



NSW GOVERNMENT
Department of Planning

Contact: Lisa Pemberton
Phone: 02 9228 6485
Fax: 02 9228 6540
Email: lisa.pemberton@planning.nsw.gov.au
Our ref: MP08_0027
Your ref:

Mr Aaron Ballin
PTW Architects
Level 17
9 Castlereagh St
SYDNEY NSW 2000

Dear Mr Ballin

Subject: MP08_0027, 1 Scenic Drive, Nowra – Proposed Four (4) Storey Hotel

The Department has received your application for the proposed four (4) storey hotel, car parking and associated landscaping (MP 08_0027).

The Director-General's Environmental Assessment Requirements (DGRs) for the environmental assessment for a project application are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with the relevant government agencies, Council have not yet formally responded.

If the Environmental Assessment is not exhibited within 2 years from the date of issue of these requirements, you should consult further with the Director- General in relation to the preparation of the Environmental Assessment.

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. This should be based upon a signed statement from a Quantity Surveyor to verify the capital investment value of the project;
- 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.

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 and 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 the 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.

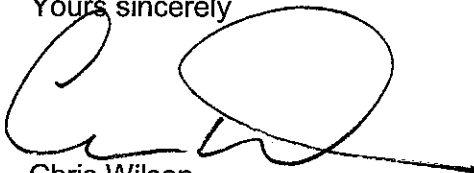
Please note that under 75U of the Act, Part 3A applications do not require certain permits/approvals required under other legislation. These matters are assessed as part of the Part 3A process. For example, Section 87 permits and Section 90 consents under the *National Parks and Wildlife Act 1974* are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

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 Environmental Assessment.

If you have any queries regarding these requirements, please contact Lisa Pemberton on 9228 6485 or email lisa.pemberton@planning.nsw.gov.au.

Yours sincerely



Chris Wilson
Executive Director,
Major Project Assessments
as delegate for the Director General

11.7.08

Attachment 1

Director-General's Environmental Assessment Requirements

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

Application number
08_0027
Project
Demolition of existing hotel and construction a four (4) storey hotel building, car parking and landscaping
Location
1 Scenic Drive, Nowra (Lot1 DP 624434)
Proponent
PTW Architects
Date issued
11 July 2008
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. Detailed description of the proposal; 3. 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; 4. A thorough site analysis including constraints mapping and description of the existing environment; 5. 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. 6. Consideration of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>. 7. Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; 8. 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; 9. The plans and documents outlined in Attachment 2; 10. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and 11. 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	Demonstrate consistency with the Sustainability Criteria set out in the relevant Regional Strategy (including draft Regional Strategies).
2	Urban Design and Sustainability
2.1	Demonstrate the consistency of the proposal with the character of existing surrounding developments in terms of the locality, street frontage, scale, aesthetics, energy and water efficiency and safety.
2.2	Address the design quality of the development with specific consideration of the façade, massing, setbacks, proportions to openings, building articulation and amenity.
2.3	Demonstrate the consistency of the proposal with the <i>Coastal Design Guidelines of NSW (2003)</i> , <i>NSW Coastal Policy 1997</i> and State Environmental Planning Policy 71 – Coastal Protection.
2.4	An indicative external materials and finishes schedule is to be submitted.
3	Visual Amenity
3.1	Address the visual impact of the proposal 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 places and cumulative impacts.
3.2	Use visual aids such as photomontage to demonstrate visual impacts
3.3	Amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas must be addressed.
4	Traffic and Access
4.1	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: <ul style="list-style-type: none"> • 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); • 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.
4.2	Protect existing public access to and along the foreshore and provide, where appropriate, new opportunities for controlled public access. Consider access for the disabled, where appropriate.
4.3	Prepare a Car Parking Needs Study that addresses on-site parking requirements, local parking impacts of the proposal.
5	Infrastructure Provision
5.1	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.
5.2	Address and provide the likely scope of any planning agreement and/or developer contributions with Council/ Government agencies.

