



NSW GOVERNMENT
Department of Planning

Contact: Thomas Mithen
Phone: 02 9228 6443
Fax: 02 9228 6540
Email: thomas.mithen@planning.nsw.gov.au
Our ref: MP 08_0201

Mr Lee Hughes
Turner Hughes Architects
Suite 201 No. 121 Alexander Street
Crows Nest NSW 2065

Dear Mr Lee

Subject: Proposed Mixed Use Development, 23-27 Wason Street, Ulladulla (MP 08_0201)

The Department has received your application for the proposed mixed use development at 23-27 Wason Street, Ulladulla (Lots 50 & 51 DP 828221, Lot 4 DP 759018 and Lot 1 DP 516131).

The Director-General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the project application are attached to this correspondence at **Attachment 1**. These requirements have been prepared in consultation with the relevant government agencies including Tweed Shire Council.

Attachment 2 lists the relevant plans and documents which will be required upon submission of your proposal.

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.

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

Please contact the Department at least two weeks before you propose to submit the EA for the project to determine:

- the fees applicable to the application. Note that you will need to provide 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 EA that will be required.

A list of some relevant technical and policy guidelines which may assist in the preparation of the EA are attached at **Attachment 3**.

Prior to exhibiting the EA, 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 EA does not adequately address the DGRs, the Director-General may require the proponent to revise the EA to address the matters notified to the proponent.

Following this review period, the EA 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.

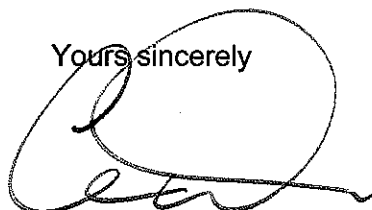
Please note that under section 75U of the Act, Part 3A applications do not require certain permits/approvals required under other legislation. These matters are considered as part of the Part 3A assessment process. For example, Section 87 permits and Section 90 consents under the *National Parks and 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 EA as would ordinarily be required for the issue of any such permit/approval to enable an assessment of the relevant works.

Copies of responses from government agencies to the Department's request for key issues and assessment requirements are enclosed at **Attachment 4**. Please note that these responses have been provided to you for information only and do not form part of the DGRs for the EA.

If you have any queries regarding these requirements, please contact Thomas Mithen on 9228 6443 or email thomas.mithen@planning.nsw.gov.au.

Yours sincerely



29.3.09

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
MP 08_0201
Project
Demolition of the existing structures on the site and construction of a mixed use development comprising 35 residential apartments, 1500m ² of retail, 690m ² of restaurant hospitality uses and 565m ² of office space above underground parking for 90 vehicles
Location
Lots 50 and 51 DP 828221, Lot 4 Section 17 DP 759018 and Lot 1 DP 516131
Proponent
Turner Hughes Architects
Date issued
April 2009
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. A detailed description of the proposal; 3. A thorough site analysis including constraints mapping 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 including <i>Shoalhaven Local Environmental Plan 1985</i> and <i>draft LEP 2009</i>, Regional Strategies (including draft Regional Strategies) and all Council's relevant Development Control Plans including <i>DCP 56 - Ulladulla Town Centre and Harbour Review</i> and <i>DCP 18 – Car Parking and Milton Ulladulla Structure Plan</i>; 5. Consideration of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>; 6. Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; 7. 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; 8. The plans and documents outlined in Attachment 2; 9. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and 10. An assessment of the key issues specified below and a table outlining where in the EA 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 Provide detailed justification (including illustrations) of any departure from local planning controls with respect to height and setbacks and the community benefit of varying the standards.

