Stormwater Plan – illustrating the stormwater management from the site.</p> <p>Infrastructure Plans – conceptual drawings indicating all proposed infrastructure including roads, water supply, water re-use, sewerage and earthworks.</p> <p>Landscape Plan – plan or drawing that shows the indicative planting design and plant species to be used, listing botanical and common names.</p> <p>View Analysis – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development.</p> <p>Flood Evacuation Plan – plan showing the proposed access from the site during extreme flood events.</p>
Specialist advice	<ul style="list-style-type: none"> • Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants in relation to issues.
Documents to be submitted	<ul style="list-style-type: none"> • Hard copies of the Environmental Assessment (number to be advised); • Sets of drawings and landscape plans to scale, including one (1) set at A3 size (to scale) (number to be advised); • 1 copy 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 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)
Community Consultation	
	NSW Department of Planning (2007) Guidelines For Major Project Community Consultation http://www.planning.nsw.gov.au/assessingdev/pdf/Dr3%20DOP%20GuideMajProjComConsult%20BRO.pdf
Industry Guidelines - For Reference	
Aspect	Resource
Marinas	
	EIS Guideline: Marinas and Related Facilities (DUAP)
	Best Management Practice for Marinas and Boat Repair Facilities (NSW EPA)
	AS 3962 - Guidelines for Design of Marinas

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