Tuesday, 1 November, 2011

**Rose Bay Marina and Director General's Requirements for the EIS Response given to the Sydney Morning Herald**

_I understand that DGRs have been issued by the department for an application to expand the Rose Bay Marina. Could I please get a copy of the DGRs? Is it correct that a DA for the expansion, when submitted, would be determined by the Joint Regional Planning Panel?_

Department of Planning and Infrastructure response:

The department has not previously had an assessment or consent role with respect to this marina proposal, and the application was previously dealt with by council.

Furthermore, marinas are no longer a class of development under the new State and Regional Development SEPP. As such, the NSW Government no longer has any role in assessing or determining new marina proposals, as it did under the Part 3A system.

The situation has generally reverted to the system in place before Part 3A, where the department’s only role for marina proposals which are designated development is to prepare Director-General Requirement’s (DGRs).

These DGRs set out the issues which must be addressed by the proponent in its environmental impact statement to council. In preparing the EIS requirements, the department consulted widely with other government agencies and department staff with experience in maritime issues.

It is up to the applicant to lodge a development application (DA) and environmental impact statement (EIS) with Woollahra Council. Council staff will be responsible for the exhibition and assessment of the DA and EIS, and they will prepare an assessment report which will be forwarded to Sydney East Joint Regional Planning Panel for determination.

As requested, please find attached a copy of the Director General’s Requirements.
Mining & Industry Projects
Contact: Andrew Hartcher
Phone: 9228 6503
Fax: 9228 6466
Email: andrew.hartcher@planning.nsw.gov.au

Mr Kirk Osborne
Principal Planner
JBA Planning Consultants Pty Ltd
Level 7, 77 Berry Street
NORTH SYDNEY NSW 2060

Dear Mr Osborne

Marina Expansion, Rose Bay (DGR 588)
Director-General's Requirements

I refer to your request for the Director-General's Requirements (DGRs) for the preparation on an Environmental Impact Statement (EIS) for the above development proposal.

I have attached a copy of these requirements.

In your request, you indicated that your proposal would require a licence and/or approval under the Protection of the Environment Operations Act 1997, the Water Management Act 2000 and the Fisheries Management Act 1994. The Department has consulted with the Office of Environment and Heritage (OEH), the NSW Office of Water (NOW) and the Department of Primary Industries (DPI) and a copy of their requirements for your EIS are attached.

If other integrated approvals are identified before the Development Application (DA) is lodged, you must undertake your own consultation with the relevant agencies, and address their requirements in the EIS.

When you lodge the DA for the proposal, you must provide:
• Three (two hard and one electronic) copies of the EIS to the Department;
• A suitable number of copies of the EIS to each integrated approval authority (you should consult with each agency to determine the number of copies required); and
• A cheque for $320 to each integrated approval authority, to offset costs involved in the review of the DA and EIS.

If your proposal contains any actions that could have a significant impact on matters of National Environmental Significance, then 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. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Department of Sustainability, Environment, Water, Population and Communities (SEWPac) in Canberra on 6274 1111 or www.environment.gov.au.

If you have any enquiries about these requirements, please contact Andrew Hartcher on 9228 6503.

Yours sincerely,

Chris Wilson
Executive Director
Major Projects Assessment
as delegate for the Director-General
## Director-General’s Requirements

**Clause 73 of the Environmental Planning and Assessment Regulation 2000**

<table>
<thead>
<tr>
<th>DGR Number</th>
<th>588</th>
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<tbody>
<tr>
<td>Proposal</td>
<td>Marina Expansion, Woollahra local government area</td>
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<tr>
<td>Location</td>
<td>594 New South Head Road, Rose Bay, NSW (Lot 1 DP 1014928)</td>
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<tr>
<td>Applicant</td>
<td>Rose Bay Marina Pty Ltd</td>
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<td>Date of Expiry</td>
<td>September 2013</td>
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### General Requirements

(Refer Clauses 71 and 72 of the Environmental Planning and Assessment Regulation 2000)

The Environmental Impact Statement must include:

- an executive summary;
- a full/detailed description of the proposal, including:
  - the need for (objectives of) the development;
  - alternatives considered, including the consequences of not carrying out the development;
  - the development to be carried out; and
  - likely staging of the proposal;
- a risk assessment of the potential environmental impacts of the proposal, identifying the key issues for further assessment;
- a detailed assessment of the key issues specified below, and any other significant issues identified in the risk assessment (see above), which includes:
  - a description of the existing environment, using sufficient baseline data;
  - any likely interactions between the proposed operations and existing/approved development and landuse in the area;
  - an assessment of the potential impacts of all stages of the proposal, including any cumulative impacts, taking into consideration any relevant policies, guidelines, plans and statutory provisions (see below);
  - a description of the measures that would be implemented to avoid, minimise, mitigate and (if necessary) offset the potential impacts of the proposal, including detailed contingency plans for managing any significant risks to the environment;
  - a list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out;
- a compilation (in a single section of the Environmental Impact Statement) of all the proposed environmental management and monitoring measures;
- a detailed description of how the environmental performance of the proposal would be monitored and managed over time;
- a conclusion justifying the development on economic, social and environmental grounds, taking into consideration whether the proposal is consistent with the objects of the Environmental Planning & Assessment Act 1979; and
- a signed declaration from the author of the Environmental Impact Statement, certifying that the information contained within the document is neither false nor misleading.

### Key Issues

- **strategic planning** - including an assessment of the proposal in the context of the strategic direction of the locality and region with consideration of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, and the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005. Any inconsistencies between the proposal and these plans must be justified;

- **justification** – including:
  - an assessment of the need for on-water boat storage (including boat length, height and type) in the locality and region;
  - justification for the size of occupation of the waterway including access ways, fairways and dredging areas (if any);
  - impacts of the proposal on existing boat storage in Rose bay (e.g. displacement of existing swing moorings).
- **visual amenity** - including an assessment of the visual impact of the proposal (height, scale, density and lighting) on the local and regional area, particularly on:
  - any adjoining land owners and land owners along the foreshore areas between Woollahra Point and Steel Point;
  - water uses of Rose Bay and Sydney Harbour; and
  - significant vantage points in the public domain.
- **public access** - including impacts on waterway access (including equity), waterway sharing, existing users of Rose Bay (e.g. passive craft) and access to swing moorings;
- **traffic and transport** - including construction and operation, parking and landside access (e.g. the impact on users of the public foreshore);
- **navigation and safety** - including and assessment of:
  - the impacts on water based traffic and the existing users of Rose Bay and Sydney Harbour (including public transport vessels) in the vicinity of the marina;
  - the adequacy of marina design in accordance with the relevant Australian standards; and
  - the safe operation of swing moorings.
- **waste management** - including details of how waste will be minimised, managed, stored and disposed of in accordance with the relevant standards and guidelines;
- **soil and water** - including:
  - impacts on water quality during construction and on-going operation;
  - details of proposed erosion and sediment controls (during construction);
  - potential disturbance of contaminated sediments during construction; and operation;
  - the proposed stormwater management system (during operations); and
  - acid sulfate soils and management measures for the containment of pollutants (e.g. fuel, sewage and other wastes).
- **flora and fauna** - including a biodiversity assessment with consideration of any impacts on critical habitats, threatened species, protected species, populations or ecological communities and their habitats in the region (e.g. *Psodonia seagrass*);
- **noise and vibration** - including construction, operation and traffic in accordance with the relevant Office of Environment and Heritage guidelines. This assessment must consider any potential impacts on nearby private receptors;
- **air quality** - in accordance with relevant Office of Environment and Heritage guidelines. This assessment must consider any potential impacts on nearby private receptors;
- **energy and water efficiency measures**; and
- **cumulative impacts** - including impacts associated with the existing court approved proposal.

### Environmental Planning Instruments

The EIS must assess the proposal against the relevant environmental planning instruments, strategic planning documents and policies, including but not limited to:

- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*;
- *Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005*;
- *Metropolitan Plan for Sydney 2036*;
- *Draft East Subregional Strategy*;
- *Woollahra Local Environmental Plan 1995*;
- *Boat Storage Policy for Sydney Harbour 2004*;
- *Sharing Sydney Harbour Access Plan 2003*; and
- other relevant development control plans and section 94 plans.

### Guidelines

It is recommended that during the preparation of the EIS you consult the Department’s EIS Guideline *Marinas and related facilities*. The Guideline is available for purchase from the Department’s Information Centre, 23-33 Bridge Street, Sydney or by calling 1300 305 695.
<table>
<thead>
<tr>
<th>Consultation</th>
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<tr>
<td>During the preparation of the EIS, you should/must consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult surrounding landowners and occupiers that are likely to be impacted by the proposal. Details of the consultations carried out and issues raised must be included in the EIS.</td>
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