2. Design & Visual Amenity

- 2.1 The design quality with specific consideration of the façade, floor space ratio, massing, setbacks (including harbour foreshore), proportions to openings, building articulation, site coverage, external materials/finishes and amenity (including adjoining and surrounding development - see 5.1 below) having regard to the significance of the site in relation to Ulladulla Harbour and the Town Centre.
- 2.2 Demonstrate suitability of the proposal with the surrounding area in relation to bulk and scale and visual amenity having regard to the *Coastal Design Guidelines of NSW (2003)* and the *NSW Coastal Policy 1997*.
- 2.3 Include an architectural statement addressing the development context and outlining how the proposed building design would establish a high quality streetscape and architectural standard so desired for such a prominent location.
- 2.4 Demonstrate compliance with *State Environmental Planning Policy No. 65 (Design Quality Residential Flat Development)* and BASIX.
- 2.5 Address the visual impact of the proposal in the context of adjoining and surrounding development in relation to setting, built form, building mass and height as viewed from significant vantage points in the public domain and relevant mitigation measures.
- 2.6 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, and landscaping must be addressed.
- 2.7 Prepare a Crime Prevention Through Environmental Design report having regard for the principles for minimising crime risk within the Department of Planning's Guideline: *Crime Prevention and Assessment of Development Applications 2001*.
- 2.8 Provide details of residential unit types and future management of tourist (short stay) units and measures to ensure conflict between user groups does not occur.

3. Public Domain

- 3.1 Provide details on how the development will integrate with Council's future harbour foreshore boardwalk and amphitheatre and the objectives of the draft *Ulladulla Harbour Master Plan*.
- 3.2 Indicate how the design will ensure activation of Wason Street with shops and commercial activity.
- 3.3 Address the amenity of public spaces and outdoor eating areas on the southern side of Wason Street in terms of visual bulk and overshadowing and provide design mitigation measures.

4. Amenity

- 4.1 Address impacts on the external amenity of adjoining and surrounding development (including the harbour foreshore) in relation to privacy, acoustic impacts, loss of views (including Marlin Hotel) and overshadowing and relevant mitigation measures.
- 4.2 Address potential noise impacts, in particular road traffic noise, for future occupants and appropriate mitigation measures.

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 agreements and/or development contributions with Council/ Government agencies (including relevant community/state infrastructure contributions). Identify if any contributions will be required for deficient parking for the commercial components in accordance with Council's Section 94 Plan.
6. Traffic, Access and Loading/Unloading	
6.1	Prepare a traffic impact study in accordance with Table 2.1 of the RTA's <i>Guide to Traffic Generating Developments</i> . Include justification of access and servicing arrangements for the site and intersection modelling using SDIRA for all key junctions including Princes Highway and Wason Street.
6.2	Identify parking areas and the split between public and private use and provide details of treatments required to ameliorate traffic and/or safety impacts.
6.3	Identify existing pedestrian movements and any changes to pedestrian desire line and appropriate treatments to address this issue. Protect existing public access to and along the harbour foreshore and provide, where appropriate, new opportunities for controlled public access. Consider access for the disabled, where appropriate.
6.4	Provide details of loading/unloading, frequency and size of trucks accessing the site and their ability to manoeuvre on and off the site without compromising vehicular or pedestrian safety.
6.5	Identify whether any part of the adjoining Crown land will be used for alternate vehicular or truck access to and from the site and evidence of consultation with the Department of Lands.
7. Hazard Management and Mitigation	
<i>Coastal Processes</i>	
7.1	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. Assess the potential impacts of sea level rise and an increase in rainfall intensity on the site and adjacent lands with consideration of <i>Practical Consideration of Climate Change – Floodplain Risk Management Guideline</i> (DECC, October 2007).
<i>Contamination</i>	
7.2	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of <i>SEPP 55 – Remediation of Land</i> .
<i>Acid Sulfate Soils</i>	
7.3	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures. Identify the need for an Acid Sulfate Management Plan (prepared in accordance with ASSMAC Guidelines).
<i>Geotechnical</i>	
7.4	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.
8. Water Cycle Management	
8.1	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

