Attachment 1
Director-General's Environmental Assessment Requirements

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

Application number
MP06_0049.
Project
Batemans Bay Marina redevelopment and associated commercial and community facilities and tourist accommodation.
Location
Lot 11 DP870049 and Lot 11 DP124295, Beach Road, Batemans Bay.
Proponent
Batemans Bay Marina Developments c/o Ariadne Australia Limited Ltd.
Date issued
17 June 2010.
Expiry date
2 years from date of issue.
General requirements

The Environmental Assessment (EA) for the **Project Application** must include:

1. An executive summary;
2. A detailed description of the proposal, including:
   - any development options;
   - justification, consideration of any environmental impacts, site suitability and whether the project is in the public interest;
   - outline of staged implementation, if applicable;
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 those provisions, particularly in environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans;
5. Consideration of consistency of the project with the objects of the *Environmental Planning and Assessment Act 1979* (NSW);
6. Consideration of impacts, if any, on matters of National Environmental Significance under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
7. Assessment of the project's potential impacts and provision of a draft Statement of Commitments outlining environmental management, mitigation and monitoring measures to be implemented to minimise the project's potential impacts;
8. The plans and documents at **Attachment 2**;
9. A signed statement from the author of the EA certifying that the information contained therein is neither false nor misleading; and
10. Assessment of the key issues specified below and a table referencing their discussion in the EA.

Key Issues

The EA must address the following key issues:

1. Strategic Planning

1.1 Justify the proposal against relevant local, regional and State planning strategies and justify any inconsistencies.

1.2 Provide a zoning plan of the existing site zoning as an overlay with the proposed development layout, and an extract of the land use table or relevant clauses from the LEP.

2. Design, Layout and Desired Future Character

2.1 Demonstrate the consistency of the proposal with the character of existing development in the locality, in terms of street frontage, scale, building envelopes and future built form controls, aesthetics, energy and water efficiency, and safety. Provide details of the type and length of proposed berths.

2.2 Provide shadow diagrams of solar access to the site and adjacent properties, including the public domain, 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.

2.3 Address the compatibility of the proposed uses with surrounding land uses and potential amenity impacts. Provide details of proposed hours of operation, particularly for the tavern, and measures to mitigate impacts on surrounding uses, particularly adjacent residential areas.

2.4 Demonstrate the consistency of the proposed marina design and layout with the *Coastal Design Guidelines for NSW, NSW Coastal Policy 1997,* and SEPP 71 – Coastal Protection.

2.5 Provide details of design quality specifically, building facades, massing, setbacks, articulation, colours, materials, finishes, and safety by design.

2.6 Provide details of any proposed staging.

2.7 Provide a landscape concept plan showing planting design and species to be used (botanical and common names), mature height and spread, number of plants in communal/public open space areas, footpaths, driveways and public domain, including details of street trees, furniture, signage, lighting and surface treatments.

2.8 Outline the long-term management and maintenance of any areas of open space or conservation including ownership and control, management and maintenance funding, public access, revegetation and rehabilitation works and bushfire management.

2.9 Provide details of the design of structures, including cantilevered structures and platforms and how they will facilitate maintenance of the training wall armouring.

2.10 Address existing and future opportunities for pedestrian, and public and emergency access to and along the foreshore and waterway.

2.11 Provide details and impacts of associated works on adjoining properties (including the western edge of the marina) for stabilisation of existing retaining walls and other lands.

3. Water Cycle Management

Construction:

3.1 Address and outline best practice measures for Integrated Water Cycle Management, including stormwater based on Water Sensitive Urban Design principles. Address impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sedimentation controls during construction.

3.2 Prepare a conceptual design layout plan for the preferred stormwater treatment train showing location, size and key functional elements of each part of the system. Illustrate the concept for stormwater management including 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 integrated with the proposed landscape design. Site discharge calculations should be provided.

3.3 Assess the impacts on surface and groundwater hydrology and quality during construction, including construction dredging and earthworks.

3.4 Identify mitigation measures to address impacts on the Clyde River estuary, Hanging Rock Creek and local drainage water quality from stormwater drainage, spills and discharges during construction.

3.5 Demonstrate consistency with relevant NSW Groundwater, Rivers, Wetlands and Estuary Policies, the *Catchment Management Authorities Act 2004* (NSW), the Southern Rivers

Catchment Management Authority Catchment Action Plan, and any relevant Statement of Joint Intent established by the Healthy Rivers Commission.

