



NSW GOVERNMENT
Department of Planning

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Our ref: MP 06_0326
File: S06/01211

Mr Peter Spurway
Peter Spurway & Associates Pty Limited
495 Bingi Road
BINGI NSW 2537

Dear Mr Spurway,

Subject: Director General's Environmental Assessment Requirements for the Environmental Assessment of a Project for Construction of Tourist Facility Comprising 21 Tourist Apartments, Indoor Recreational Facility, Swimming Pool, Office, Storage Area, Car Parking and Accessway and Subdivision at Lot 101 DP 1100218 (No. 1) Gibraltar Way, Long Beach (MP 06_0326)

The Department has received your application for the above proposal.

The 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. A list of some relevant technical and policy guidelines which may assist in the preparation of this Environmental Assessment are at **Attachment 2**.

It should be noted that the DGRs have been prepared based on the information provided to date. Under section 75F(3) of the *Environmental Planning and Assessment Act 1979* ("the Act"), the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

It would be appreciated if you would contact the Department at least two weeks before you propose to submit the Environmental Assessment for the project to determine:

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

Attachment 3 lists the relevant plans and documents which are likely to be required upon submission of your proposal, however, this should be confirmed with the Department prior to lodgement.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessment does not adequately address the

DGRs, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent.

Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days.

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance, it will require an additional approval under the Commonwealth Environment Protection Biodiversity Conservation Act 1999 (EPBC Act). This approval would be in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Commonwealth Department of Environment and Heritage in Canberra (6274 1111 or <http://www.deh.gov.au>).

Though subdivision is permissible in the Rural 1(c) zone under the Eurobodalla Rural LEP 1987, your attention is drawn to the fact that the minimum lot size is 5,000m² with an average of 2ha under DCP No. 156 - Rural Subdivision. The minimum lot size for tourist facilities under the Eurobodalla Settlement Strategy is also 5,000m². In view of this, the Department would have serious concerns about any proposed subdivision under Part 3A of the Act which would result in the creation of allotments considerably smaller than the minimum permitted under the relevant planning controls unless there are compelling planning reasons to justify such subdivision.

It is also noted that tourist accommodation is prohibited within Rural 1(c) zone. It will be necessary therefore to adequately demonstrate the inclusion of appropriate mechanisms (perhaps through a management plan that will be binding on owners and users) that all proposed accommodation will only be occupied for use in association with the recreational uses within the site.

If you have any enquiries about these requirements, please contact Eng-Joo Ong on 02 9228 6368 or via e-mail at eng-joo.ong@planning.nsw.gov.au.

Yours sincerely,

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 No.	06_0326
Project	Construction of Tourist Facility Comprising: <ul style="list-style-type: none"> • 21 Tourist Apartments; • Indoor Recreational Facility; • Swimming Pool; • Office; • Storage Area; • Car Parking and Accessway; and • Strata Subdivision of 11 Apartments
Location	Lot 101 DP 1100218 (No. 1) Gibraltar Way, Long Beach
Proponent	Peter Spurway & Associates Pty Limited
Date issued	February 2007
Expiry date	Two (2) years from the date of issue
General requirements	<p>The Environmental Assessment for the Project must include:</p> <ul style="list-style-type: none"> • An executive summary; • An outline of the scope of the project including:- <ul style="list-style-type: none"> (i) any development options; (ii) justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest; (iii) outline of the staged implementation of the project. • A thorough site analysis and description of existing environment; • Consideration of all relevant statutory and non-statutory provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies and Development Control Plans (including justification any non-compliances) as well as impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; • Where relevant, demonstrate compliance with BCA and relevant Australian Standards in respect of proposed building; traffic, road and parking; utilities; noise and flooding; • An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; • The plans and documents outlined in Attachment 3; • A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading; and • An assessment of the key issues specified below and a table outlining how these key issues have been addressed. • A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project.
Key issues	<p>The Environmental Assessment for a Project Application must address the following key issues:</p> <p>1. Compliance With Planning Strategy and Development Standards</p> <p>1.1 The project must demonstrate compliance with the <i>Eurobodalla Settlement Strategy</i>; clause 17 – Subdivision of land within Zone No. 1(c), clause 21(3) - Recreational establishments and tourist recreation facilities</p>