<p>8.2</p> <p>8.3</p> <p>8.4</p> <p>8.5</p>	<p>erosion and sedimentation controls at construction and operational stages.</p> <p>Prepare a conceptual design layout plan for the preferred stormwater treatment showing location, size and key functional elements of each part of the system.</p> <p>Assess the impacts of the proposal on surface water hydrology and quality during both construction and occupation of the site.</p> <p>Consider the nature and profile of the groundwater regime under the site, including any hydrologic impacts which would affect its depth or water quality, result in increased groundwater discharge, impact on the stability of potential acid sulfate soils in the vicinity, or affect groundwater dependent native vegetation. identify whether excavation for the basement car parking may encounter groundwater and the potential need for dewatering during construction.</p> <p>If the proposal is likely to intercept or use groundwater address the need for a water license under Part 5 of the <i>Water Act 1912</i>.</p>
<p>9. Heritage and Archaeology</p>	
<p>9.1</p> <p>9.2</p>	<p>Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance. The assessment must address the information and consultation requirements of the draft <i>Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation</i> (DEC 2005) and <i>Interim Community Consultation Requirements for Applicants</i> (DEC 2004)</p> <p>Identify any items of non-indigenous heritage significance and, where relevant, provide measures for the conservation of such items. A Heritage Impact Statement (HIS) is to be submitted detailing and evaluating any impacts that the development would have on the existing dwelling on the site and any nearby heritage buildings, landscapes or places.</p>
<p>10. Socio-economic Impacts</p>	
<p>10.1</p> <p>10.2</p>	<p>Provide a social impact assessment for the development. Address the social and economic context of the development in terms of infrastructure requirements, public transport, community services and facilities (including schools and medical services).</p> <p>Identify the benefits of the proposal in terms of jobs and input into the local and regional economy and benefits to the public domain.</p>
<p>11. Aquatic Impacts</p>	
<p>11.1</p> <p>11.2</p> <p>11.3</p>	<p>Provide a description of the marine environment adjacent to the site and its regional significance and address any impacts to the aquatic environment (both temporary and permanent).</p> <p>Consider impacts upon water quality and aquatic threatened species, populations and ecological communities listed under the <i>Fisheries Management Act 1994</i>.</p> <p>Address impacts on water quality in Ulladulla harbour and provide details of stormwater and water quality management control.</p>
<p>Consultation</p>	
<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"> • Shoalhaven City Council; • Department of Environment and Climate Change; • Department of Primary Industries; • Department of Water and Energy; • Roads and Traffic Authority; • Department of Lands; • Local Aboriginal Land Council/s and other Aboriginal community groups (if relevant). <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</p>	

issues arising from the community consultation and an effective communications strategy.

The consultation process and the issues raised should be described in the Environmental Assessment.

Deemed Refusal Period

60 days

Attachment 2

Plans and Documents to accompany the Application

Plans and Documents of the development	<p>The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your application:</p> <ol style="list-style-type: none"> 1. The existing site survey plan is to be drawn to 1:500 scale (or other appropriate scale) and show: <ul style="list-style-type: none"> • the location of the land, the measurements of the boundaries of the land, the size of the land and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; and • location and height of adjacent buildings and private open space. 2. An aerial photograph of the subject site with the site boundary superimposed. 3. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways etc.). 4. A locality/context plan drawn to 1:500 scale (or other appropriate scale) should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities and open space, water courses and heritage items; • the location and uses of existing buildings, shopping and employment areas; • traffic and road patterns, pedestrian routes and public transport nodes; and • The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation. 5. The Architectural drawings are to be drawn to scale and illustrate the following general features: <ul style="list-style-type: none"> • 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. 6. Elevations – of the proposed buildings drawn to the same scale as the architectural drawings. The elevations are to indicate height and key
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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.

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;
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;
9. **Dewater Management Plan (if required)** – should address noise management of dewater pumps, points of discharge, and discharge quantities, site layout to accommodate equipment during construction and dewatered quality parameters for monitoring in regards to geology.
10. **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); in addition to any proposed streetscape works. Provide details of existing and proposed development in relation to riparian vegetation and where relevant rehabilitation of riparian vegetation using local native plant species.
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 coastline; 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.
15. **Waste Management Plan** – To be prepared in accordance with Council's DCP 93 – Waste Management.
16. **Preliminary BCA Assessment** – Demonstrate compliance with the Building Code of Australia and include compliance with respect to the encroachments of doors onto the ROW.
17. **Access Review** – Demonstrate compliance with the BCA and the Disability Discrimination Act and Australian Standard 1428 regarding paths of travel, emergency egress and accessibility.
18. **Indicative materials and finishes schedule** - Show how the colours/finishes blend in with the surrounding environment

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 • Landscaping; • Geotechnical and/or hydrogeological (groundwater); • Stormwater/drainage; • Urban Design/Architectural; • Contamination in accordance with the requirements of SEPP 55
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.

