



NSW GOVERNMENT
Department of Planning

Contact: Paulina Hon
Phone: (02) 9228 6106
Fax: (02) 9228 6540
Email: paulina.hon@planning.nsw.gov.au

Mr Roy Syne c/o
Mr Ashley Dunn
Workshop 1 Pty Ltd
33 Salisbury Street
BOTANY NSW 2019

Our ref: 06_0008
Your ref:

Dear Mr Syne

Amended Director General's Environmental Assessment Requirements for the Proposed Serviced Apartments, Retail and Associated Parking at Lot 4 DP 585556, 3 Clyde Street, Batemans Bay (Application Number: 06_0008)

I refer to your letter dated 14 September 2007. The Department has resolved to review the Director General's Environmental Assessment Requirements (DGRs) dated 26 June 2006, specifically relating to requirements on Design; Coastal & Estuary Management; Water Quality; Sewerage and Stormwater; and Flooding. The DGRs have also been updated in accordance with current Departmental practice.

A copy of the amended DGRs for the environmental assessment of the project for a Project Application 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 likely to be required upon submission of your proposal, however, this should be confirmed with the Department prior to lodgement.

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 Environmental Assessment for the project to determine:

- the fees applicable to the application;
- whether the proposal requires an approval under the Commonwealth *Environment Protection and Biodiversity 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 Environmental Assessment that will be required.

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

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.

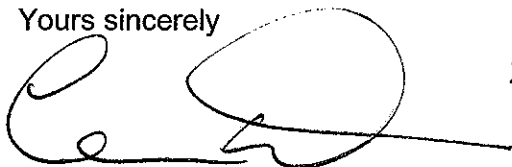
Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days. The Director-General's requirements will be placed on the Department's website along with other relevant information which becomes available during the assessment of the project. As a result, the Department would appreciate it 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 *Environment Protection 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 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 Paulina Hon, Senior Environmental Planning Officer, on 9228 6106 or email paulina.hon@planning.nsw.gov.au.

Yours sincerely



31.10.07

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*

Application number
06_0008
Project
Project application for serviced apartments, retail and car parking
Location
Lot 4 DP 585556, 3 Clyde Street, Batemans Bay
Proponent
Workshop 1 on behalf of Mr Roy Syne
Date issued
October 2007 (originally issued 26 June 2006)
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. An outline of the scope of the project including: • any development options; • 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; • outline of the staged implementation of the project 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 such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans. 5. Consideration of impacts, if any, on matters of national environmental significance under 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 Attachment 2; 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.

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 (including the draft <i>Structure Plan Batemans Bay Town centre and Town Centre DCP</i> . Provide justification for any inconsistencies with these planning strategies.
2. Urban Design and Sustainability	
2.1	Address the design quality with specific consideration of the façade, massing, setbacks, proportions to openings, building articulation, and amenity (including amenity impacts for adjoining and surrounding development).
2.2	Address consistency with the character of development in the locality; density; street frontage; scale; built form including roof form; aesthetics; safety; pedestrian access and existing right of way; and provision of a public precinct. Consider access for the disabled, where appropriate
2.3	Address impacts in relation to privacy, views and overshadowing and relevant mitigation measures, including overshadowing of adjoining and surrounding development and of adjacent open space/coastal reserve.
2.4	Demonstrate the 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> .
2.5	Provide a detailed justification of any departure from height provisions in: <i>Lower South Coast REP; Batemans Bay Town Centre DCP</i> and draft <i>Batemans Bay Structure Plan</i> and demonstrate the proposal is consistent with the future strategic intentions for the town centre.
2.6	In the event that the proposed serviced apartments will be used for permanent residential purposes, demonstrate compliance with SEPP 65 and BASIX.
3. Visual Impact	
3.1	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 (including nearby foreshore and from the Clyde River) and cumulative impacts.
3.2	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. An indicative external materials and finishes schedule is to be submitted.
4. Traffic	
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: 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; Impact on public transport (including school bus routes); Identify pedestrian movements and appropriate treatments; and Identify suitable mitigation measures, if required to ensure the efficient functioning of the road network.
5. Hazard Management and Mitigation	
<i>Coastal Processes and Flooding</i>	
5.1	Provide a flood investigation report which assesses 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), having consideration for relevant provisions of the NSW Floodplain Development Manual (2005) and recommendations from the Bateman's