	<p>within Zone No. 1(a), 1(a1) and 1(c), objectives of the zones and development standards under the <i>Eurobodalla Rural LEP 1987</i> and development standards under <i>Development Control Plan 156</i>. Justify any inconsistencies with the provisions of these documents.</p> <p>1.2 Demonstrate that the proposed tourist apartments are integrated with and ancillary to use of the site for recreation establishment or tourist recreation facilities.</p> <p>1.3 Provide mechanisms to ensure the proposed subdivision of the apartments, and their subsequent sale to investors and management, will maintain their integration with and ancillary to use of the site for recreation establishment or tourist recreation facilities.</p> <p>2. Future Stages of Development of the Site</p> <p>2.1 Provide details of future stages of development of the site - conceptual key design parameters, land use, built form, indicative building heights, site coverage, setbacks, roads and vehicle access, pedestrian through site linkages, public domain works and infrastructure requirements, stormwater management and landscaping.</p> <p>3. Design & Visual Amenity and Impacts</p> <p>3.1 Demonstrate suitability of the proposal with the surrounding area in relation to potential character, height, bulk, scale, built form, amenity (including noise) and visual amenity having regard to <i>SEPP 71, NSW Coastal Policy 1997, Coastal Design Guidelines of NSW (2003)</i>, objectives of Rural 1(c) and 7a (Environmental Protection (Wetlands) zones and all relevant development control plans including DCP 156.</p> <p>3.2 A visual assessment is required to demonstrate that the proposal will not have unacceptable visual impact.</p> <p>3.3 Address landscape setting and retention of existing significant vegetation on the site. Demonstrate that any removal of vegetation on the site will have minimal visual impacts.</p> <p>4. Water Cycle Management</p> <p>4.1 Address potential impacts on the water quality of surface and groundwater (during construction and occupation of the site), into SEPP 14 Wetland (Long Beach Reed Swamp) and the waterways, having regard to the Rivers and Foreshores Improvements Act 1948, NSW Coastal Policy, NSW State Groundwater, Rivers, Wetlands and Estuary Policies and the Batemans Bay And Clyde River Estuary Management Plan. Ensure the proposal is not inconsistent with any relevant Statement of Joint Intent established by the Healthy Rivers Commission and is acceptable in terms of the achievement of the River Flow Objectives and Water Quality Objectives.</p> <p>4.2 Provide a stormwater plan based on best practice management of stormwater, incorporating Water Sensitive Urban Design principles.</p> <p>5. Floodplain and Stormwater Management</p> <p>5.1 Address the requirements of the <i>NSW Floodplain Management Manual</i> for the site.</p> <p>5.2 Address impacts of flooding on the development, the impact of development on flood behaviour (including cumulative impacts) and the impact of flooding on the safety of people over the full range of possible floods up to the probably maximum flood (PMF). Safety considerations to include the availability of flood warning and the capacity of occupants to respond appropriately, including issues of access and evacuation in the event of a major flood.</p> <p>6. Effluent Disposal</p> <p>6.1 Provide a detailed assessment of effluent disposal into the Batesmans Bay Sewerage System through gravity feed. A pump station will not be</p>
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permitted on the site.

7. Other Infrastructure

7.1 Address existing capacity and requirements of the proposal for water supply, electricity and telecommunications services in consultation with relevant agencies.

8. Flora and Fauna

8.1 Address measures for the conservation of animals and plants and their habitats within the meaning of the *Threatened Species Conservation Act 1995 (TSC Act)* having regard to the *Draft Guidelines for Threatened Species Assessment (DEC & DPI July 2005)*. Assess potential impact on Grey-headed Flying Fox, Eastern Freetail Bat, Greater Broad-nosed Bat, Sooty Oystercatcher, Square-tailed Kite and Glossy Black Cockatoo, all listed as "Vulnerable under Schedule 2 of the *TSC Act*."

9. Native Vegetation

9.1 Assess proposed native vegetation clearing with consideration of potential impacts and, if applicable, provide details of an offset strategy or other suitable mitigation measures to ensure that there is no net loss of native vegetation values.

9.2 Adopt best practice in vegetation management through application of *PVP Developer* assessment methodology assessing the impact of the proposed clearing on water quality, threatened species, land and soil capability and biodiversity.

10. Traffic and Access

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

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

11. Bushfire

11.1 Address the requirements of *Planning for Bush Fire Protection 2006* (Rural Fire Service) in particular the provision of adequate access for fighting bushfire, adequate asset protection zones and water supply for bushfire suppression operations.