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 SEPP 55 – Remediation of Land.
<i>Acid Sulfate Soils</i>	
6.2	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures.
<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 a flood investigation report which assesses any flood risk on the site (for the full range of floods including events greater than the design flood, up to probable maximum flood; and from coastal inundation, catchment based flooding or a combination of the two), having consideration for relevant provisions of the NSW Floodplain Development Manual (2005).
6.5	Demonstrate and suitably investigate: <ul style="list-style-type: none"> a. appropriate floor levels (based on flood levels plus freeboard) and suitable protection for underground car parks (which may include appropriate levels for driveway crests and adequate flood proofing in the car park); b. impact of flooding on the development c. impact of the development on the flood regime of the site and adjacent lands (due to raising floor levels and/ or fill); d. adequate egress and safety in a flood event. A flood management plan should be provided which outlines how the development will manage flood events (including suitable evacuation routes or warnings); and e. impacts of climate change, sea level rise and more frequent and intense storms on flooding.
6.6	A risk assessment of climate change impacts to the year 2100, is to be undertaken using the latest available information from the International Panel on Climate Change (IPCC), Department of Environment and Climate Change (DECC) and the CSIRO. This should include sensitivity analyses for low level, mid range and high level ocean impacts as set out in relevant DECC Guideline (Floodplain Risk Management Guideline: Practical Consideration of Climate Change, 2007).
<i>Coastal Processes</i>	
6.7	Address coastal hazards and the provisions of the <i>NSW Coastline Management Manual (1990)</i> . In particular consider impacts associated with sea level rise and more frequent and intense storms.
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.

8	Heritage and Archaeology
8.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance in accordance with the <i>Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A (2005)</i> . Aboriginal community consultation should be undertaken in accordance with DEC's <i>Interim Community Consultation Requirements for Applicants (2004)</i> .
8.2	Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.
9	Site Management
9.1	Provide a Building Management Plan providing details in relation to occupancy, management systems, use of amenities and facilities and body corporate roles and responsibilities etc.
10	Flora and Fauna
10.1	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.
10.2	Biodiversity surveys are to be undertaken in accordance with DECC's <i>Draft Threatened Biodiversity Survey and Assessment Guidelines (2004)</i> .
10.3	Assessment should be undertaken in accordance with the draft <i>Guideline for assessment of impacts on Threatened Species under Part 3A</i> (Department of Planning 2005).
10.4	Address measures to protect and manage the riparian corridor and adjacent aquatic habitats.
11	Noise
11.1	Address potential noise impacts, in particular road traffic noise, for future guests and appropriate mitigation measures.
12	Socioeconomic Impacts
12.1	Address the potential social and economic impacts of the development
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"> • Shoalhaven City Council; • Department of Water and Energy; • Department of Primary Industries; • Roads and Traffic Authority; • Department of Lands; • NSW Police Service; • State Emergency Service; • Local Aboriginal Land Council/s and other Aboriginal community groups; and • Relevant 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	
60 days	

Attachment 2

Plans and Documents to accompany the Application

Plans and Documents 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 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. The **Architectural drawings** are to be drawn to scale and illustrate the following general features:
 - 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.
6. **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, 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.

	<p>7. 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;</p> <p>8. 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;</p> <p>9. 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);</p> <p>10. 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;</p> <p>11. View analysis – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development; and</p> <p>12. 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.</p>
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"> • Planning • Flora and Fauna; • Landscaping; • Geotechnical and/or hydro geological (groundwater); • Stormwater/drainage; • Urban Design/Architectural; • Contamination in accordance with the requirements of SEPP 55; and • Acid Sulphate Soil Management Plan.
Documents to be submitted	<ul style="list-style-type: none"> • Both hard copy and electronic versions of the Environmental Assessment will be required to be submitted. Please contact the Department prior to submitting your Environmental Assessment to determine how many copies will be required. • If the Environmental Assessment is bulky, 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 Department for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> ▪ All files should be approximately 5 Mb. ▪ Large files of more than 5 Mb will need to be broken down and supplied as different files.

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)
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)
Soils and Contamination	
	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)
	Acid Sulfate Soil Manual (ASSMAC)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
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 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 (Heritage Office, 2000)
	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 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)
	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)
Stormwater	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
Waterways	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)

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



NSW Government
Department of Water & Energy

URBAN ASSESSMENTS
RECEIVED

26 JUN 2008

KLM

26/6/08

to

Paulina

TO Lisa Pemberton

30/06/08

P.H.

Ms Heather Warton
NSW Department of Planning
GPO Box 39
Sydney
NSW 2001

Contact: Janne Grose
Phone: 9895 7651
Fax: 9895 7501
Email: janne.grose@dnr.nsw.gov.au

File: []
Our Ref: ER20117

23 June 2008

Attention: Lisa Pemberton

Dear Ms Warton

Subject: Major Project (MP08-0027) – Four Storey Hotel with basement car parking – Scenic Drive, Nowra – Shoalhaven LGA – Director General Requirement's

Thank you for your letter of 3 June 2008 seeking key issues and assessment requirements from the Department of Water and Energy (DWE) for the proposed project.

