



NSW GOVERNMENT
Department of Planning

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Mr Jack McIntosh
c/o Coastplan Consulting
2/32 West Street
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Ref: MP05_0005

Dear Mr McIntosh

Subject MP05_0005: Pacific Hotel – 16-18 Pilot Street, Yamba, Clarence Valley LGA - Director-General's Requirements

On 29 April 2006, the Department issued the proponent with the Director-General's Requirements (DGRs) for proposed redevelopment of the Pacific Hotel, Yamba. The DGRs have been updated to reflect current guidelines and requirements under the Commonwealth *Environment Protection and Biodiversity Conservation Act (EPBC Act) 1999*. The updated DGRs for the Environmental Assessment of the project are attached to this correspondence at Attachment 1.

Attachment 2 lists the relevant plans and documents which are likely to be included with the Environmental Assessment, however, this should be confirmed with the Department prior to lodgement.

A list of some relevant technical and policy guidelines which may assist in the preparation of the Environmental Assessment is attached at Attachment 3.

It should be noted that the DGRs have been prepared based on the information provided to date. Under section 75F(3) of the *Environmental Planning and Assessment Act (1979)* (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 arrange a pre-lodgement meeting. A draft copy of the Environmental Assessment should be presented at this meeting.

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.

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 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, 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 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 to be obtained for Part 3A applications.

Notwithstanding, the Department still requires an equivalent level of information within the Environmental Assessment as would ordinarily be required for any application 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 Environmental Assessment.

If you have any enquiries about these requirements, please contact Sally Munk, Senior Planner on 9228 6498 or alternatively by email sally.munk@planning.nsw.gov.au

Yours sincerely



11.7.08

Chris Wilson

Executive Director, Major Project Assessments
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
05_0005
Project
Refurbishment of the Pacific Hotel which comprises a 3 storey building on the south, a 2 storey building on the north and a detached residential building on the east of the site, in particular; ▪ Refurbishment of the 3 storey building (which includes 14 accommodation units and 1 residential unit); ▪ Demolition of the 2 storey building to the north and construction of a 4 storey building to include two levels of carparking and two levels of hotel accommodation; ▪ Demolition of the detached residential building to the east and construction of a 4 level tiered building to include 16 hotel accommodation units and 8 new residential units. A total increase from 23 accommodation units to 36 accommodations units and from 2 residential units to 9 residential units.
Location
16 Pilot Street, Yamba, Clarence Valley Local Government Area
Proponent
Mr John McIntosh
Date issued
Expiry date
2 years from date of issue
General requirements
The Environmental Assessment (EA) should be prepared to a high technical and scientific standard and include: 1. An executive summary; 2. An outline of the scope of the project including: ▪ 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 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 signed statement from a Quantity Surveyor 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 Environmental Assessment must address the following 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. Demonstrate consistency with the Sustainability Criteria set out in the relevant Regional Strategy (including draft Regional Strategies).
2. Access, Parking and Traffic
2.1. The EA must include a Traffic and Parking Report consistent with the RTA's <i>Guide to Traffic Generating Developments</i> (issues listed in Table 2.1) and in consideration of the Clarence Valley Shire Council's <i>Residential DCP- Part W Yamba Hill Controls</i>. 2.2. Address the location of vehicle transactions (which is required to take place on subject site, not on road reserve) and mitigation of impacts on pedestrian movements. 2.3. Provide description(s) and layout(s) of the proposed residential and guest parking areas on site, in particular addressing accessibility to the spaces and management of the spaces (including disabled and visitor and guest parking). 2.4. Impact and management of parking (by hotel guests) on local streets. 2.5. How the proposed valet parking system will be implemented and managed in terms of: ▪ Location and number of spaces being provided off site, (including loading areas, car and trailer, bus and motorcycle parking); ▪ Service arrangements for group bookings and/or numerous arrivals at once; ▪ Controls / measures will be put in place for guests to ensure that the valet service is used in all circumstances; and ▪ Operating hours and how any associated impacts (noise etc) will be managed.
3. Hazard Management and Mitigation
<i>Geotechnical</i>
The EA must include a full geotechnical report which details, but is not limited to: 3.1. Identifying the depth of foundations and depth to stable sandstone / bedrock; 3.2. Approximate height of required retaining walls; and 3.3. Potential for groundwater to ingress from the surrounding area resulting in a significant increase in hydrostatic pressure underneath the building site.
<i>Dewatering</i>
3.4. The EA must determine whether dewatering is required based on the depth of the watertable below ground level. If dewatering is required, a dewatering management plan should be provided.
<i>Coastal Processes</i>
3.5. 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.