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

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

12. Heritage

12.1 Address the draft *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, July 2005)*.

12.2 Identify whether the site has significance in relation to Aboriginal cultural heritage and identify appropriate measures to preserve any significance.

12.3 Identify any other items of heritage significance and provide measures for conservation of such items.

13. Natural Hazards

13.1 Address any site contamination and recommend appropriate mitigation measures.

14. Waste Management Plan

14.1 Provide a waste management plan indicating disposal of waste from the site including demolition material.

	<p>15. Management of Common Properties</p> <p>15.1 Provide details of management plan for common properties including the recreational facilities. The management plan must demonstrate the integration of the tourist accommodation with use of the site for recreation establishment or tourist recreation facilities.</p> <p>15.2 Provide details of any arrangement for the long-term management of the natural/bushland areas and SEPP 14 Wetland.</p>
<p>Consultation</p>	<p>You should undertake an appropriate and justified level of consultation with utilities suppliers and the relevant following parties during the preparation of the Environmental Assessment:</p> <p>a) Agencies or other authorities:</p> <ul style="list-style-type: none"> • Department of Natural Resources; • Department of Environment and Conservation; • Department of Planning Southern Regional Office, Wollongong; • Southern Rivers Catchment Management Authority; • NSW Rural Fire Service; and • Eurobodalla Shire Council <p>b) Public:</p> <p>Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.</p> <p>The consultation process and the issues raised should be described in the Environmental Assessment.</p>
<p>Deemed refusal period</p>	<p>Under clause 8E(2) of the <i>Environmental Planning and Assessment Regulation 2000</i>, the applicable deemed refusal period is 60 days from the end of the proponent's Environment Assessment period for the project.</p>

Attachment 2 Technical and Policy Guidelines

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

Aspect	Policy /Methodology
Biodiversity	
Flora and Fauna	Draft Guidelines for Threatened Species Assessment (DEC & DPI, July 2005)
Native Vegetation	Native Vegetation Regulation 2005: Environmental Outcomes Assessment Methodology (NSW DNR, 2005)
Bushfire	
	Planning for Bushfire Protection 2001 (NSW Rural Fire Service)
	Australian Standard 3959 – Building in Bushfire Prone Areas
Coastal Planning & Water Bodies	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast (Department of Urban Affairs & Planning, 1997)
	Coastal Design Guidelines for NSW, Coastal Council, March 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
	NSW State Rivers and Estuaries Policy (DLWC, 1992)
	NSW Estuary Management Manual (DLWC, 1992)
	Constructed Wetlands Manual (DLWC, 1998)
Heritage	
	Draft guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, July 2005)
	NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit – Working Draft (NPWS, September 1997)
	Aboriginal cultural heritage: standards and guidelines (DEC 2005)
	Protecting Aboriginal Objects and Places - Interim Guidelines for Community Consultation (DEC 2005)
Soils & Contamination	
	Contaminated Land: Planning Guidelines for Contaminated Land, Department of Urban Affairs and Planning and the NSW EPA, October 1995.
	Managing Land Contamination: Planning Guidelines – SEPP 55 – Remediation of Land (NSW EPA, 1998)
	Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites (NSW EPA, 1997)
	Contaminated Sites – Guidelines on Significant Risk of Harm and Duty to Report (NSW EPA, 1999)
Traffic, Transport & Pedestrian & Cyclist Facilities	
	Guide to Traffic Generating Developments (RTA, 1993)
	RTA Road Design Guide (RTA, 1996)
	Planning Guidelines for Walking and Cycling (DIPNR & RTA, December 2004)

Aspect	Policy /Methodology
	Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Ausroads, 2003)
Water	
Water Quality	Australian & New Zealand Guidelines for Fresh & Marine Water Quality (Australian & New Zealand Environment & Conservation Council (ANZECC), October 2000)
	National Water Quality Management System - Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC 2000)
	Integrated Water Cycle Management Guidelines for NSW Local Utilities, Oct 2004
	Water Quality and River flow Objectives (DEC, 2000)
	Healthy Rivers Commission Report into Coastal Lakes and Statement of Joint Intent
	Water Quality and Interim River Flow Environmental Objectives for Clyde River and Jervis Bay (NSW EPA, 1999)
	State Water Management Outcomes Plan Order 2002
	NSW Guidelines for Urban & Residential Use of Reclaimed Water (NSW Water Recycling Coordination Committee, 1993)
Wastewater	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management (ARMCANZ/ANZECC 1997)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC 2000)
	Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)
Flooding & the Floodplain	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
Groundwater	NSW Groundwater Policy Framework Document – General (DLWC, 1997)
	NSW State Groundwater Quality Protection Policy (DLWC, 1998)
	NSW State Groundwater Dependent Ecosystems Policy (DLWC, 2002)
Stormwater	Managing Urban Stormwater :Soils and Construction (NSW Landcom, 2004)
	Managing Urban Stormwater: Source Control (DEC, 1998)
	Managing Urban Stormwater: Treatment Techniques (DEC, 1998)
	Better Drainage: Guidelines for the Multiple Use of Drainage System (PlanningNSW, 1993)
Noise and Vibration	
	NSW Environmental Criteria for Road Traffic Noise (NSW EPA, 1999)
	Environmental Noise Control Manual (NSW EPA, 1994)