Specific comment is outlined in Attachment A. The Department's key issues are in relation to:

- the provision of an appropriate foreshore setback in accordance with DWE Guidelines for Controlled Activities Riparian Corridors and consistent with the Department's riparian corridor objective setting for the Shoalhaven River (please refer to attached comments).
- groundwater issues.

Contact Details:

Should you have any queries in respect to this matter, please contact Jeff Hunt on (02) 4904 2634 at the Newcastle office or Janne Grose on (02) 9895 7651 at the Parramatta office.

Yours sincerely

Janne Grose

pn Jeff Hunt
Senior Project Planner
Major Projects and Planning



ATTACHMENT A

Major Project – Four Storey Hotel – Scenic Drive Nowra

Director-General's Environmental Assessment Requirements

Department of Water and Energy – Key Issues

Protection of Riparian Lands

Stream Mapping - Riparian Corridor Objective Setting:

The former DIPNR has developed a stream classification system (Riparian Corridor Objective Setting – (RCOS)) to identify minimum riparian corridor widths along watercourses. The RCOS stream classification uses three categories which reflect the environmental significance of watercourses. The minimum widths to achieve the riparian categories are as follows:

- Category 1 – Environmental Corridor (Red):
 - Purpose: to protect and enhance ecological connectivity between key remnant native vegetation.
 - Minimum width : a CRZ width of **40 metres** (measured from the top of bank) along both sides of the watercourse + a **10 metre** vegetated buffer.

The Shoalhaven River is a Category 1 watercourse.

- Category 2 – Terrestrial and Aquatic Habitat (Green):
 - Purpose: to provide for a viable and robust node or reach of riparian habitat (both aquatic and terrestrial).
 - This habitat does not necessarily provide connectivity to other key remnant native vegetation due to constraints from existing development.
 - Minimum width: a CRZ width of **20 metres** (measured from the top of bank) along both sides of the watercourse + a **10 metre** vegetated buffer.
- Category 3 – Bank Stability and Water Quality (Blue):
 - Category 3 recognises the critical role of riparian vegetation for stabilising the bed and banks of watercourses and filtering catchment run-off and the contribution this makes to overall catchment health and retention of land (eg protection of property and assets).
 - Minimum width: a CRZ width of **10 metres** (measured from the top of bank) along both sides of the watercourse (generally no buffer is required)

Please note, the above riparian widths are minimum widths and opportunities for achieving greater corridor widths are encouraged. Additional width may be required for geomorphological

and environmental considerations (eg to protect and enhance remnant native vegetation adjacent to the riparian corridor and biodiversity). The riparian corridors should be protected and/or enhanced with native riparian vegetation.

DWE Guidelines for Controlled Activities Riparian Corridors:

The DWE Guidelines for Controlled Activities Riparian Corridors identify riparian setbacks based on stream order. A copy of the guideline is attached.

The Shoalhaven River is greater than a 3rd order stream. The Riparian Corridors Guideline is consistent with achieving a 40 m wide CRZ plus a 10 metre wide vegetated buffer along the Shoalhaven River.

Stream Mapping at the site:

The Department recommends an appropriate foreshore setback is provided in accordance with DWE Guidelines for Controlled Activities Riparian Corridors and consistent with the Department's RCOS stream classification for the Shoalhaven River (the Shoalhaven River is a Category 1 watercourse).

DWE acknowledges that with the exception of the north-eastern corner of the lot, the foreshore area is actually beyond the subject site and is public road or public reserve (Section 2 of the PEA notes that the site is separated from the Shoalhaven River by two Council Reserves). The DWE also acknowledges the existing recreational use of this particular section of the Shoalhaven River.

DWE recommends the Environmental Assessment (EA) provides on a scaled plan details on the location of:

- a. the Shoalhaven River and top of bank,
- b. the riparian corridor, including the Core Riparian Zone (CRZ) and Vegetated Buffer
- c. any Asset Protection Zones,
- d. the footprint of the existing development and the footprint of the proposed new development,
- e. those parts of the new development that may be located within the CRZ or Vegetated Buffer and any proposed revegetation of the riparian corridor
- f. land uses adjacent to the riparian corridor (eg boundaries of roads, basins and any other works adjacent to the riparian corridor).

