



NSW GOVERNMENT  
**Department of Planning**

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Our ref: MP 07\_0027

Mr Glenn Colquhoun  
Australand Corporation Pty Limited  
PO Box A148  
SHELLHARBOUR  
NSW 2529

Dear Mr Colquhoun,

**Subject: Updated Director-General's Environmental Assessment Requirements for Construction of Residential, Commercial, Retail, Hotel, Marina Facilities, Public Parklands and Technology Park and Subdivision at Lot 8032 DP 8072187, Lot Part 8100 DP 1082981, Lot Part 206 DP 857030, Lot 1168 DP 1076113, Lot 8031 DP 1072187 and Lot 30 DP 229374 Boolwarroo Parade, Shell Cove, Shellharbour (MP 07\_0027)**

I have reviewed the Director General's Environmental Assessment Requirements (DGRs), dated 1 June 2007, in response to your concerns regarding the level of detail required for the Concept Plan Application. Some of the changes you requested have been incorporated and highlighted in the updated DGRs.

The proposal involves a significant new development in a sensitive coastal location which includes Shellharbour South Beach and its associated dunal system. Therefore all environmental studies need to represent the parameters imposed by the new development to enable proper consideration of the potential environmental impacts on the boat harbour and the coastal zone. You can make reference to the environmental studies undertaken as part of previous approvals for the boat harbour however, you will need to demonstrate in the environmental assessment how those studies satisfactorily address the impacts arising from the new development on land surrounding the boat harbour.

The updated Director General's Environmental Assessment Requirements (DGRs) for the environmental assessment of the project 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 required to be submitted with the Environmental Assessment (EA).

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 EA for the project to determine:

- the fees applicable to the application;
- whether the proposal requires an approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act* (EPBC Act) and any assessment obligations under that Act;

- 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 this EA is 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. The DGRs will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. As a result, the Department would appreciate 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 (NES), it will require an additional approval under the Commonwealth EPBC Act. This approval is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Commonwealth Department of Environment and Water Resources 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.

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 Tom Mithen at 9228 6489 or email at [thomas.mithen@planning.nsw.gov.au](mailto:thomas.mithen@planning.nsw.gov.au)

Yours sincerely

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*

<b>Application number</b>
MP 07_0027
<b>Project</b>
<p><b>Concept Plan Application:</b> A concept plan approval is sought for Construction of Residential, Commercial, Retail, Hotel, Marina Facilities, Public Parklands and Technology Park and Subdivision.</p> <p>The application will involve approval of conceptual key design parameters including land use, accommodation types (residential and tourist), density, floor space ratio, site coverage, built form, setbacks, indicative building heights, roads and vehicle access, car parking, public and community private open space and pedestrian and bicycle connectivity, public access to foreshore, public domain works and infrastructure requirements, stormwater management and landscaping.</p>
<b>Location</b>
Lot 8032 DP 8072187, Lot Part 8100 DP 1082981, Lot Part 206 DP 857030, Lot 1168 DP 1076113, Lot 8031 DP 1072187 and Lot 30 DP 229374 Boollwarroo Parade, Shell Cove, Shellharbour
<b>Proponent</b>
Australand Corporation Pty Limited
<b>Date issued</b>
October 2007
<b>Expiry date</b>
2 years from date of issue
<b>General requirements</b>
<p>The Environmental Assessment (EA) for the <b>Concept Plan Application</b> must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary;</li> <li>2. An outline of the scope of the project including: <ul style="list-style-type: none"> <li>• any development options;</li> <li>• 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;</li> <li>• outline of the staged implementation of the project if applicable;</li> </ul> </li> <li>3. A thorough site analysis including constraints mapping and description of the existing environment;</li> <li>4. Consideration of relevant statutory and non-statutory provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans. Identify non-compliances and provide justification of departures.</li> <li>5. Consideration of impacts, if any, on matters of national environmental significance under</li> </ol>