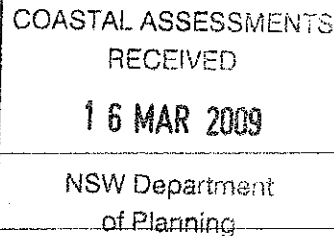
The majority of these documents can be found on the relevant Departmental Websites, on the NSW Government's on-line bookshop at <http://www.bookshop.nsw.gov.au> or on the Commonwealth Government's publications website at <http://www.publications.gov.au>.

Aspect	Policy /Methodology
Biodiversity	
Flora and Fauna	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Department of Planning 2005)
Fish and Aquatic Ecosystems	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Threatened Species Management Manual (NPWS, 1998)
Coastal Planning	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, NSW Government, 1997
	Coastal Design Guidelines for NSW, PlanningNSW, February 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
	NSW Coastline Management Manual (NSW Government 1990)
Bushfire	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
Contamination of Land	
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
Environmental Management Systems	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
Heritage	
Aboriginal	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A (Planning 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)
	NSW Heritage Manual (NSW Heritage Office, 1996)
Noise	

Aspect	Policy /Methodology
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)
Rehabilitation	
	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
Safety and Hazards	
	Electrical Safety Guidelines (Integral Energy)
Soils	
	Acid Sulfate Soil Manual (ASSMAC)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
Traffic & Transport	
	Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03)
	Guide to Traffic Generating Developments (RTA, 2002)
Urban Design: Cycleway/Pathway Design	
	Guidelines for the Design and Construction of Paths and Cycleways along Watercourses and Riparian Areas (Version 2) (DIPNR/DNR)
Water	
	Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
Floodplain	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
	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

Our Ref: 404DA251 (09/300)
Contact: Nicole Stevenson (42212523)
Your Ref: MP 08_0201



Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Tom Mithen

HE MW
16/3/09
TO make
Schofield

**SHOALHAVEN CITY COUNCIL - MP 08_0201, 23-27 WASON STREET,
PROPOSED MIXED USE DEVELOPMENT, ULLADULLA**

Dear Sir

I refer to your letter received on 10 March 2009 regarding the subject Part 3A Project Application forwarded to the RTA for consideration.

The RTA has reviewed the submitted information and requests that the following studies and analysis be requested as part of the Director-General's Environmental Assessment Requirements for the subject application:

- A traffic impact study should be prepared to examine the impact of the development on the existing road network. As a guide, the traffic impact study should be prepared in accordance with Table 2.1 of the RTA Guide to Traffic Generating Developments. This study should address all key areas identified within this table and provide justification for the proposed access and servicing arrangements for the site.
- Given the scale of the proposal and the proximity of the site to existing traffic signals the RTA requests that the traffic impact study includes intersection modelling using SIDRA for all key junctions within the area, particularly the junction of the Princes Highway and Wason Street. This analysis shall include:
 - An analysis of AM and PM peaks volumes and holiday peak volumes.
 - An analysis of the existing traffic volumes with and without development during the above peak periods and an analysis incorporating 10 year projected volumes with and without the development
- Electronic copies of all SIDRA analysis should be provided to the RTA for review. The traffic volumes and directional splits adopted to undertake this analysis should be fully justified within the traffic impact study.
- The applicant should identify suitable treatments required to ameliorate any traffic and/or road safety impacts associated with the development. This should include an examination of existing

pedestrian movements and potential alterations to pedestrian desire line and identification of appropriate treatments required to address this concerns.

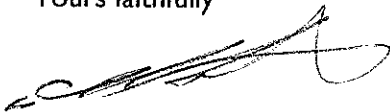
- The RTA strongly recommends that the developer considers the environmental impacts of any proposed roadworks as part of the Statement of Environmental Effects. If these impacts are not considered, then the RTA would require the applicant to provide a separate environmental impact assessment, a 'Review of Environmental Factors' prior to commencing any works that were conditioned as requirements of the development.