If the proposal is located within 50 m of the top of bank of the river, the EA should demonstrate that the proposed development does not encroach any further into the riparian zone than the existing development, and how the proposed development contributes towards achieving a riparian environmental corridor outcome. Any planting within the riparian corridor should consist of local native plant species.

Any requirement for an Asset Protection Zone (APZ) should be located outside the riparian zone.

Groundwater

The preliminary EA indicates that basement car parking is required as part of the development proposal. The EA needs to outline whether groundwater may be encountered during excavation and the potential need to dewater during construction if the development includes the construction of a basement level below the existing groundwater table.

A Licence under Part V of the *Water Act 1912* is required in relation to any works affecting groundwater for the purposes of construction for this development.

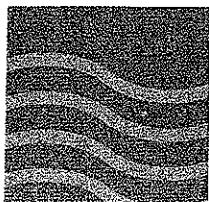
Please note, that the Department will not allow any proposal that requires permanent or semi-permanent extraction of the groundwater to protect the building. Therefore the proposal must ensure that the design of the building will not require this style of facility or activity.

The construction of the basement, or any structure that may be impacted by groundwater, will require a water proof retention system (i.e. a fully tanked structure) with an adequate provision for future fluctuations of the watertable level.

In regard to the demolition of existing hotel and clearing of the surface of the site, the Department does not have a role in licensing these activities provided they do not impact on groundwater.

Please note, in relation to the proposed excavation at the site and construction of the proposed development, no works which impact upon groundwater can commence before a groundwater licence is obtained.

NSW State groundwater policy requires the protection of groundwater resources. Appropriate measures need to be considered and adopted to avoid any adverse impacts.



Guidelines for controlled activities

Riparian corridors

Controlled activities carried out in, on or under waterfront land are now regulated by the *Water Management Act 2000* (WMA). The Department of Water and Energy is required to assess the impact of a controlled activity to ensure that minimal harm will be done to any waterfront land, ie. the bed and a distance inland of 40 metres from a river, lake or estuary.

This means that a controlled activity approval must be obtained from the Department prior to carrying out a controlled activity.

Riparian corridors form a transition zone between terrestrial and aquatic environments and perform a range of important environmental functions. Riparian corridors:

- provide bed and bank stability and reduce bank and channel erosion
- protect water quality by trapping sediment, nutrients and other contaminants
- provide a diversity of habitat for terrestrial, riparian and aquatic flora and fauna species
- provide connectivity between wildlife habitats
- allow for conveyance of flood flows and control the direction of flood flows
- provide an interface between developments and waterways.

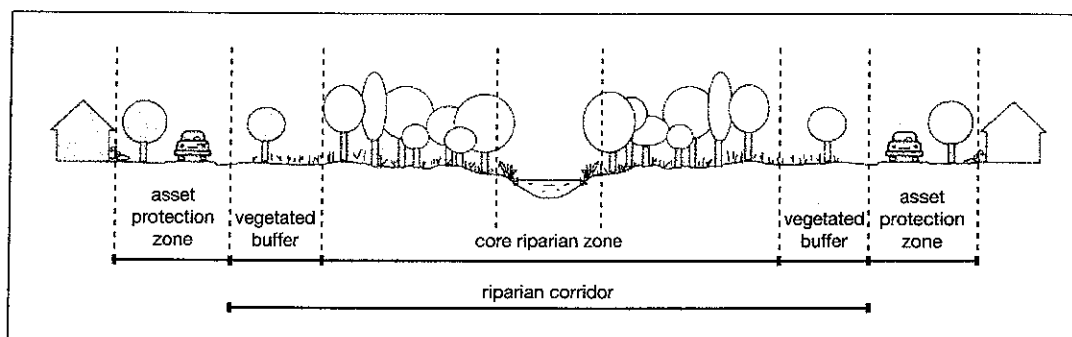
The protection or restoration of vegetated riparian areas is important to maintain or improve the geomorphic form and ecological functions of watercourses through a range of hydrologic conditions in normal seasons and also in extreme events.

When determining an appropriate width for a riparian corridor and how much riparian vegetation should be protected or re-established on a site, the following three riparian corridor zones (Figure 1) should be considered.

