



NSW GOVERNMENT
Department of Planning

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Our ref: MP 06_0219
File: S06/00492

Ms Chris Purdon
Purdon Associates Pty Ltd
Southern Cross House
3/9 McKay Street
Turner ACT 2612

Dear Ms Purdon,

Subject: Director General's Environmental Assessment Requirements for the Environmental Assessment of a Concept Plan for Proposed Construction of 170-180 Tourist and Residential Units and a Service Station at Lots 1 & 9 DP 701830 Cnr Princes-Kings Highways, Batemans Bay (MP 06_0219)

The Department has received your application for the proposed construction of 170-180 tourist and residential units and a service station at Lots 1 and 9 DP 701830 Cnr Princes-Kings Highways, Batemans Bay.

The Director General's Environmental Assessment Requirements (DGEARs) 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. A list of some relevant technical and policy guidelines which may assist in the preparation of this Environmental Assessment are at Attachment 2.

It should be noted that the DGEARs 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 determine:

- the fees applicable to the application;
- options available in publishing the Environmental Assessment via the Internet; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessments that will be required.

Attachment 3 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.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGEARs. 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 DGEARs, 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, 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 enquiries about these requirements, please contact Eng-Joo Ong on 02 9228 6368 or via e-mail at eng-joo.ong@planning.nsw.gov.au.

Yours sincerely

 28.10.06

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

*Draft DGRs for
signature.*

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20/10/06

Attachment 1

Director-General's Environmental Assessment Requirements

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

Application No.	06_0219
Project	Construction of 170-180 Tourist and Residential Units and a Service Station
Location	Lots 1 and 9 DP 701830 Cnr Princes-Kings Highways, Batemans Bay
Proponent	Purdon Associates Pty Ltd
Date issued	October 2006
Expiry date	Two (2) years from the date of issue
General requirements	<p>The Environmental Assessment for the Concept Plan must include:</p> <ul style="list-style-type: none"> • An executive summary; • An outline of the scope of the project including:- <ul style="list-style-type: none"> (i) any development options; (ii) 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; (iii) outline of the staged implementation of the project. • A thorough site analysis and description of existing environment; • Consideration of all relevant statutory and non-statutory provisions, in particular relevant provisions arising from environmental planning instruments, Draft Regional Strategies and Development Control Plans (including justification any non-compliances) as well as impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; • Where relevant, demonstrate compliance with BCA and relevant Australian Standards in respect of proposed building; traffic, road and parking; utilities; noise and flooding; • 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; • The plans and documents outlined in Attachment 3; • A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and • 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. Design & Visual Amenity and Impacts <ol style="list-style-type: none"> 1.1 Demonstrate suitability of the proposal in the context of surrounding development in respect of character, density, height and built form having regard to <i>SEPP 65</i>, the <i>Coastal Design Guidelines of NSW (2003)</i>, objectives of the zone and the requirements of Eurobodalla Council's <i>Residential Design Code DCP</i>. 1.2 Address design quality and visual impact in respect of setting,

density, height, built form and building mass as viewed from the public domain including the Princes and Kings Highways and the foreshore and waterways, and relevant mitigation measures.

1.3 Address the appropriateness of location of the service station having regard to the prominence of the site, visual impact as viewed from the Princes and Kings Highway, character of surrounding development and traffic safety.

1.4 Outline building envelopes and built form controls.

1.5 Address the landscape setting and retention of existing significant vegetation on the site. Demonstrate that any removal of vegetation on the site, particularly those located adjacent the Princes-Kings Highway intersection and facing the foreshore and waterways will have minimal visual impacts.

2. Flora and Fauna

2.1 Address measures for the conservation of animals and plants and their habitats within the meaning of the *Threatened Species Conservation Act 1995* having regard to the *Draft Guidelines for Threatened Species Assessment (DEC & DPI July 2005)*.

3. Traffic and Access

3.1 Prepare a Traffic Impact Study in accordance with the *RTA Guide to Traffic Generating Developments*.

3.2 Identify needs (if any) to upgrade roads/junctions and improvement works to ameliorate any traffic inefficiency and safety impacts associated with the development where relevant. This should include identification of pedestrian movements and appropriate treatments.

4. Waterways and Estuary Management

4.1 Address *NSW Coastal Policy, Wetlands Management Policy, Estuary Management Policy, State Rivers Policy* and *Estuary Policy*. In particular, address potential impacts on water quality of surface and groundwater on the Clyde River estuary.

4.2 Address pollutant runoff loads from the site, treatment of waste, and effluent disposal.

4.3 Address and outline environmental management and mitigation measures in an Integrated Water Cycle Management Plan (including stormwater plan), based on Water Sensitive Urban Design principles, to avoid or mitigate any detrimental impacts on the Clyde River estuary.

5. Bushfire

5.1 Address the requirements of *Planning for Bush Fire Protection 2001 (RFS)* in particular the provision of adequate access for fighting bushfire, adequate asset protection zones and water supply for bushfire suppression operations.