Note: The RTA has a responsibility to ensure that all environmental impacts are considered to the fullest extent possible under Section 111 of the Environmental Planning and Assessment Act.

The RTA will commence its detailed assessment once the aforementioned information is provided to its satisfaction.

Should you require any clarification on this matter please contact Nicole Stevenson on 4221 2523.

Yours faithfully



Joanne Parrott
Manager, Road Safety and Traffic Management
Southern Operations & Engineering Services

13 MAR 2009



NSW DEPARTMENT OF
PRIMARY INDUSTRIES

20 March 2009

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

Your ref: MP 08_0201

Attention: Tom Mithen

Dear Ms Warton,

**Re: Proposed Mixed Use Development, 23-27 Wason Street, Ulladulla,
(MP08_0201)
Section 75F(4) EP&A Act Consultation**

I refer to your letter (undated), and enclosed preliminary assessment report by TCG Planning P/L (dated March 2009) and Turner Hughes Architects, requesting Department of Primary Industries key issues and environmental assessment requirements for the above major project application.

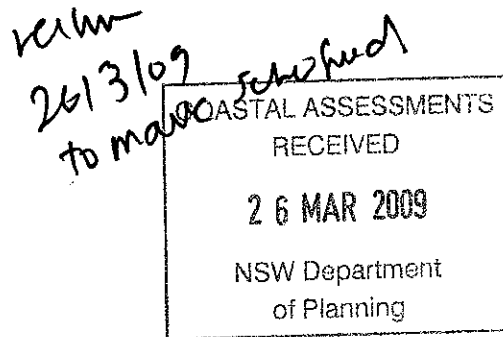
Issues Related to Fisheries

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 mixed residential, tourism and commercial 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 (marine) located adjacent to the site and their regional significance.
- Predictions of any impacts upon aquatic environments adjacent to the site (both temporary and permanent).
- Safeguards to mitigate any impacts upon aquatic environments and foreshore 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 Ulladulla Harbour. This should 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 during construction.
- Predictions of the impacts of sea level rise and coastal inundation on the proposed development and proposed safeguards to mitigate impacts, especially in relation to the proposed underground carpark.
- Details confirming that the proposed development is consistent with the South Coast Regional Strategy, especially in relation to protection of aquatic and foreshore 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 any restrictions on access to the foreshore of Ulladulla Harbour.

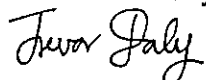
DPI recommends the use of best practice Water Sensitive Urban Design, and the implementation of appropriate sediment and erosion control regime and water quality and stormwater management provisions to safeguard the aquatic environment and mitigate impacts on water quality downstream.

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

Our Reference : FIL09/4678 - DOC09/11671
Contact : Craig Jones

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

**RE: Environmental Assessment Requirements – Ulladulla Mixed Use Development –
MP08_0201**

I refer to your undated letter received by the Department of Environment and Climate Change (DECC) on 11 March 2009, requesting provision of key issues and assessment requirements for a mixed use commercial and residential development at 23-27 Watson Street, Ulladulla, MP 08_0201.

DECC has considered the details of the project as provided by the Department of Planning and has identified potential impacts on Aboriginal Cultural Heritage values.


DECC notes the draft Director-General's Environmental Assessment Requirements oblige the proponent to address the requirements of the draft *Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation (DEC 2005)* and *Interim Community Consultation requirements for Applicants (DEC 2004)* within the Environmental Assessment (EA).

DECC requests that 2 hard copies and 1 CD of the EA are provided for assessment. These documents should be lodged at the DEC's South East Regional Office, PO Box 622, Queanbeyan, NSW 2620.

Aside from the impacts upon Aboriginal Cultural Heritage, DECC does not seek to assess or comment upon any other aspect of the proposal.

Please contact Craig Jones at the DECC's Queanbeyan office on 02 6229 7002 if you require any further information.