the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> ;	
6.	An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project;
7.	The plans and documents outlined in <b>Attachment 2</b> ;
8.	A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;
9.	A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project; and
10.	An assessment of the key issues specified below and a table outlining how these key issues have been addressed.
<b>Key Issues</b>	
The EA must address the following key issues:	
<b>1. Strategic Planning</b>	
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	Consider the recommendations of the Shellharbour Local Government Area Retail/Commercial Study and Employment Study.
1.3	Demonstrate consistency with the Sustainability Criteria set out in the relevant Regional Strategy (including draft Regional Strategies).
<b>2. Urban Design, Visual Impact and Sustainability</b>	
2.1	Demonstrate suitability of the proposal with the surrounding area in relation to bulk, scale, amenity (including noise) and visual amenity having regard to the <i>Coastal Design Guidelines of NSW</i> (2003) and the <i>NSW Coastal Policy 1997</i> .
2.2	Address the visual impact of the proposal in the context of surrounding development and relevant mitigation measures. In particular address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places and cumulative impacts.
2.3	Use visual aids such as scale model and photomontage to demonstrate visual impacts. Amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas must be addressed.
2.4	Demonstrate intended compliance with the primary development controls under SEPP 65.
<b>3. Infrastructure Provision</b>	
3.1	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.
3.2	Address developer contributions, and provide the likely scope of any planning agreement with Council/ Government agencies.
<b>4. Traffic and Access</b>	
4.1	Prepare a traffic impact study in accordance with Table 2.1 of the RTA's Guide to Traffic Generating Developments which addresses, but is not limited to the following matters: <ul style="list-style-type: none"> <li>• The capacity of the road network to safely and efficiently cater for the additional traffic generated;</li> <li>• Access to and within the site;</li> </ul>

	<ul style="list-style-type: none"> <li>• Indicative servicing and parking arrangements;</li> <li>• Intersection site distances;</li> <li>• Connectivity to existing developments;</li> <li>• Impact on public transport (including school bus routes);</li> <li>• Provision of access for pedestrians and cyclists to, through and within the site; and</li> <li>• Identify suitable mitigation measures, if required to ensure the efficient and safe functioning of the road network. This should include identification of pedestrian movements and appropriate provisions for shared path/cycleway/public transport to existing and proposed road network.</li> </ul>
4.2	Undertake intersection modelling using aaSIDRA for all key junctions of the development with the existing road network. The modelling should consider AM and PM peak volumes and holiday peak volumes. Electronic copies of the input and output files, movement summaries and queue lengths must be submitted for evaluation.
4.3	Protect existing public access to and along the beach and coastal foreshore and provide, where appropriate, new opportunities for controlled public access. Consider access for the disabled, where appropriate.
<b>5. Hazard Management and Mitigation</b>	
<i>Coastal Processes</i>	
5.1	Address coastal hazards and the provisions of the Coastline Management Manual. In particular consider impacts associated with wave and wind action, coastal erosion, climate change, sea level rise and more frequent and intense storms.
5.2	Address consistency with Rivers and Foreshores Improvements Act 1948, NSW Coastal Policy, NSW Wetlands Management Policy, NSW State Rivers and Estuaries Policy and NSW Estuary Management Policy
<i>Contamination</i>	
5.3	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land.
<i>Acid Sulfate Soils</i>	
5.4	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures in accordance with the Acid Sulfate Soil Manual (NSW Acid Sulfate Soil Management Advisory Committee 1998).
<i>Bushfire</i>	
5.5	Address the requirements of Planning for Bush Fire Protection 2006 (RFS).
<i>Geotechnical</i>	
5.6	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.
<i>Flooding</i>	
5.7	Provide an assessment of any flood risk on site in consideration of any relevant provisions of the NSW Floodplain Development Manual (2005) and Flood Policy of Shellharbour City Council.
5.8	Address the impact of flooding on the proposed development, the impact of the development on flood behaviour and the impact of flooding on the safety of people/users of the development, factors that may affect flooding on the site and flood planning levels. Implications of climate change and sea level on flooding and a range of

