



NSW GOVERNMENT
Department of Planning

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Our ref: MP06_0133
Your ref: 9042756-1

Mr Sam Day
Mariner Financial Limited
Level 40, the Chifley Tower
2 Chifley Square
SYDNEY NSW 2000

Dear Mr Day

Subject: Blue Dolphin Redevelopment, Yamba (MP 06_0133)

The Department has received your application for the proposed redevelopment of the Blue Dolphin (MP 06_0133). The Minister authorised a concept plan to be lodged pursuant to S75M of the *Environmental Planning and Assessment Act 1979* ("the Act") on 6 July 2006.

The Director General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the project for a Concept Plan 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;
- 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**.

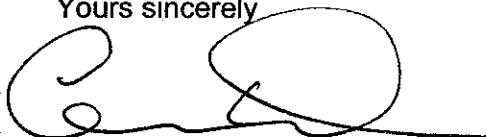
Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessment does 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-Generals requirements will be placed on the Departments 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, it will require an additional approval under the Commonwealth Environment Protection Biodiversity Conservation Act 1999 (EPBC Act). This approval would be in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of Environment and Heritage in Canberra (6274 1111 or <http://www.deh.gov.au>).

If you have any queries regarding these requirements, please contact Alix Carpenter, Senior Planner on 9228 6313 or email alix.carpenter@planning.nsw.gov.au

Yours sincerely



18. 7. 06

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	06_0133
Project	Blue Dolphin Redevelopment
Location	Yamba Rd, Yamba
Proponent	Mr Sam Day
Date issued	18.7.06
Expiry date	2 years from date of issue
General requirements	<p>The Environmental Assessment for the Concept Plan 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 and description of the existing environment; 4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans as well as impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; 5. 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; 6. The plans and documents outlined in Attachment 2; 7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and 8. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.
Key issues	<p>The Environmental Assessment must address the following key issues:</p> <ol style="list-style-type: none"> 1 Built Form and Design <ol style="list-style-type: none"> 1.1 Including assessment of the bulk, scale and visual impact of the proposal within the existing environment. 1.2 Specific consideration needs to be given to the impacts of

	views, overshadowing and privacy both within the development and on adjoining properties and foreshore areas.
1.3	Address consistency of the project with the character of development in the locality and as viewed from Yamba Road and from all publicly accessible coastal locations in relation to design and built form including roof form, street frontage and scale.
1.4	Address visual impact through use of design quality principles, appropriate colours and building materials, landscaping, buffer areas and lighting.
2	Traffic and Access
2.1	Demonstrate compliance with the relevant Council and RTA traffic and car parking codes.
2.2	Prepare a detailed Traffic Impact Study (TIS) in accordance with Table 2.1 of the RTA's <i>Guide to Traffic Generating Developments</i> . The TIS should address impacts on local and arterial roads and intersections and the need and associated funding for upgrading or road improvement works if necessary. The TIS should identify access points to the development and existing traffic volumes with and without the development, proposed traffic volumes and any anticipated impacts, peak volumes, pedestrian traffic and proposed number of car parking spaces
2.3	Consideration of RTA's preference for access along Yamba Rd to be left in, left out only access and a roundabout at Shores Drive.
2.4	Assessment of parking and access requirements for the tourist accommodation units, residents, visitors to the public recreation area, open space area or facilities provided on site.
2.5	Identification of adequate provisions for connections to existing bus routes, pedestrian and bicycle paths.
3	Flooding
3.1	Assess any flood risk that may occur on site due to proximity to the Clarence River.
3.2	Provide an assessment of proposal against the relevant provisions of the Floodplain Development Manual (NSW Government, April 2005), Clarence Valley LEP and DCP.
4	Water
4.1	Consideration of the Clarence Estuary Management Plan, stormwater management and locations and maintenance of water features.
4.2	Provide evidence of soil investigations which identify whether the site is subject to acid sulfate soil (ASS) potential. If necessary, provide an ASS Management Plan.
4.3	Identify whether any proposed works will intersect the watertable and therefore require dewatering. If necessary, identify the extent of dewatering required.
5	Riparian Corridor and Public Access
5.1	Address measures to protect the riparian corridor whilst

	<p>ensuring public access along the Clarence River.</p> <p>6 Natural Heritage</p> <p>6.1 Assess any impacts on native flora and fauna or European and Aboriginal heritage.</p> <p>7 Bushfire Protection</p> <p>7.1 Demonstrate compliance with the relevant provisions of Planning for Bushfire Protection 2001.</p> <p>8 Economic Impact</p> <p>8.1 Provide an assessment of any impacts the conversion the current camping/cabin facility into a residential unit/ tourist resort facility will have on the local economy.</p> <p>9 Utilities and Servicing</p> <p>9.1 Assessment of the existing capacity and requirements of the development for electricity, waste disposal, telecommunications and gas.</p>
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"> ▪ Roads and Traffic Authority; ▪ Department of Natural Resources; ▪ Clarence Valley Council; ▪ NSW Rural Fire Service; ▪ Department of Lands; and ▪ Department of Primary Industries. <p>(b) <i>Public:</i></p> <p>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.</p> <p>The consultation process and the issues raised should be described in the Environmental Assessment.</p>
Deemed refusal period	120 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. 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.
3. 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.
4. The **Environmental Assessment** in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.
5. The **Architectural Concept drawings** (where relevant) 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;
 - communal facilities and servicing points;
 - the height of the proposed development in relation to the land;
 - significant level changes;
 - parking and vehicular access arrangements;
 - pedestrian access to, through and within the site.
6. The **shadow diagrams** for developments comprising two or more storeys are to show solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.

	<p>7. Other plans including (where relevant):</p> <ul style="list-style-type: none"> • Stormwater Concept Plan - illustrating the concept for stormwater management from the site; • View analysis - artists impression, photomontages, etc of the proposed development in the context of the surrounding development; and • 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).
Specialist advice	<p>Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants in relation to issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Flora and Fauna; • Bushfire; • Traffic; • Landscaping; • Geotechnical and/or hydro geological (groundwater); • stormwater/drainage; • Urban Design/Architectural; • Contamination in accordance with the requirements of SEPP 55; • Acid Sulphate Soil Management Plan; • On-site effluent disposal; and • BCA compliance.
Documents to be submitted	<ul style="list-style-type: none"> • 10 hard copies of the Environmental Assessment; • 10 sets of architectural and landscape plans to scale, including one (1) set at 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	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> • Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files. • File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files. • Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order. • Graphic images will need to be provided as [.gif] files. • Photographic images should be provided as [.jpg] files. • Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. • Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order. <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>

Attachment 3

State Government technical and policy guidelines

The following list provides relevant technical and Policy Guidelines which may assist in the preparation of the Environmental Assessment. It should be noted, however, that this list is not exhaustive as other documents and policies may need to be reviewed. It is also important to note that not of all of these guidelines may be relevant to your proposal.

The majority of these documents can be found on the relevant Departmental Websites, on the NSW Government's on-line bookshop at <http://www.bookshop.nsw.gov.au> or on the Commonwealth Government's publications website at <http://www.publications.gov.au>.

Aspect	Policy /Methodology
Biodiversity	
Flora and Fauna	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (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, UAB, 1997
	Coastal Design Policy for NSW, PlanningNSW, March 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
Bushfire	
	Planning for Bushfire Protection 2001 (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)
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)

Aspect	Policy /Methodology
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)
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)