Operation:

3.6 Address and outline best practice measures for Integrated Water Cycle Management, including stormwater based on Water Sensitive Urban Design principles. Address impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sedimentation controls during operation.

3.7 Demonstrate the provision of a sustainable water supply and Water Management Plans with minimal reliance on surface and ground water resources.

3.8 Identify ongoing mitigation measures to address impacts on water quality from stormwater drainage, fuel spills, vessels discharges, vessel maintenance activities and other pollutants generated by the operation of the proposal.

3.9 Address the hydrologic processes (runoff, tidal movement, flood flows, groundwater) and their significance in terms of ecosystem sustainability, expected changes in hydrology from the project and the impact on the environmental lands within and surrounding the site. Address the continued environmental quality and hydrologic performance of Hanging Rock Creek.

4. Flora and Fauna

4.1 Outline potential impacts on aquatic and terrestrial flora and fauna and their habitats, particularly migratory waders and threatened shorebird species, the potential introduction of marine pests, and relevant mitigation measures in accordance with the *Threatened Biodiversity Survey and Assessment Guidelines Working Draft* (DEC, 2004), *Threatened Species Assessment Guidelines: The Assessment of Significance* (DECC, 2007), and *Draft Guidelines for Threatened Species Assessment* (DEC and DPI, 2005).

4.2 Outline measures for the conservation of any existing wildlife corridor values and/or connective importance of any vegetation on the site. Address measures to protect and manage the riparian corridors and adjacent aquatic habitats.

5. Visual Impact

5.1 Provide a visual impact assessment and view analysis of the proposal in the context of surrounding development, particularly in terms of the public domain, foreshore and the waterway. Identify and demonstrate the potential level of visual impact (supported by visual aids such as scale model and photomontages), including cumulative impacts.

5.2 Address the amelioration of visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas and provide details of mitigation measures.

6. Hazard Management and Mitigation

Coastal Processes

6.1 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. Address flushing, coastal processes and impacts on the hydrodynamics of the estuary from construction and operation of the proposal particularly from maintenance dredging and reclamation, and wave shoaling. Provide hydrographic survey and modelling details and an assessment of the hydrodynamic processes within the estuary in order to quantify impacts of the proposal.

6.2 Address foreshore erosion and any necessary rehabilitation/remediation works during construction and operation.

Contamination

6.3 Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of *SEPP 55 – Remediation of Land*. Provide details of the method of disposal of any contaminated fill from the site.

Acid Sulfate Soils

6.4 Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures.

Geotechnical

6.5	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations to address those limitations.
Flooding	
6.6	Provide an assessment of any flood risk on the site (for the full range of floods, including events greater than the design flood, up to probable maximum flood; and from coastal inundation, catchment-based flooding or a combination of the two) with consideration of any relevant provisions of the *NSW Floodplain Development Manual 2005.* Determine the flood hazard in the area; and address the impact of flooding on the proposed development, the impact of the development (including filling) on flood behaviour of the site and adjacent lands, and adequate egress and safety in a flood event.
6.7	Assess the potential impacts of sea level rise and an increase in rainfall intensity on the flood regime of the site and adjacent lands with consideration of *Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007).*
Bushfire	
6.8	Address the requirements of *Planning for Bush Fire Protection 2006* (RFS).
7. Traffic and Access	
7.1	Prepare a traffic impact study in accordance with Table 2.1 of the RTA's Guide to Traffic Generating Developments which addresses matters, including: • The capacity of the road network to safely and efficiently cater for the additional traffic generated; • Access to and within the site; • Servicing and parking arrangements; • Intersection site distances; • Connectivity to existing developments; and • Impacts on public transport, including school bus routes. • Provision of access for pedestrians and cyclists to, through and within the site; and
7.2	Identify suitable mitigation measures, if required, to ensure the efficient functioning of the road network.
8. Noise, Air and Odour Quality	
8.1	Address potential noise, air quality and odour impacts and appropriate mitigation measures during the construction and operation of the project.
9. Waste Management	
9.1	Identify all potential sources of liquid wastes as defined in the *Waste Classification Guideline* (DECC, 2008). Identify any waste proposed to be stored, separated or processed on the site, and proposed procedures to manage such wastes.
9.2	Provide a Dredged Materials Management Plan detailing when and how construction and maintenance dredging, earthworks and reclamation will be conducted, including reuse and disposal options for dredged materials.
10. Aquaculture	
10.1	Assess impacts on local aquaculture and recreational fishing particularly from construction and maintenance dredging against the *NSW Oyster Industry Sustainable Aquaculture Strategy.*
11. Heritage and Archaeology	
11.1	Identify whether the site has significance to Aboriginal cultural heritage and appropriate measures to preserve any significance in accordance with the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC 2005). Address the information and consultation requirements of the *Interim Community Consultation Requirements for Applicants* (DEC 2004).
11.2	Identify any items of non-indigenous heritage significance and, where relevant, provide measures for the conservation of such items. If there is a known heritage impact, provide a Heritage