Attachment 3

Plans and Documents to accompany the Application

<p>Plans and Documents of the development</p>	<p>The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for the <u>Project Application</u> :</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 outlining the subject site and surrounding area (at an appropriate scale). 3. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways etc. 4. A Locality/Context Plan drawn to 1:500 scale (or other appropriate scale) should be submitted indicating: <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; and • traffic and road patterns, pedestrian routes and public transport nodes. • The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation. 5. The Environmental Assessment in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1. 6. The Architectural Drawings (where relevant) 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; • section plans; • communal facilities and servicing points; • the height of the proposed development in relation to the land; • significant level changes; • parking and vehicular access arrangements; • the floor plans; • the location of lifts, stairs and corridors; • section plans; • fenestrations, balconies and other features; and • pedestrian access to, through and within the site. 7. Detailed Subdivision layout plans to illustrate the following:- <ul style="list-style-type: none"> • All measurements of proposed and existing allotments; • Location of all structures both proposed and retained on site;
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	<ul style="list-style-type: none"> • North point; • Name of the road fronting the site and other surrounding major roads; • Title showing the description of the land with lot and DP numbers etc; • Vegetation retention; • Access points and road layout; • Any easements, covenants or other restrictions either existing or proposed on the site; • Type of subdivision proposed (Torrens, strata and/or community title). <p>8. Stormwater Plan - illustrating the plan for stormwater management of the site and must include details of any major overland flow paths through the site, stormwater treatment measures and any discharge points to existing drainage systems. Where an on-site detention system is required, the type and location must be shown and must be integrated with the proposed landscape design. Site discharge calculations should be provided.</p> <p>9. Erosion and Sediment Control Plan - plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site.</p> <p>10. Landscape Plan - plan or drawing that shows:</p> <ul style="list-style-type: none"> ▪ the building footprint of the proposal and locating site entries; ▪ ramps, stairs and retaining wall levels; ▪ lines of fencing, security and access points; ▪ built elements such as pergolas, walls, planters and water features; ▪ details of public, communal open space and private open space; ▪ trees to be removed to be shown dotted; ▪ trees to remain and proposed trees/planting including species, height and maturity; ▪ deep soil zones and/or adequate soil depth for planting on structures; ▪ detailed ground plane treatment with general materials and finishes indicated; and ▪ site lighting. <p>11. The shadow diagrams are to show solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday, 3.00 pm and 6.00 pm.</p> <p>12. View Analysis - artists impression, photomontages, etc of the proposed development in the context of the surrounding development.</p> <p>13. Waste Management Plan - plan indicating disposal of waste from the site including demolition material.</p> <p>14. Concept Vegetation Management Plan</p>
Specialist advice	Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants.
Documents to be submitted	<ul style="list-style-type: none"> • 20 hard copies of the Environmental Assessment; • 20 sets of subdivision and landscape plans to scale, including one (1) set at A3 size (to scale); and • 1 copy of the Environmental Assessment and all plans on CD-ROM (PDF format), not exceeding 5Mb in size (see below).
Electronic Documents	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> • Adobe Acrobat PDF files and Microsoft Word documents must be no bigger

that 1.5 Mb. Large files of more than 1.5 Mb will need to be broken down and supplied as different files.

- File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files.
- Image files should not be bigger than 2Mb. The file names will need to be clear and logical so the Department can publish them in the correct order.
- Graphic images will need to be provided as [.gif] files.
- Photographic images should be provided as [.jpg] files.
- Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each.
- Images inserted into the document will need to be calibrated to produce files smaller than 1.5Mb. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2Mb each. The file names will need to be clear and logical so the Department can publish them in the correct order.

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