5.2 Prepare a Plan of Management for fuel management including the provision and maintenance of APZs, natural areas, buffers zones and revegetation.

5.3 Address *AS 3959: Building in Bush Fire Prone Areas*.

6. Infrastructure Provision

6.1 Address existing capacity and requirements of the development for

	<p>sewerage, water and electricity in consultation with relevant agencies.</p> <p>6.2 Identify staging, if any, of infrastructure works.</p> <p>6.3 Address provision of public services and infrastructure having regard to the Council's Section 94 Contribution Plans.</p> <p>7. Heritage</p> <p>7.1 Address the draft <i>Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, July 2005)</i>.</p> <p>7.2 Identify whether the site has significance in relation to Aboriginal cultural heritage and identify appropriate measures to preserve any significance.</p> <p>7.3 Identify any other items of heritage significance and provide measures for conservation of such items.</p> <p>8. Noise</p> <p>8.1 Address potential road traffic noise impacts on future residents and appropriate mitigation measures.</p> <p>8.2 Address potential impacts of demolition, construction and operational noise.</p> <p>9. Management of Common Properties</p> <p>9.1 Provide details of appropriate management plans for common properties such as open space areas and tennis court.</p> <p>9.2 Provide details of any arrangement for the long-term management of adjoining natural/bushland areas.</p> <p>9.3 Provide details of subdivision of the service station.</p>
Consultation	<p>You should undertake an appropriate and justified level of consultation with utilities suppliers and the relevant following parties during the preparation of the Environmental Assessment:</p> <p>a) Agencies or other authorities:</p> <ul style="list-style-type: none"> • Department of Natural Resources; • Department of Environment and Conservation; • NSW Rural Fire Service; • RTA; • Shoalhaven City Council <p>b) Public:</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	<p>Under clause 8E(2) of the <i>Environmental Planning and Assessment Regulation 2000</i>, the applicable deemed refusal period is 60 days from the end of the proponent's Environment Assessment period for the project.</p>

Attachment 2

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 Guidelines for Threatened Species Assessment (DEC & DPI, July 2005)
Bushfire	
	Planning for Bushfire Protection 2001 (NSW Rural Fire Service)
	Australian Standard 3959 – Building in Bushfire Prone Areas
Coastal Planning & Water bodies	
	NSW Coastal Policy 1997 - A Sustainable Future for the New South Wales Coast (Department of Urban Affairs & Planning, 1997)
	Integrated Water Cycle Management Guidelines for NSW Local Utilities, Oct 2004
	Water Sensitive Planning Guide - for Sydney Region, WSUD, 2003
	Coastal Design Guidelines for NSW, Coastal Council, March 2003
	NSW State Rivers Policy
	NSW Estuary Management Manual (DLWC, 1992)
Community Consultation	
	Community Involvement Practice Notes and Resource Manual (RTA, 1998)
	Best Practice Community Consultation and Involvement (Commonwealth Department of Environment and Heritage, 1995)
Environmental Management Systems & Auditing	
	Guidelines for Preparation of Environmental Management Plan (DIPNR, 2004)
	Best Practice Environmental Impact Assessment (Commonwealth Department of Environment and Heritage, 1995)
	Best Practice in Environmental Management Systems (Commonwealth Department of Environment and Heritage, 1995)
	Best Practice in Environmental Monitoring and Performance (Commonwealth Department of Environment and Heritage, 1995)
	Environmental Impact Assessment Policy, Guidelines and Procedures (RTA, 2001)
	Environmental Risk Assessment Guidelines (DUAP, 1994)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)

Aspect	Policy /Methodology
	Guidelines for Quality and/or Environmental Management Systems Auditing (Standards Australia, 2003)
	Best Practice in Environmental Auditing (Commonwealth Department of Environment and Heritage, 1996)
Heritage	
	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, July 2005)
	NSW Heritage Manual and Assessing Heritage Significance (NSW Heritage Office, July 2001)
	NSW Heritage Manual (NSW Heritage Office and Department of Urban Affairs & Planning, 1996)
Noise & Vibration	
	Environmental Criteria for Road Traffic Noise (DEC, June, 1999)
	Noise Guide for Local Government (DEC, 2004)
	Environmental Noise Control Manual (EPA, January 2000)
Safety, Security & Risk Assessment	
	Crime Prevention and the Assessment of Development Applications (PlanningNSW, April 2001)
	The Demolition of Structures (Standards Australia, 2001, AS 260)
	Multi-Level Risk Assessment Guidelines (Department of Urban Affairs & Planning, 1999)
	Best Practice in Environmental Risk Management (Commonwealth Department of Environment & heritage, 1999)
Soils & Contamination	
	Acid Sulfate Soil Manual (Acid Sulfate Soils Management & Advisory Committee [ASSMAC], 1998; published by DUAP)
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (NHMRC, 1992)
	Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land, Department of Urban Affairs & Planning and the Environment Protection Authority 1998.
	Contaminated Land: Planning Guidelines for Contaminated Land, Department of Urban Affairs and Planning and the NSW EPA, October 1995.
Sustainability	
	BASIX – www.basix.nsw.gov.au
Traffic, Transport & Pedestrian & Cyclist Facilities	
	Guide to Traffic Generating Developments (RTA, 1993)
	RTA Road Design Guide (RTA, 1996)
	Planning Guidelines for Walking and Cycling (DIPNR & RTA, December 2004)
Urban Design	
	Neighbourhood Character: An Urban Design Approach for Identifying Neighbourhood Character (PlanningNSW, 1998)