1. A **Core Riparian Zone (CRZ)** is the land contained within and adjacent to the channel. The Department will seek to ensure that the CRZ remains, or becomes vegetated, with fully structured native vegetation (including groundcovers, shrubs and trees). The width of the CRZ from the banks of the stream is determined by assessing the importance and riparian functionality of the watercourse (Table 1), merits of the site and long-term use of the land. There should be no infrastructure such as roads, drainage, stormwater structures, services, etc. within the CRZ.
2. A **Vegetated Buffer (VB)** protects the environmental integrity of the CRZ from weed invasion, micro-climate changes, litter, trampling and pollution. There should be no infrastructure such as roads, drainage, stormwater structures, services, etc. within the VB. The recommended width of the VB is 10 metres but this depends on merit issues.
3. An **Asset Protection Zone (APZ)** is a requirement of the NSW Rural Fire Service and is designed to protect assets (houses, buildings, etc.) from potential bushfire damage. The APZ is measured from the asset to the outer edge of the vegetated buffer (VB). The APZ should contain cleared land which means that it can not be part of the CRZ or VB. The APZ must not result in clearing of the CRZ or VB. Infrastructure such as roads, drainage, stormwater structures, services, etc. can be located within APZs.



Figure 1. Riparian corridor zones.



The Department recommends that a vegetated CRZ width based on watercourse order¹ be considered in the design of any controlled activity (see Table 1). However, the final CRZ width will be determined after a merit assessment of the site and consideration of any impacts of the proposed activity. CRZ widths should be measured from the top of the highest bank and on both sides of the watercourse.

Table 1. Recommended CRZ widths.

Types of watercourses	CRZ width
any first order ¹ watercourse and where there is a defined channel where water flows intermittently	10 metres
<ul style="list-style-type: none"> any permanently flowing first order watercourse, or any second order¹ watercourse and where there is a defined channel where water flows intermittently or permanently	20 metres
any third order ¹ or greater watercourse and where there is a defined channel where water flows intermittently or permanently. Includes estuaries, wetlands and any parts of rivers influenced by tidal waters.	20 – 40 metres ²

¹ as classified under the Strahler System of ordering watercourses and based on current 1:25 000 topographic maps

² merit assessment based on riparian functionality of the river, lake or estuary, the site and long-term land use.

Further information

If you require more information about controlled activity approvals please contact your local DWE office or visit our website www.dwe.nsw.gov.au

Important notes

DWE has prepared these guidelines in good faith. In the case of any inconsistency between the guidelines and the controlled activity approval or legislation, the controlled activity approval or legislation will prevail to the extent of that inconsistency.

Nothing in these guidelines is taken to authorise a controlled activity. These guidelines are designed to provide information to assist in the design of any development or work that constitutes a controlled activity and the preparation of an application for a controlled activity approval. Users are advised to seek professional advice and to refer to the legislation and any relevant approvals, as necessary, before taking action in relation to any matters covered by the guidelines.

Disclaimer

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.



Department of Lands

Land Administration & Management
Property & Spatial Information

URBAN ASSESSMENTS
RECEIVED

27 JUN 2008

Heather Warton
Director Coastal Assessments
GPO Box 39
Sydney NSW 2001

5 O'Keefe Avenue (PO Box 309), Nowra NSW 2451
phone: 4428 9127
fax: 4421 2172
email: Grant.Merinuk@lands.nsw.gov.au
www.lands.nsw.gov.au

24th June 2008

KC (W)
27/6/08
to Paula W

Attention: Lisa Pemberton

RE: REQUEST FOR PROVISION OF DETAILS OF KEY ISSUES AND ASSESSMENT REQUIREMENTS – Project Application – MP 08_0027 (Scenic Drive, Nowra)

Notification of Development

Thank you for your letter of notifying our department of the planned development.

The proposal has been considered from the information you have provided and the Department has no objection to Council's consideration of the development application

It is stressed that the issuing of this letter should not be regarded as the Department's approval of the development nor its consent to occupy the land prior to determination.

It is the proponents' responsibility to ensure that they obtain and adhere to all other agency's legislative requirements in regard to this proposal.

Yours sincerely

Grant Merinuk
Team Leader Environment
Crown Lands Division, Nowra
For and on behalf of the Minister for Lands





NSW DEPARTMENT OF
PRIMARY INDUSTRIES

16 June 2008

Heather Warton
Director, Coastal Assessments
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

Your ref: MP 08_0027

Attention: Lisa Pemberton

Dear Ms Warton,

**Re: Proposed Four (4) Storey Hotel, 1 Scenic Drive, Nowra,
(MP08_0027)
Section 75F(4) EP&A Act Consultation**

I refer to your letter of 10 June 2008, and enclosed preliminary assessment report by Andrew Robinson Planning Services P/L (dated May 2008), requesting Department of Primary Industries key issues and environmental assessment requirements for the above major project application.