5.2	Bay Coastal Hazard Management Plan (for the Batemans Bay CBD). Demonstrate and suitably investigate: - appropriate floor levels (based on flood levels plus freeboard) and suitable protection for underground car parks (which may include appropriate levels for driveway crests and adequate flood proofing in the car park); - impact of flooding on the development (including potential for wave run-up from tidal inundation); - impact of the development on flooding to surrounding properties (due to raising floor levels); and - adequate egress and safety in a flood event. A flood management plan should be provided which outlines how the development will manage flood events (including suitable evacuation routes or warnings). - impacts of climate change, sea level rise and more frequent and intense storms on flooding.
	<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.
	<i>Geotechnical</i>
5.5	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.
	6. Water Cycle Management
6.1	Address and outline measures for Integrated Water Cycle Management (including best practice stormwater management based on Water Sensitive Urban Design principles).
6.2	Assess the impacts of the proposal on surface water and groundwater quality during both construction and occupation of the site, including impacts on Batemans Bay and the Clyde River Estuary.
6.3	Demonstrate consistency with the NSW Wetlands Management Policy, NSW Estuary Management Policy, NSW State Rivers and Estuaries Policy, and the Batemans Bay and Clyde River Estuary Management Plan.
6.4	Address and recommend an appropriate sediment and erosion control during and post-construction, demonstrating compliance with the guidelines provided by the Landcom reference <i>'Soils and Construction – Managing Urban Stormwater, 4th Edition, March 2004'</i> .
	7. Infrastructure Provision
7.1	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.
7.2	Address the provision of public services and infrastructure having regard to Council's Section 94 Contributions Plan.
	8. Noise
8.1	Address potential noise impacts, in particular during the construction of the proposal, and provide appropriate mitigation measures.
	Consultation
	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>
	• Eurobodalla Shire Council; • Department of Water and Energy; and

- relevant infrastructure providers.

(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

Plans and Documents of the development

The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for your application:

1. The **existing site survey plan** is to be drawn to 1:500 scale (or other appropriate scale) and show:
 - the location of the land, the measurements of the boundaries of the land, the size of the land and north point;
 - the existing levels of the land in relation to buildings and roads;
 - location and height of existing structures on the site; and
 - location and height of adjacent buildings and private open space.
2. An **aerial photograph** 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:
 - 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 **Environmental Assessment** in accordance with the Director-General's Environmental Assessment Requirements as outlined in Attachment 1.
6. The **Architectural drawings** are to be drawn to scale and illustrate the following general features:
 - 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;

	• pedestrian access to, through and within the site; and • shadow diagrams identifying overshadowing impacts of the proposed structures. 7. Elevations – of the proposed buildings drawn to the same scale as the architectural drawings. The elevations are to indicate height and key 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. 8. Shadow Diagrams – diagrams showing solar access to the site and adjacent properties, including the public reserve, at summer solstice 9. 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; 10. 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; 11. 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); 12. 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; 13. View analysis – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development.
Specialist advice	Specialist advice, where required to support your Environmental Assessment, must be prepared by suitably qualified and practising consultants
Documents to be submitted	• 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	Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:- • Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 5 Mb. Large files of more than 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.
--	---

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>.