Yours sincerely,

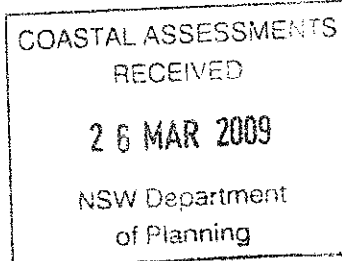

JULIAN THOMPSON
Acting Head of Operations
South East Region

23/3/09





NSW Government
Department of Water & Energy



*re w
26/3/09.
To mark
School.*

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: ER20563

24 March 2009

Attention: Tom Mithen

Dear Ms Warton

Subject: Major Project (MP08-0201) – Demolition of existing structures and construction of mixed use development, 23-27 Wason St, Ulladulla– Shoalhaven LGA – Director General Requirement's

Thank you for your letter of March 2009 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 use of local native plant species in any landscaping of the site to support improve the foreshore landscape and riparian vegetation,
- groundwater issues.

Contact Details:

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

Yours sincerely

Janne Grose

for Jeff Hunt
Senior Project Planner
Major Projects and Planning



ATTACHMENT A

Major Project – Demolition of existing structures and construction of mixed use development - 23-27 Wason Street, Ulladulla

Director-General's Environmental Assessment Requirements

Department of Water and Energy – Key Issues

Legislation

The Department is responsible for administering the Water Act 1912 and the Water Management Act 2000 (WMA) which manage and regulate the use of surface water and groundwater resources. The Environmental Assessment (EA) is required to take into account the objectives and regulatory requirements of these Acts, as applicable.

Policies

The EA is required to take into account the following NSW Government policies, as applicable:

- NSW State Rivers and Estuaries Policy;
- NSW Groundwater Policy Framework Document – General; and
- NSW Groundwater Quality Protection Policy
- NSW Groundwater Dependent Ecosystem Policy

Riparian /Foreshore Protection

The EA should demonstrate that the new proposal does not encroach any further into the riparian/foreshore area than existing development at the site, and how the proposed development contributes towards achieving an improved foreshore environment.

DWE recognises that the subject site is located in an existing urban area in the Ulladulla CBD and there is limited opportunity to achieve significant riparian improvements. However, opportunities to improve the foreshore landscape should be considered such as incorporating the use of local native plants in site landscaping and the adjacent foreshore. Please note, DWE considers the best opportunity to improve riparian vegetation would be to strategically establish clumped/planted local native species where the existing road is located between the site and Ulladulla Harbour.

DWE recommends the EA provide details on rehabilitating riparian vegetation at the site using local native plant species including:

- the location of proposed riparian vegetation to be established,
- the location of existing and proposed development on the site in relation to the riparian vegetation

- plant species and densities.

Groundwater

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

Section 6.3.4 of the PEA indicates that basement and sub 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.

The EA is required to identify groundwater issues and potential degradation to the groundwater source and provide the following:

- details of any works likely to intercept, connect with or infiltrate the groundwater sources.
- details of any proposed groundwater extraction, including purpose, location and construction details of all proposed bores and expected annual extraction volumes.
- details on preventing groundwater pollution so that remediation is not required.
- details on protective measures for any groundwater dependent ecosystems (GDEs).
- Assessment of the need for an Acid Sulfate Management Plan (prepared in accordance with ASSMAC guidelines).

Where potential impacts are identified the EA will need to identify limits to the level of impact and contingency measures that would remediate, reduce or manage potential impacts to the existing groundwater resource and any GDEs.

Licensing

If the proposal is likely to intercept or use groundwater, the need for a water license under Part 5 of the Water Act 1912 should be addressed in the EA. No works which impact upon groundwater can commence before a groundwater licence is obtained.

All proposed groundwater works, including bores for the purpose of investigation, extraction, dewatering, testing or monitoring must be identified in the proposal and an approval obtained from DWE prior to their installation.

DWE will not allow any proposal that requires permanent or semi-permanent extraction of the groundwater to protect the proposed buildings. Therefore the proposal must ensure that the design of the buildings will not require this style of facility or activity.

The construction of the basement car park, 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 structures and clearing of the surface of the site, DWE does not have a role in licensing provided these activities do not impact on groundwater.