5.9	flood events (up to and including the probable maximum flood) should be considered. Include an assessment of the sensitivity of flood model parameters (hydrologic and hydraulic)
5.10	Consider the potential impacts of any filling on the flood regime of the site and adjacent lands.
<b>6. Water Cycle Management</b>	
6.1	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.
6.2	Assess the impacts of the proposal on surface and groundwater hydrology and quality.
<b>7. Heritage and Archaeology</b>	
7.1	Address the draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, July 2005).
7.2	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance (Aboriginal community consultation should be undertaken in accordance with DEC's <i>Interim Community Consultation Requirements for Applicants</i> ).
7.3	Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.
<b>8. Flora and Fauna</b>	
8.1	Outline potential impacts on aquatic and terrestrial flora and fauna and their habitats (within the meaning of the Threatened Species Conservation Act 1995 and the Fisheries Management Act 1994). Provide measures for their conservation, where relevant.
8.2	Provide predictions of any impacts on aquatic environments on or adjacent to the site, in particular on offshore rocky reef areas and measures for mitigation.
8.3	Address measures to protect and manage the riparian corridor and adjacent aquatic habitats.
<b>9. Noise, Odour and Air Quality</b>	
9.1	Address potential noise impacts, in particular noise from the adjacent quarry and road traffic noise, for future residents and appropriate mitigation measures.
9.2	Address odour impact from existing or proposed new sewage system in accordance with DEC's Technical Framework for Assessment and Management of Odour from Stationary Sources in NSW 2006.
9.3	Address NSW Action for Air and Action for Transport Plans.
<b>10. Socioeconomic Impacts</b>	
10.1	Address the potential social and economic impacts of the development particularly with regard to any increased need for facilities such as schools, hospitals and community facilities.
<b>Consultation</b>	
You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:	
(a) <i>Agencies or other authorities:</i>	
<ul style="list-style-type: none"> <li>• Commonwealth Department of Environment and Water Resources</li> <li>• Shellharbour City Council;</li> <li>• Department of Environment and Climate Change;</li> </ul>	

- Department of Primary Industries;
- Department of Natural Resources;
- Roads and Traffic Authority;
- NSW Police;
- NSW Department of Education and Training;
- NSW Department of Health;
- Department of Planning Regional Office, Wollongong; and
- Local Aboriginal Land Council/s and other Aboriginal community groups

(b) *Public:*

Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.