Coastal Planning

- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy No.71 – Coastal Protection
- Coastal Design Guidelines for NSW
- NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, UAB, 1997
- Coastal Design Policy for NSW, PlanningNSW, March 2003

Traffic

- *Guide to Traffic Generating Development and Road Design Guide* (Road and Traffic Authority)
- relevant Austroad standards
- AUSPEC design standards

Flooding and Water Level Rises

- NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)

Stormwater

- Integrated Water Cycle Management Guidelines for NSW Local Utilities (Oct 2004)
- Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
- Stormwater Outlet Structures to Streams (for pipes, culverts, drains and spillways – Version 1) (DIPNR)
- Managing Urban Stormwater: Construction Activities (EPA, 1988)
- Stockpile Site Management Procedures (RTA, 2001)
- Procedure for selecting treatment strategies to control road runoff (RTA, 2003)
- Managing Urban Stormwater: Source Control (DEC, 1998)
- Managing Urban Stormwater: Treatment Techniques (DEC, 1998)
- Australian Rainfall and Runoff (Institution of Engineers, revised edition 1997)
- Draft Australian Runoff Quality (Institution of Engineers, 2003)

Water Quality

- Australian Water Quality Guidelines for Fresh and Marine Waters (Australian and New Zealand Environment and Conservation Council, 1992 & 2000)
- Guideline for Construction Water Quality Monitoring (RTA, undated)
- Code of Practice for Water Management (RTA, 1999)
- National Water Quality Management Strategy: Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC, 2000, ISBN09578245 2 1)

- National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC, 2000)

Waterways, Wetlands and Estuaries

- NSW State Rivers and Estuaries Policy (1992)
- Rivers and Foreshores Improvement Act (1948)
- NSW Wetlands Management Policy (1996)
- NSW Estuary Management Manual (1992)

Acid Sulfate Soils

- NSW Acid Sulfate Soils Manual (1998)

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



Roads and Traffic Authority G:\Client Services\Development\Planning LUPDAPS\Correspondence\Eurobodalla\06709.doc
ABN 64 480 155 255

Our Ref: 145DA129 (06/709)

Contact: Ireen Bonham (4221 2523)

Your Ref: 06-0008

Major Development Assessment

Department of Planning

GPO Box 39

SYDNEY 2001

**CITY OF BATEMANS BAY - PART 3A PROJECT APPLICATION - SERVICED
APARTMENT COMPLEX WITH RETAIL, 3 CLYDE STREET, BATEMANS BAY.**

Dear Sir

I refer to your letter dated 30 March 2006 regarding the subject Part 3A Project Application forwarded to the RTA for consideration.

The RTA has reviewed the information provided and offers the following comments for your consideration:

- A traffic impact study (TIS) should be prepared in accordance with Table 2.1 of the RTA Guide to Traffic Generating Developments.
- The applicant should identify suitable treatments required to ameliorate any traffic impacts and safety impacts associated with the development. This should include identification of pedestrian movements and appropriate treatments.

Further, the proposal does not meet the Criteria under Schedule 1 of State Environmental Planning Policy No 11 - Traffic Generating Developments and is not within 100m of a classified road. Given this, the application does not need to be referred to the RTA in the future. However, the application should be referred to Council for assessment of traffic issues.

Should you require any clarification on this matter please call Chris Miller on 4221 2570.

Yours faithfully

Trish McClure
Manager, Road Safety and Traffic Management
Southern Operations and Services

cc Mr 1615

To David Miller

D.A

17/5



9 MAY 2006

In Reply Please
Quote Reference:

84.0100.D2-135/3

URBAN ASSESSMENT
RECEIVED
18 APR 2006

EUROBODALLA SHIRE COUNCIL
Good Government, better living



PO Box 99 Moruya NSW 2537
email: council@eurobodalla.nsw.gov.au
website: www.eurobodalla.nsw.gov.au
DX 4873

Acting Director
Urban Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: John Arnold

Dear Sir

MP 06-0008 Lot 4 DP585556 No. 3 Clyde Street, Batemans Bay – Serviced Apartment Complex
with some Retail Tenancies

Thank you for your letter dated 30 March 2006. In response to the request for provision of details of key issues and assessment requirements for the above development, the following comments are offered:

Planning Instruments: The property is zoned 3(a) Business under the Eurobodalla Urban Local Environmental Plan 1999 (as amended). The Batemans Bay Town Centre Development Guidelines and the Eurobodalla Parking Code are the relevant plans for this proposed development.