<i>Contamination</i>
3.6. Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of <i>State Environmental Planning Policy (SEPP) 55 – Remediation of Land</i> .
<i>Acid Sulphate Soils</i>
3.7. Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures.
4. Water Cycle Management
The EA must address: 4.1. 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; 4.2. The impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site.
5. Design, Layout and Desired Future Character
The EA must include an architectural design statement that demonstrates: 5.1. Suitability of the proposal with the surrounding area in relation to existing character, density, bulk, scale of surrounding developments, amenity (including noise) and visual amenity having regard to the <i>NSW Coastal Design Guidelines of NSW (2003)</i> and the <i>NSW Coastal Policy 1997</i> and <i>Maclean Shire Residential Development DCP</i>; 5.2. Address the design quality with specific consideration of the façade, massing, setbacks, proportions to openings, building articulation, and amenity (including amenity impacts for adjoining and surrounding development). 5.3. Address impacts in relation to privacy, views and overshadowing and relevant mitigation measures, including overshadowing of adjoining and surrounding development and of adjacent open space/coastal reserve. Where relevant, plans should include details on the location of windows of habitable areas and balconies of adjoining properties. 5.4. 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. 5.5. Address potential noise impacts, in particular continued noise from the operations of the hotel, for future residents, hotel guests and appropriate mitigation measures. 5.6. How plant equipment will be located to minimise noise impacts to adjoining properties; 5.7. An indicative external materials and finishes schedule is to be submitted.
6. Flora and Fauna
6.1. Outline any 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. 6.2. Outline any potential impacts on other threatened species, populations or ecological communities, critical habitat (including riparian habitat) and native vegetation generally. 6.3. Provide details and conservation value of all vegetation to be removed on 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 the draft <i>Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DECC, 2005)</i> .

7.2. Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.	
8. Crown Land	
The EA must take into consideration the location of the proposal which is adjacent to Crown Land. The proposal must not: 8.1. encroach upon the Crown land; 8.2. remove any vegetation from the Crown land; 8.3. use the Crown land as access to the property; 8.4. stockpile materials, equipment or machinery on the Crown land; or 8.5. direct stormwater discharges on the Crown land.	
9. Infrastructure Provision and Services	
9.1. In consultation with relevant agencies, address the existing capacity and requirements of the development for water, electricity, effluent disposal, waste disposal, telecommunications and gas. Identify staging, if any, of infrastructure works. 9.2. Address and provide the likely scope of any planning agreement and/or developer contributions with Council/ Government agencies. 9.3. The EA must address servicing of the hotel, including waste disposal, linen delivery/pick-up and access and parking for building maintenance.	
Consultation	
You should undertake an appropriate and justified level of consultation with relevant parties during the preparation of the Environmental Assessment, including: (a) <i>Agencies or other authorities:</i> ▪ Clarence Valley Council ▪ Department of Environment and Climate Change ▪ Northern Rivers Catchment Management Authority ▪ Department of Water and Energy ▪ NSW Rural Fire Service ▪ Roads and Traffic Authority ▪ Department of Lands ▪ North Coast Water ▪ Telstra ▪ Country Energy ▪ Commonwealth Department of Environment, Water, Heritage and the Arts ▪ Local Aboriginal Land Council/s and other Aboriginal community groups (b) <i>Public:</i> Document all community consultation undertaken to date and/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

Documents to accompany Environmental Assessment

Plans 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 the property boundary, 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. Subdivision plans are to show the following, where relevant:- ▪ 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; ▪ Cross sections of roads, including gradients, widths, road names, footpaths etc. ▪ Existing and proposed finished levels in relation to roads, footpaths and structures; ▪ 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;
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	▪ Any easements, covenants or other restrictions either existing or proposed on the site; ▪ Type of subdivision proposed (Torrens, strata and/or community title). 6. The Architectural drawings are to be drawn to scale and illustrate the following general features: ▪ 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 ▪ pedestrian access to, through and within the site. 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 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. BASIX – compliance details and relevant certificates; 13. View analysis – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development; and 14. 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, 3pm and 6.30pm.
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Specialist advice	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: ▪ Planning ▪ Geotechnical and hydrogeological (groundwater); ▪ Urban Design/Architectural; ▪ Traffic; ▪ Bushfire; ▪ Flora and Fauna, Landscaping; ▪ Stormwater/drainage; and ▪ Contamination in accordance with the requirements of SEPP 55;
Documents to be submitted	▪ 10 hard copies of the Environmental Assessment; ▪ 10 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); ▪ 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	Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:- ▪ All files must be no bigger than 5 Mb. ▪ Large files of more than 5 Mb will need to be broken down and supplied as different files. Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.

Attachment 3

State Government technical and policy guidelines

The following list identifies policies that may assist in the preparation of an Environmental Assessment. This list is a guide only, it is the proponent's responsibility to ensure that relevant policies, whether included on this list or not are addressed in the Environmental Assessment.

Aspect	Policy /Methodology
Biodiversity	
	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Planning 2005)
Coastal Planning	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, UAB, 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)
Heritage	
Aboriginal	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A (Planning 2005)
	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DECC 2005).
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)
	NSW Heritage Manual (NSW Heritage Office, 1996)
Noise	
	Environmental Noise Management Manual (RTA, 2001)
	Noise Guide for Local Government (DEC, 2004)
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 Generating Development (RTA, 1993)
Water	
	Best Practice in Water Management (Commonwealth DEH, 1999, ISBN 0 642 546231)

Aspect	Policy /Methodology
Groundwater	The NSW State Groundwater Protection Policy (DLWC)
Stormwater	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
EPBC Act	Commonwealth Environment Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW: March 2007