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

**Deemed Refusal Period**

**60 days**

## Attachment 2

### Plans and Documents to accompany the Application

<b>Plans and Documents of the development</b>	<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"> <li>1. The <b>existing site survey plan</b> is to be drawn to 1:500 scale (or other appropriate scale) and show: <ul style="list-style-type: none"> <li>• the location of the land, the measurements of the boundaries of the land, the size of the land and north point;</li> <li>• the existing levels of the land in relation to buildings and roads;</li> <li>• location and height of existing structures on the site; and</li> <li>• location and height of adjacent buildings and private open space.</li> </ul> </li> <li>2. An <b>aerial photograph</b> of the subject site with the site boundary superimposed.</li> <li>3. A <b>Site Analysis Plan</b> 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.).</li> <li>4. A <b>locality/context plan</b> drawn to 1:500 scale (or other appropriate scale) should be submitted indicating: <ul style="list-style-type: none"> <li>• significant local features such as parks, community facilities and open space, water courses and heritage items;</li> <li>• the location and uses of existing buildings, shopping and employment areas;</li> <li>• traffic and road patterns, pedestrian routes and public transport nodes; and</li> <li>• 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.</li> </ul> </li> <li>5. The <b>Environmental Assessment</b> in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.</li> <li>6. <b>Indicative subdivision plans</b> are to show the following:- <ul style="list-style-type: none"> <li>• The location, boundary dimensions, site area and north point of the land;</li> <li>• Proposed subdivision pattern and location of all proposed roads and footpaths;</li> <li>• Location of all structures proposed and retained on site;</li> <li>• Finished levels in relation to roads, footpaths and structures;</li> <li>• Location of access points to the subdivision;</li> <li>• Type of subdivision proposed (Torrens, strata and/or community title).</li> </ul> </li> <li>7. The <b>Conceptual Architectural drawings</b> are to illustrate the following general features: <ul style="list-style-type: none"> <li>• location of any existing building envelopes or structures on the land;</li> </ul> </li> </ol>
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	<ul style="list-style-type: none"> <li>• proposed communal facilities and servicing points;</li> <li>• height shown as building envelopes in elevation and the length and built form of proposed buildings in relation to the land;</li> <li>• significant level changes;</li> <li>• parking and vehicular access arrangements; and</li> <li>• pedestrian access to, through and within the site.</li> </ul> <p>8. <b>Stormwater Concept Plan</b> - illustrating the concept for stormwater management from the site and must include details of any major overland flow paths through the site and any discharge points to the street drainage system. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided.</p> <p>9. <b>Landscape Concept Plan</b> – plan or drawing that shows the indicative planting design and plant species to be used, listing botanical and common names</p> <p>10. <b>View analysis</b> – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development</p>
<b>Specialist advice</b>	<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"> <li>• Flora and Fauna;</li> <li>• Bushfire;</li> <li>• Landscaping;</li> <li>• Aboriginal archaeology;</li> <li>• Geotechnical and/or hydro geological (groundwater);</li> <li>• Stormwater/drainage;</li> <li>• Urban Design/Architectural;</li> <li>• Contamination in accordance with the requirements of SEPP 55; and</li> <li>• Acid Sulphate Soil Management Plan.</li> </ul>
<b>Documents to be submitted</b>	<ul style="list-style-type: none"> <li>• 20 hard copies of the Environmental Assessment;</li> <li>• 20 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale);</li> <li>• 1 copy of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below); and</li> <li>• 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.</li> </ul>
<b>Electronic Documents</b>	<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"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• Graphic images will need to be provided as [.gif] files.</li> </ul>

	<ul style="list-style-type: none"> <li>• Photographic images should be provided as [.jpg] files.</li> <li>• Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each.</li> <li>• 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.</li> </ul> <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>
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## 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
<b>Biodiversity</b>	
<b>Flora and Fauna</b>	Draft Guideline for assessment of impacts on Threatened Species under Part 3A (Department of Planning 2005)
<b>Fish and Aquatic Ecosystems</b>	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Threatened Species Management Manual (NPWS, 1998)
<b>Coastal Planning</b>	
	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)
<b>Bushfire</b>	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
<b>Contamination of Land</b>	
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
<b>Environmental Management Systems</b>	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
<b>Heritage</b>	
<b>Aboriginal</b>	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC July 2005)
	Draft Guideline for assessment of impacts on Aboriginal Heritage under Part 3A ( Planning 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
<b>Non-Indigenous</b>	Assessing Heritage Significance Update for Heritage Manual (Heritage Office, 2000)
	NSW Heritage Manual (NSW Heritage Office, 1996)
<b>Noise</b>	

<b>Aspect</b>		<b>Policy /Methodology</b>
		Environmental Criteria for Road Traffic Noise (EPA, 1999)
		Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)
<b>Rehabilitation</b>		
		Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
<b>Safety and Hazards</b>		
		Electrical Safety Guidelines (Integral Energy)
<b>Soils</b>		
		Acid Sulfate Soil Manual (ASSMAC)
		Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
<b>Traffic &amp; Transport</b>		
		Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03)
		Guide to Traffic Generating Developments (RTA, 2002)
<b>Urban Design: Cycleway/Pathway Design</b>		
		Guidelines for the Design and Construction of Paths and Cycleways along Watercourses and Riparian Areas (Version 2) (DIPNR/DNR)
<b>Water</b>		
		Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
<b>Floodplain</b>		NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
<b>Groundwater</b>		NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
<b>Stormwater</b>		Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
<b>Waterways</b>		Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)
<b>EPBC Act</b>		
<b>FOR CONTROLLED ACTION</b>	<b>A</b>	Commonwealth Environment Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW: March 2007

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

- Shellharbour City Council
- NSW Department of Primary Industries
- NSW Department of Natural Resources
- NSW Department of Environment and Climate Change (formerly DEC)
- NSW Roads and Traffic Authority