Please be further advised that Council is currently working on the draft Batemans Bay Structure Plan. A copy of this plan is available via <http://www.esc.nsw.gov.au/publications/exhibition/index.html>.
The property is located within the sensitive coastal location under SEPP71.

Council raises concern on the following issues:

- Any modifications or relocation of sewer infrastructure, including sewer pipes, pump station and switchboard will be the responsibility of the developer and at their cost.
- The plans indicate non compliance with the height requirements of the following: Lower South Coast REP No. 1 (and no SEPP1 objection lodged); Batemans Bay Town Centre DCP; draft Batemans Bay Structure Plan;
- The development by design and use appears inconsistent with the strategic directions, precinct development guidelines and design considerations in the draft Batemans Bay Structure Plan however, without adequate plan information the extent of inconsistency cannot be determined;

- The site is flood affected. Plans do not reference flood levels which may have an impact on the maximum development height;
- Acid Sulphate Soils - The site is Class 3. There is no documentation to address the requirements of Council's Acid Sulphate Soils Policy. This may have an impact on the development form;
- SEPP 11 - Traffic Generating Developments may be triggered however without adequate plan information this cannot be determined;
- Confirmation of FSR etc cannot be provided from the information submitted;
- No comments can be provided on the design of the proposal; the floor plan, elevation of the proposal; amenity and energy efficiency of the proposal; and the affect of the development on the existing right of way.

Overall, the development is incongruous with building height and form controls that apply and are proposed for this part of Batemans Bay. There are traffic and parking and amenity impacts likely to result from the proposal due to the extent of non compliance with Council controls which would have the potential to undermine Council's vision for this precinct of Batemans Bay. Public interest and precedent are of concern for this precinct in Batemans Bay.

The development is for tourist accommodation however it should be noted that if a permanent residential use of the development was to be sought it would trigger a different level of assessment which may not be able to be satisfied by the proposal in its current configuration.

Council's view is that the issues highlighted require further investigation and provision of sufficient information to allow assessment. The provision of such information may highlight additional matters that need to be addressed.

If you require further information please contact me on (02) 4474-1304.

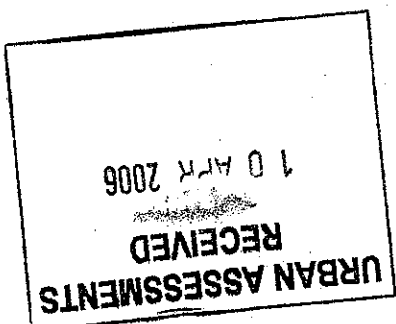
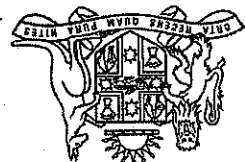
Yours faithfully



RANCE SALAN
GROUP MANAGER
DEVELOPMENT AND NATURAL RESOURCES

DEPARTMENT OF NATURAL RESOURCES

NSW Government



6 April 2006

Our ref: ERM 2006/04322
Your ref: MP 06-0008

Department of Planning
Office of Sustainable Development Assessments & Approvals
GPO Box 39
SYDNEY NSW 2001

Attention: John Arnold

Dear Sir

**Subject: Demolition of existing buildings, construction of serviced apartments with some retail tenancies at ground floor, including basement car parking for 54 vehicles
3 Clyde Street, Batemans Bay**

Thank you for your letter dated 30 March 2006, seeking this Department's key issues and assessment requirements for inclusion in the Environmental Planning and Assessment Act 1979.