City Administrative Centre

Bridge Road, Nowra NSW Australia 2541

Phone: (02) 4429 3111 • Fax: (02) 4422 1816 • DX 5323 Nowra

Address all correspondence to

The General Manager, PO Box 42, Nowra NSW Australia 2541

COUNCIL REFERENCE:

3A09/1002 (D09/42923)

CONTACT PERSON:

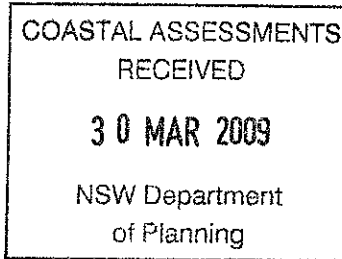
John Britton

YOUR REF:

Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Thomas Mithen

Dear Sir



25 March 2009

KLMW
30/3/09
to Mark
Schofield
TO Thomas Mithen
PM 30/3/09

**Key Issues Submission MP08_0201
22-27 Wason Street, Ulladulla**

Please find attached Council's key issue submission on the above major project application.

An emailed copy of the submission was sent on 25 March 2009.

If you need further information about this matter, please contact John Britton, Development & Environmental Services Group on (02) 4429 3432. Please quote Council's reference 3A09/1002.

Yours faithfully


Tim Fletcher
Director Development & Environmental Services

KEY ISSUES SUBMISSION

Proposed Mixed Residential and Commercial Development 23 – 27 Wason Street Ulladulla

Council reference; 3A09/1002.

Department reference: MP08_0201

Summary

The proposal does not completely comply with the Shoalhaven Local Environmental Plan 1985 in respect of the proposal to place works within a 10m setback on the north-east part of the land. The proposal does not completely comply with a number of requirements of Development Control Plan 56 – Ulladulla Town Centre. There are a number of issues that therefore need to be addressed by the proponent as the project is progressed.

The Key Issues are as follows;

1. Relevant Council EPI, DCP Controls, Policies and studies.

- a. Shoalhaven Local Environmental Plan 1985
- b. DCP 56 – Ulladulla Town Centre and Harbour Review
- c. DCP 18 – Car Parking
- d. DCP 93 – Waste Management
- e. DCP 82 – Signage Strategy
- f. DCP 100 – Subdivision and civil construction
- g. DCP89 – Exempt and Complying Development
- h. Section 94 Contributions Plan 1993 – Amendment 69
– 05 CARP0001 – Ulladulla CBD
- i. Building Over Sewer Policy
- j. Ulladulla Harbour Master Plan (draft)

2. Compliance with SLEP1985.

The zoning of the land is 3(a) – Business “A” (Retail) Zone under the SLEP1985. The Councils new SLEP2009 is awaiting certification by the Department of Planning before exhibition and the draft zoning is B3 - Commercial Core

The application land is subject to a 10m Rear Building Line (on the north-east part of the land). The intention of the setback is to provide for a public access walkway in conjunction with the development of the land. It is noted that the application proposes encroachments by parts of the building and there is an intended use of the walkway for outdoor dining. The proposal could preclude the SLEP1985 intention for the use as public access walkway, and the encroachments and outdoor commercial use should not undermine the integrity of the walkway.

3. Heritage

It is noted that the existing dwelling on Lot 50 is nominated as a significant item and is proposed to be demolished. A heritage impact statement should be prepared that properly assesses the impact of the proposed demolition and also complies with SLEP1985.

4. Compliance with DCP 56

DCP56 (Amendment No 4) was adopted by Council 29 July 2008. For the purposes of the DCP, the development site is planned as a mixed use precinct (tourist) and is identified as a Key Development Precinct – Harbour Triangle Precinct for retailing. The DCP establishes development controls for height, building depth, setback from streets, FSR, viewing corridors to the harbour, building form and theme and other matters. Council is currently undertaking a further review (Amendment No 5) of DCP 56 which will be reported to Council for exhibition in April or May 2009.

The application proposes a number of variations to a number of the controls including encroachment into the 10m rear setback, overall height plane, heights at the Wason street frontage, and encroachment into the height required to the viewing corridor. These variations need to be properly assessed in terms of their effect on the achievement of the DCP56 objectives.