Assessment of the non-indigenous heritage values of the site is to be submitted, including any built, archaeological, landscape and moveable items of potential significance. A draft Statement of Heritage Impact is to be submitted detailing and evaluating any impacts that the development concept would have on the non-indigenous heritage significance of the site.

11.3 If the proposal is a Controlled Action, address impacts on World Heritage areas, places listed on the National Heritage List and those protected under the *EPBC Act 1999.*

12. Ecologically Sustainable Development (ESD)

12.1 Identify how the project will incorporate ESD principles in the design, construction and ongoing operation.

13. Navigation and safety

13.1 Provide details of existing and proposed navigation channels, including passive recreation zones. Address impacts on navigation of access to the fuel berth, proposed berth sizes, and speed within the berthing area and existing channel.

13.2 Provide details of impacts of all proposed works (temporary and permanent), particularly any opening bridge, on navigation; and address relevant management and mitigation measures.

13.3 Provide details of promenade decks and other elevated structures in terms of compliance with relevant Australian Standards. Provide details of lighting and provision of 'life' rings on training walkways.

13.4 Address impacts on the demand for Clyde River Bridge openings from additional larger vessels.

14. Socio-economic Impacts

14.1 Address the social and economic impacts of the proposal, including community services and facilities, transport infrastructure requirements, and public safety.

15. Infrastructure Provision

15.1 Address existing capacity and requirements of the development for sewerage, including sewer pump-out, water, electricity, waste disposal, telecommunications and gas in consultation with relevant agencies. Identify and describe staging, if any, of infrastructure works.

15.2 Address and provide the likely scope of a planning agreement and/or developer contributions with Council/Government agencies.

Consultation

You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the EA:

(a) *Agencies or other authorities:*

- Eurobodalla Shire Council;
- Department of Environment, Climate Change and Water;
- Industry and Investment;
- Office of Water;
- Roads and Traffic Authority;
- NSW Maritime;
- Marine Parks Authority;
- Rural Fire Service;
- Local Aboriginal Land Council/s and other Aboriginal community groups; and
- Relevant service providers.

(b) *Public:*

Document all community consultation undertaken or the proposed strategy for such consultation, including any contingencies for addressing issues arising from consultation and an effective communications strategy. The consultation process and issues raised should be described in the EA.

Deemed Refusal Period

60 days

Attachment 2
Plans and Documents to accompany the Application

Plans and Documents of the development	The following plans, architectural drawings, diagrams and documents, as relevant, are required to be submitted for your application: 1. **Existing site survey plan** to 1:500 scale (or other appropriate scale): • location of the site, the measurements of the boundaries of the land, the size of the land and north point; • Title showing the description of the land and lot and DP numbers; • existing levels to AHD of the site 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. **Aerial photograph** of the site with boundaries superimposed. 3. **Site Analysis Plan** - identifying existing natural elements of the site (including all hazards and constraints), 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). 4. **Locality/context plan** to 1:500 scale (or other appropriate scale) 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. 5. **Subdivision plans** showing:- • The location, boundary dimensions, site area and north point of the land, and names of roads fronting the land; • Existing and proposed subdivision pattern including all measurements and sites areas of existing and proposed allotments; • Location and details of all proposed roads and footpaths; • Location of all structures proposed and retained on site; • Location and details of access points to the subdivision; • Existing vegetation on the land and vegetation to be retained; • Location of services and infrastructure, and proposed methods of draining the land; • Any easements, covenants or other restrictions either existing or proposed on the site; • Type of subdivision proposed (Torrens, Strata and/or Community title). • Cross sections of roads, including gradients, widths, road names, footpaths etc; • Existing and proposed finished levels in relation to roads, footpaths and structures. **6. Architectural drawings** drawn to scale illustrating the following: • location of any existing building envelopes or structures on the land; • floor plans; • location of lifts, stairs and corridors; • adaptable housing requirements; • section and elevations; • 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. 7. **Construction Management Plan** –outlining traffic and pedestrian management during construction; management of impacts on amenity of adjoining properties; and appropriate mitigation measures, including noise, dust and sediment and erosion controls.