The following comments are provided:

Coast & Estuary Management Comments:

The assessment must demonstrate:

- consistency with NSW Coastal Policy, Wetlands Management Policy, Estuary Management Policy, State Rivers and Estuaries Policy (see attached details), the draft Structure Plan Batemans Bay Town Centre, Coastal Design Guidelines for NSW and Water Sensitive Urban Design techniques;
- an acceptable level of water quality protection with respect to water quality in the Batemans Bay and Clyde River Estuary;
- compliance with the objectives of the Batemans Bay and Clyde River Estuary Management Plan (see below).

The assessment must address:

- environmental management and mitigation measures to be utilised to avoid or mitigate any detrimental impacts on the Batemans Bay and Clyde River Estuary (this includes the potential impacts on views from the river);
- actions that will be taken should unacceptable impacts occur (for example during construction);
- potential impacts on water quality of surface and groundwaters;
- sediment and erosion control;
- flooding associated with local events, coastal inundation and the combination of the two.

Acid Sulfate Soils

The Department's records indicate that the site is within an area with a high probability of occurrence of acid sulphate soil (ASS) materials within the soil profile particularly at depths of 2 to 4 metres. The presence of acid sulfate soils (ASS) will need to be assessed and appropriate strategies identified to manage ASS should they occur.

A comprehensive ASS Management Plan incorporating a soil survey and soil analysis program should be prepared for all activities proposed within areas of known ASS risk. The Department recommends that the level of assessment and details within the ASS management plan are consistent with the NSW Government guidelines regarding assessing and managing acid sulfate soils from the Acid Sulfate Soil Manual by ASSMAC. The ASS Management Plan should be included in the EAP for review by DNR.

Stormwater management

Stormwater management will be a key factor determining the impact of the proposed development on the Batemans Bay and Clyde River Estuary. Best practice management of stormwater should be incorporated into the design, including the Council's Integrated Water Cycle Management Strategy. The proposed techniques to control/treat stormwater from the site will need to be shown in the environmental assessment. These controls/treatments should be designed to sufficiently treat stormwater to ensure that the water quality of Batemans Bay/Clyde River Estuary is not detrimentally affected.

Soil and Water management is also a key consideration during the development of the site. It is recommended that standard of soil and water management is consistent with guidelines provided by the Landcom reference "Soils and Construction - Managing Urban Stormwater, 4th Edition, March 2004.

Batemans Bay and Clyde River Estuary Management Plan

The Batemans Bay and Clyde River Estuary Management Plan (EMP) contains a number of actions to ensure the maintenance of the existing high water quality standards of Batemans Bay and the Clyde River Estuary. These include:

- Promote the appropriate use of Water Sensitive Urban Design techniques for new developments;

- Ensure adequate erosion and sediment controls are being implemented on site during construction activities for new developments. Major developments should invoke the requirements for erosion and sediment control plans to be submitted and approved prior to construction. These plans should be in accordance with Eurobodalla Shire Council's Urban Stormwater Quality Management Plan for erosion and sediment control during construction.

Draft Structure Plan Batemans Bay Town Centre and Town Centre DCP

It is particularly important that this proposal be consistent with the draft Structure Plan Batemans Bay Town Centre and Town Centre DCP particularly in terms of building heights, car parking, public open space and setbacks. The proposed maximum height of 19.72 m exceeds the Council DCP limit of 13 m by 6.72 m and thus will not be compatible with the height of the surrounding buildings. Another issue for the proposed development is that it contradicts the Coastal Policy from 'Design and Locational Principles' consideration.

Coastal Inundation

Eurobodalla Shire Council, in cooperation with the Department of Natural Resources, undertook a Coastal Hazard Management Plan for Batemans Bay five/six years ago, which adopted a foreshore inundation level of 2.4 m AHD and a backshore inundation level of 2.2 m for the CBD area. It may be noted that the study used an allowance of 0.2 m for climate change over a 50 year period. Given that the proposed development has a life expectancy much more than 50 years, 0.2 m is an underestimation of the possible water level rise due to climate change. It can be up to 0.5 m over 100 years. In other words the design inundation level for the proposed development can be higher than the above mentioned adopted levels. This should be taken into account when determining design flood water depths in the basement and ground floor levels of the proposed building complex and appropriate management options should be adopted for drainage and management purposes.