5. Traffic, access and car parking

- (a) Car Parking – Council's Section 94 Contributions plan 1993 allows for the collection of contributions where on-site provisions are deficient of the requirements for car parking assessed under DCP 18. The calculation under DCP18 would appear to require a total of 145 spaces based on the submitted plans. In addition there are some kerbside spaces in Wason Street that will be removed by the final driveway access design.

Council has also in the past required on-site parking provisions for all the accommodation provided within the proposal. That is, Council has only been prepared to accept S94 contributions for that part of the development that is commercial in nature, not residential or tourist accommodation.

- (b) Access – the proposal to provide a single access for both cars and delivery/waste service trucks is needs to be carefully considered from a safety and practicality viewpoint as well as being contrary to the requirements of DCP 18. The two types of vehicle uses need to be accommodated in a way that addresses visitor safety. It is noted in the applicants preliminary assessment report – schematic design 10, a wheel diagram of a truck is shown reversing into an area called “garbage” on that plan and Loading Dock on plan 107-DA102-B. The garbage collection will be carried out by a contractor as a commercial service. There will be large garbage storage containers required to be located on site. The types of trucks used are front lift loaders and the proposed wheel manoeuvring shown on schematic diagram 10 appears to be impractical for the purposes of garbage collection. The loading dock is also expected to be used for delivery vehicles serving the commercial outlets.

The applicant should demonstrate the compatibility of the Loading Dock for the shared use of unloading commercial vehicles, waste collection and storage of waste bins as well as visitor and staff vehicles.

- (c) It is noted that access for vehicles is proposed from Wason Street only. The applicant has indicated that vehicular access for vehicles from the adjacent Crown land is not precluded; subject to negotiations with the Department of lands facilitate this alternate access. Access to this precinct is a critical consideration and warrants detailed discussion with Council and the Department of Lands.

6. Waste Management

The architectural plans also show a garbage room on Lower Ground Floor plan and on Third Floor plan. The schematic diagram 10, referred to in 5(b) above, indicates that collections are proposed to be from the Loading Dock area. Waste management needs to be carefully considered particularly in terms of a safe and practical loading bay facility.

Council will require a waste Management Plan be prepared in accordance with the requirements of DCP 93

7. Water and sewer

Council's sewer main is located on Lot 50 and 51, and includes a sewer main, manholes and a rising sewer main. The applicant will be required to comply with Council's Building over Sewers Policy, and may discuss proposals including relocating part of the rising main and sewer main with Shoalwater

8. Section 94 Contributions

Contributions for deficient car parking (commercial components of the proposal) are to comply with the Section 94 Contribution Plan 1993, with the contribution being calculated based on spaces shown and required under DCP 18 at the final design plan stage.

9. Impacts on Right of Way serving Lot 2 and 3 DP 516131, Princes Highway

The application proposes to develop around the Right of Way for access to the rear of adjoining lots. There are doorways from internal stairways accessing onto the R-o-W. to satisfy requirements of the Building code of Australia.

The applicant should be required to satisfy legal requirements to enable the use of the R-o-W for this purpose

10. Ulladulla Harbour Master Plan

Council in consultation with the Department of Lands and Department of Planning have drafted a Master Plan for the harbour and public spaces adjacent to the development land.

The applicant should be advised to consider the intention and draft Master Plan outcomes in the preparation of the Environmental Assessment report.

11. Other concerns

- (a) Activity within the precinct - The site is within a Key Development Precinct under DCP 56 and development should ensure there is an activation

of Wason Street with shopfronts and commercial activity. There also needs to be a mix of tourist and permanent occupancy in the ratios described in DCP 56.

(b) Impacts on the southern side of Wason Street - The public space and footpath areas of the southern side of Wason Street have been provided for outdoor eating and this supports the tourist and commercial activity of the precinct. The development needs to carefully consider the effects due to overshadowing on the southern side of Wason Street, so there are no adverse effects.

Yours faithfully

Tim Fletcher
Director Development & Environmental Services