Aspect	Policy /Methodology
	Residential Densities: A Handbook Illustrating the Urban Design Characteristics of Different Densities (PlanningNSW, 1998)
	Better Urban Living: Guidelines for Urban Housing in NSW, (Urban Design Advisory Service & Department of Urban Affairs and Planning, 1998)
	Urban Form: An Urban Design Approach for Understanding the Urban Form of Regional Centres (PlanningNSW, 1998)
	Residential Flat Design Code (Urban Design Advisory Service, 2002)
Waste	
	Environmental Guidelines: Assessment and Classification and Management of Liquid and non-liquid Wastes (DEC, July 1999)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management (ARMCANZ/ANZECC 1997) also Use of Reclaimed Water, 2000
Water	
	Water Sensitive Planning Guide - for Sydney Region, WSUD, 2003
Water Quality	National Water Quality Management Strategy: Australian & New Zealand Guidelines for Fresh & Marine Water Quality (Australian & New Zealand Environment & Conservation Council (ANZECC), October 2000)
	NWQMS Australian Guidelines for Water Quality Monitoring and Reporting ANZECC, 2000
	Coastal Lakes: Independent Inquiry into Coastal Lakes (Healthy Rivers Commission, April 2002)
	Various inquiries and Statements of Intent for Coastal Lakes (Healthy Rivers Commission, 200- 2002)
	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
	Marine Water Quality Objectives for NSW Ocean Waters (DEC, 1999)
	Water Quality and River flow Objectives (DEC, 2000)
	Licensing Guidelines for Sewerage Treatment Systems (EPA, July 2003)
Groundwater	NSW Groundwater Policy Framework Document – General (DLWC, 1997)
	NSW State Groundwater Quality Protection Policy (DLWC, 1998)
	NSW State Groundwater Dependent Ecosystems Policy (DLWC, 2002)
Stormwater	Managing Urban Stormwater: Construction Activities (EPA, 1988)
	Stockpile Site Management Procedures (RTA, 2001)
	Managing Urban Stormwater: Soils and Construction (NSW Landcom, 2004)
	Managing Urban Stormwater: Source Control (DEC, 1998)
	Managing Urban Stormwater: Treatment Techniques (DEC, 1998)
	Australian Rainfall and Runoff (Institution of Engineers, revised edition 1997)
	Better Drainage: Guidelines for the Multiple Use of Drainage System (PlanningNSW, 1993)
Water Management	Best Practice in Water Management (Commonwealth Department of Environment and Heritage, 1999)

Attachment 3

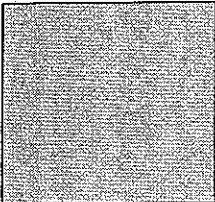
Plans and Documents to accompany the Application

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 the **Project 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** outlining the subject site and surrounding area (at an appropriate scale).
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; and
 - traffic and road patterns, pedestrian routes and public transport nodes.
 - 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 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;
 - section 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.
7. Detailed **Subdivision Layout Plans** (where relevant) to illustrate the following:-
 - All measurements of proposed and existing allotments;
 - Location of all structures both proposed and retained on site;
 - North point;

	<ul style="list-style-type: none"> Name of the road fronting the site and other surrounding major roads; Title showing the description of the land with lot and DP numbers etc; Vegetation retention; Access points; Cross sections of roads, including gradients, widths, road names, footpaths etc; Any easements, covenants or other restrictions either existing or proposed on the site; Development footprints, building envelopes and built form controls; Asset Protection Zone for bushfire control; Type of subdivision proposed (Torrens, strata and/or community title). <p>8. Stormwater Plan - illustrating the plan for stormwater management of the site and must include details of any major overland flow paths through the site, stormwater treatment measures and any discharge points to existing drainage systems. 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>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.</p> <p>10. Concept Landscape 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 and surface treatments (i.e. pavers, lawn etc).</p> <p>11. View Analysis - artists impression, photomontages, etc of the proposed development in the context of the surrounding development.</p> <p>12. Waste Management Plan - plan indicating disposal of waste from the site including demolition material.</p>
Specialist advice	Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants.
Documents to be submitted	<ul style="list-style-type: none"> 20 hard copies of the Environmental Assessment; 20 sets of subdivision and landscape plans to scale, including one (1) set at A3 size (to scale); and 1 copy of the Environmental Assessment and all plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below).
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.

Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.