Relevant policies

➤ **NSW Coastal Policy (1997)**

As the development partly lies within the 'coastal zone' as defined under the Coastal Protection Act, it should have regard to the NSW Coastal Policy.

The 1997 NSW Coastal Policy responds to the fundamental challenge to provide for population growth and economic development without placing the natural, cultural, spiritual and heritage values of the coastal environment at risk. To achieve this, the Policy has a strong integrating philosophy based on the principles of ecologically sustainable development (ESD).

The Policy sets out a number of goals to address the challenges facing the coastline:

- To protect, rehabilitate and improve the natural environment;
- To recognise and accommodate natural processes and climate change;
- To protect and enhance the aesthetic qualities;
- To protect and conserve cultural heritage;
- To promote ecologically sustainable development;
- To provide for ecologically sustainable human settlement;
- To provide for appropriate public access and use;
- To provide information to enable effective management; and
- To provide for integrated planning and management.

The Policy addresses a number of key coastal themes including:

- Population growth in terms of physical locations and absolute limits;
- Coastal water quality issues, especially in estuaries;
- Disturbance of acid sulfate soils;
- Establishing an adequate, comprehensive and representative system of reserves;
- Better integration of the range of government agencies and community organisations involved in coastal planning and management;
- Indigenous and European cultural heritage; and integration of the principles of ESD into coastal zone management and decision making.

➤ **NSW Wetlands Management Policy (1996)**

It is the policy of the NSW Government to promote the conservation, sustainable management and wise use of NSW wetlands by all stakeholders for the benefit of present and future generations. The Policy encourages:

- the management of the wetlands of the state so as to halt and where possible, reverse:
 - loss of wetland vegetation;
 - declining water quality;
 - declining natural productivity;
 - loss of biological diversity; and
 - declining natural flood mitigation.
- projects and activities which will restore the quality of the State's wetlands, such as:
 - rehabilitating wetlands;
 - re-establishing areas of buffer vegetation around wetlands; and
 - ensuring adequate water to restore wetland habitats.

The policy also sets out the following principles:

- Wetlands are valued as significant parts of NSW landscapes - their conservation and management are most appropriately considered at the catchment scale;
- Appropriate water regimes and water quality needed to maintain or restore the ecological sustainability of wetlands will be provided through the implementation of water management plans;
- Wetlands of international, national, state and regional significance will be identified and conserved;
- Land use and management practices will maintain or rehabilitate wetland habitats, processes and cultural values;
- Degraded wetlands and their habitats will be rehabilitated and their ecological processes restored as far as is practicable;
- The potential impacts of climate change will be considered in long term strategies for water resources and land use;
- Continued research into wetland ecology will be encouraged to better support water and land use planning and management;
- Natural wetlands should not be destroyed or degraded. When social or economic imperatives in the public interest result in a wetland being degraded or destroyed, the rehabilitation or construction of a compensatory wetland that supports similar biodiversity and ecological functions will be required;
- Purpose-built wetlands will not be constructed on the site of viable natural wetlands;
- Cooperation and incentives among land managers, government authorities, catchment management authorities, non-government organisations and the general community is essential for effective wetland management, and will be encouraged.

➤ **NSW State Rivers and Estuaries Policy (1992)**

The NSW Government has a policy to encourage sustainable development of the natural resources of the State's rivers, estuaries, wetlands and adjacent riverine plains. This is to reduce and where possible halt:

- declining water quality,
- loss of riparian vegetation,
- damage to river banks and channels,
- loss of biodiversity, and
- declining natural flood mitigation;

and to encourage projects and activities which will restore the quality of the river and estuarine systems such as:

- rehabilitating remnant habitats,
- re-establishing vegetation buffer zones adjacent to streams and wetlands,
- restoring wetland areas,
- rehabilitating of estuarine foreshores, and
- ensuring adequate streamflows to maintain aquatic and wetland habitats.