Issues Related to Fisheries

The responsibilities of the Department of Primary Industries (DPI) include conserving fish stocks and fish habitat, marine vegetation, threatened fish species and aquatic biodiversity. As such the Department is concerned about any potential impacts that the proposed hotel development may have on aquatic species and the aquatic environment in the vicinity.

Environmental Assessment

The Department advises that the environmental assessment for the proposed development should consider the following issues:

- Description of aquatic environments (watercourses, wetlands) located on the site or adjacent to the site and their regional significance.
- Predictions of any impacts upon aquatic environments on or adjacent to the site (both temporary and permanent).
- Safeguards to mitigate any impacts upon aquatic environments and riparian habitats.
- Predictions of any impacts upon water quality and aquatic threatened species, populations and ecological communities listed under the *Fisheries Management Act 1994* (both temporary and permanent).
- Safeguards to mitigate any impacts upon water quality, including impacts downstream into the Shoalhaven River. This should

20 JUN 2008

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26/6/08

TO Paula Hen

include full details of proposed stormwater and water quality management for the site (e.g. description and locations of all stormwater control and road drainage infrastructure).

- Details of proposed Acid Sulphate Soils management to prevent impacts on water quality downstream.
- Predictions of the impacts of sea level rise and coastal inundation on the proposed development and proposed safeguards to mitigate impacts.
- Details confirming that the proposed development is consistent with the South Coast Regional Strategy, especially in relation to protection of aquatic and riparian environments and preventing impacts on water quality.
- An assessment of any impacts of the development and construction works on recreational fishing, especially in terms of restricting access to the foreshore of the Shoalhaven River.

DPI recommends the use of best practice Water Sensitive Urban Design, and the implementation of appropriate sediment and erosion control regime and water quality and stormwater management provisions to safeguard the aquatic environment and mitigate impacts on water quality downstream.

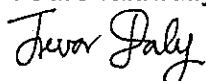
DPI also recommends the hotel development include appropriate management of the boundary interface between developed areas (e.g. hotel infrastructure) and public open spaces (e.g. public recreation areas and riparian buffers) to prevent future encroachments on public areas. This is best achieved by locating public walkways or roadways on boundaries to separate hotel areas from public areas.

For further detailed advice on DPI's aquatic habitat requirements, the applicants should refer to the Department's Policy and Guidelines Aquatic Habitat Management and Fish Conservation (1999) available on our website www.dpi.nsw.gov.au.

Please ensure a copy of the Director-General's Requirements and the subsequent environmental assessment documents provided by the proponent are provided to DPI for review and further comment if required prior to project approval.

If you require any further information, please contact me on 02) 4478 9103.

Yours faithfully



Trevor Daly
Fisheries Conservation Manager, South Coast

12 JUN 2008

Your reference : MP08_0027
Our reference : FIL08/1061 DOC08/25394

KE W 13/6/08.
TO Pamela Hon.
TO Lisa Pemberton
16/06/08

The Director
Coastal Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Ms Heather Warton

Dear Ms Warton,

Re: Request for Provision of Details of Key Issues and Assessment Requirements- Project Application- MP 08_0027 Proposed Four Storey Hotel at 1 Scenic Drive, Nowra

I refer to your letter dated 3 June 2008 in relation to the above proposal. The Department of Environment and Climate Change (DECC) understands that the project application for this proposal will be assessed by the Department of Planning (DoP) under Part 3A of the *Environmental Planning and Assessment Act 1979*.

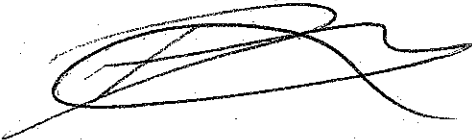
DECC has considered the details of the project and has no further interest in being involved with the approval process for the following reasons:

1. The proposal will not require an environment protection licence issued pursuant to the Protection of the Environment Operations Act 1997, and
2. The "Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation" (DECC, 2005) and "Draft Guidelines for Threatened Species Assessment" (DECC & DPI, 2005) provide the assessment framework for Aboriginal cultural heritage and threatened species issues associated with the site.

Should you wish to discuss this matter, please contact Alison McLeod at this office on 6122 3100.

Yours sincerely,

10/06/08


David Winfield
Head of Operations Unit – South East Region
Environment Protection and Regulation Group