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. The list is not exhaustive as other documents and policies may need to be reviewed and not of all of the guidelines may be relevant to your proposal.

The majority of the documents can be found on the relevant agency websites, the NSW Government's on-line bookshop, http://www.bookshop.nsw.gov.au or, on the Commonwealth Government's publications website, http://www.publications.gov.au.

Aspect	Policy /Methodology
Biodiversity	
	Draft Guidelines for Threatened Species Assessment (DEC & DPI, 2005)
	Threatened Species Assessment Guidelines: The Assessment of significance - DECC 2007
	Guidelines for Development Adjoining DECC Land (DECC, 2008)
	Guidelines for Development Adjoining DECC Land (DECC, 2008)
	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Policy and Guidelines: Aquatic Habitat Management and Fish Conservation (NSW Fisheries, 1999)
	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)
	Coastline Management Manual (NSW Government 1990)
	Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007)
	NSW Government Sea Level Rise Policy Statement, (DECCW, October 2009)
	Draft Coastal Risk Management Guide: Incorporating sea level rise benchmarks in flood risk assessments (DECCW, 2009)
	Draft Coastal Risk Management Guide: Incorporating the sea level rise benchmarks in coastal hazard assessments (DECCW, 2009)
	Draft NSW Coastal Planning Guideline: Adapting To Sea Level Rise (DoP, 2009)
Community Consultation	
	Guidelines For Major Project Community Consultation, (NSW Department of Planning, 2007)
Bushfire	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
Contamination and Soils	
	Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (DUAP & EPA, 1998)
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)

Aspect	Policy /Methodology
	NSW Acid Sulfate Soil Management Advisory Committee - Acid Sulfate Soil Manual (ASSMAC,1998).
	National Environment Protection (Assessment of Site Contamination) Measure (NEPC 1999)
Environmental Management Systems	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
Heritage	
Aboriginal	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual, NSW Heritage Office, 2000
	Statements of Heritage Impact, NSW Heritage Office 2002
	NSW Heritage Manual, NSW Heritage Office 1996
Noise	
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)
	Interim Construction Noise Guideline (DECC, 2009)
Safety and Hazards	
	Electrical Safety Guidelines (Integral Energy)
	Crime prevention and assessment of development applications 2001
	Storing and Handling Liquids: Environmental Protection Manual (DECC)
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)
Vibration	
	Assessing Vibration: A Technical Guideline (DEC, 2006)
Waste Management	
	Waste Classification Guidelines (DECC)
Water	
Water Quality	Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
	Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)
	Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000 (ANZECC 2000);
Effluent Reuse	Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)
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)

Aspect	Policy /Methodology
Estuaries	NSW Estuary Management Policy
	NSW State Rivers and Estuaries Policy
Groundwater	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
	NSW State Groundwater Quality Protection Policy (DLWC 1998)
	NSW Groundwater Dependent Ecosystem Policy (DLWC 2000)
Stormwater	Managing Urban Stormwater: Soils & Construction – Volume 1 (NSW Landcom, March 2004) - "The Blue Book"
	Managing Urban Stormwater: Soils & Construction – Volume 2 (DECC, January 2008)
	Managing Urban Stormwater: Harvesting and Reuse (DEC, May 2006)
	Constructed Wetlands Manual (NSW DLWC 1998)
	Eurobodalla Urban Stormwater Management Plan
Waterways	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)
Catchment Management	Southern Rivers Catchment Management Authority Action Plan
Wetlands	NSW Wetlands Management Policy (DLWC 2000)
EPBC Act	
For a Controlled Action	Commonwealth Environment Protection and Biodiversity Conservation Act 1999: Guide to implementation in NSW: March 2007

Industry Guidelines

Marinas	EIS Guideline: Marinas and Related Facilities (DUAP, Sept 1996)
	Best Management Practice for Marinas and Boat Repair Facilities (NSW EPA)
	Environmental Action for Marinas, Boatsheds and Slipway (DECC, June 2007)
	Australian Standard 3962: Guidelines for Design of Marinas (AS 3962-2001)