This includes ensuring the construction of any wetland or detention structure off-line, so as not to degrade the functions of that natural resource.

- Degraded wetlands and their habitats and processes will be actively rehabilitated as far as is practical;
- Wetlands of regional or national significance will be conserved; and
- The adoption of a stewardship ethos and co-operative action between land and water owners and managers, government authorities, non-government agencies and the general community is necessary for effective wetland management.

➤ **NSW Estuary Management Policy (1992)**

The NSW Government recognises the ecological, social and economic importance of the State's estuaries and is concerned about the long-term consequences of their accelerating degradation. The general goal of the policy is to achieve an integrated, balanced, responsible and ecologically sustainable use of the State's estuaries.

As such, proposals within the State's estuaries should ensure:

- the proposal will not adversely impact the physical processes operating within the estuary, for example a reduction in the existing tidal prism as a result of reclamation may affect an estuary's flushing and water quality characteristics;
- ensure areas set aside for reserves or protection are sufficient (depending on species) to be sustainable or form a corridor;
- screen the foreshores from urban development;
- ensure development is adequately set back from coastal/estuarine habitats;
- intertidal and aquatic flora and fauna are adequately protected;
- potential impacts on water quality during construction and operational phases are appropriately mitigated;
- conflict with other estuary users and uses are minimised;
- the visual impact of potential development is assessed, for example, the length of jetties, the extent of foreshore walls, the form and colour of structures, the degree of land clearing, etc;
- the cumulative impact of a proposal is considered in terms of its contribution to overall habitat loss and disturbance, water quality degradation, alienation of intertidal areas, increase in boat traffic in the area etc;
- consistency with Estuary Management Plans where they exist.

Floodplain Risk Management Comments:

Given that the proposal is affected by flooding, the proposal should be considered in accordance with the State Government's Flood Prone Land Policy as set out in the Floodplain Development Manual (2005). The primary objective of the flood policy is to reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce the private and public losses resulting from flooding, utilising ecologically positive methods wherever possible.

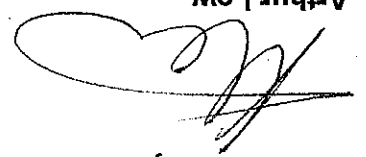
The implications of the full range of floods, including events greater than the design flood, up to the probable maximum flood (PMF), should be considered. Consideration should be given to the both the impact of flooding on the development and the impact of the development on flood behaviour. Consideration should also be made to the impact of the proposal on people including future occupants, access and evacuation requirements in the event of a major flood. Issues associated with risks to life and damages (vehicles & building / services) are particularly relevant considerations if underground car parking is being proposed.

The Department understands that a draft Batemans Bay Coastline Hazard Management Study / Plan (2001) was prepared to consider coastal inundation impacts and levels but as yet catchment based flooding has not been comprehensively considered. It is unclear as to whether Council has any further information of catchment flooding impacts which could assist in the estimation of appropriate flood planning levels for the site. It is noted that Council has recently sought financial assistance for the preparation for a Batemans Bay Floodplain Management Study and Plan.

The Department considers that the consent authority will need to satisfy itself regarding flooding issues on the site as it relates to catchment based flooding and flood hazard, relationship with coastal hazards and coastal inundation levels, climate change, setting of appropriate Flood Planning Levels and development controls for future development. The consent authority should liaise with the local Council with regard to the extent of existing flood information at the site and local flood related development controls and policies including their suitability in making its considerations and determination.

Please direct any questions or correspondence to Keti Nikolovski, Environmental Review Coordinator, on telephone number (02) 4224 9600.

Yours sincerely



Arthur Low

Regional Coast & Floodplain Management Unit
Sydney/South Coast Region