

DA13/0590

Appendix

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DRAFT CONDITIONS OF DEVELOPMENT CONSENT
Development Application No. DA13/0590

1. Approved Plans and Documents

The development must be undertaken substantially in accordance with the details and specifications set out on the plans prepared by CW Henstock & Associates Pty Ltd, reference drawing nos. 11/014-2-M01 Revision B dated 21 May 2013, 11/014-2-M02 Revision B dated 21 May 2013, 11/014-2-M03 Revision A dated 15 June 2012, 11/014-2-M04 Revision A dated 15 June 2013, 11/014-2-M05 Revision A dated 15 June 2012 & 11/014-2-M07 Revision A dated 21 May 2013 and any details on the application form and on any supporting information received with the application, except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building work.

- i) A Construction Certificate
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority
- iii) Notification of the commencement of building works, with a minimum of 2 days notice of such commencement.

2. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i) The additional north-south arm comprising of proposed berth numbers 43, 44, 45, 46, 53, 54, 55 & 56 is to be deleted and the proposed east-west arm comprising of the ten (10) new berths is to be relocated southwards such that it aligns with the existing east-west arm adjacent to existing berth numbers 44 & 50.
- ii) Proposed berth number 21 is to be deleted.
- iii) The topmost ends of the mooring and stabilisation piles are to be no lower than RL3.6m based on Australian Height Datum.

Details of these design changes must be included in documentation submitted with the application for a Construction Certificate.

3. Integrated Development Approval - Requirements of Approval Bodies

A. General Terms of Approval from Other Approval Bodies

The development must be undertaken in accordance with all General Terms of Approval (GTA) of the Department of Primary Industries (Fisheries NSW) under Section 91A of the Environmental Planning and Assessment Act 1979. A copy of the GTA and any further requirements of the approval body are attached to this development consent. These requirements must be incorporated in the application for a Construction Certificate.

4. Relinquishment & Removal of Commercial Swing Moorings

- i) A minimum of nine (9) out of the eighteen (18) commercial swing moorings licensed to the marina are to be relinquished and permanently removed from the waterways, within three (3) months of the issue of any occupation certificate for the development. Documentary evidence of the complete removal of the mooring blocks and associated apparatus and cancellation of the associated mooring licenses is to be submitted to Council's Director-Planning & Environment within the same period mentioned above.
- ii) The mooring blocks and associated apparatus are to be removed in accordance with the methods outlined in the draft construction environmental management plan. All relevant environmental measures must be implemented during the removal of the mooring blocks, including the use of silt curtains and the appropriate removal and/or disposal of sediment if required. Liaison with NSW Roads & Maritime Services is to be carried out, prior to commencement of these works.

5. Environmental, Damage and Performance Security Bond

A. Before Works

The person acting on this consent must provide security to Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with the Council or a satisfactory guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a current dilapidation report supported by photographs. This information must be submitted to Council at least two (2) days **prior** to the commencement of works.

In the event that the dilapidation report is not submitted two days prior to commencement and the public area sustains damage the person acting on this consent may be held liable.

Should any public property and / or the environment sustain damage during the course of and as a result of the works associated with this consent, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred must be deducted from the bond.

The value of the bond must be determined as follows:

Development Value	Refundable Deposit *
\$0 - \$50, 000	Bond not required
\$50,001 - \$150,000	\$2,200.00
\$150,001 - \$300,000	\$3,200.00
\$300,001 - \$1,000,000	\$5,200.00

Greater than \$1,000,001	Individual Assessment
Swimming Pools	\$2,200.00
Demolition / Earthworks	\$3,200.00
Removing Buildings	\$10,000.00

- * The bond amount includes a non refundable administration fee. Where the bond takes the form of a Bank Guarantee, the administration fee must be paid separately and not included in the bank guarantee.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount / bond purpose is permitted on a Bank Guarantee. Multiple bonds will require multiply bank guarantees to be lodged.

B. After Occupation

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. The request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

6. Approvals Required under Roads Act or Local Government Act

A. Before Construction

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

Note: Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

7. Application to Construct a Driveway

A. Design

An Access Application must be made to Council to obtain footpath crossing and boundary alignment levels. A copy of the issued levels must accompany the application for a Construction Certificate.

8. Parking Areas and Access

A. Design

The car park must be line-marked to accommodate 15 vehicles in accordance with the requirements of AS2890.1 - 2004.

The road reserve fronting the site is to be upgraded to include the following works:

- i) Demolition of the existing layback crossing and reconstruction with a 6 metre length concrete layback crossing.

- ii) Removal of any redundant layback crossings and reconstruction with integral concrete kerb and gutter.
- iii) Removal of the existing bitumen footpath crossing and replacement with a concrete footpath crossing in accordance with Council's issued levels.
- iv) Road pavement construction between the existing sealed pavement and the lip of the proposed kerb and gutter.
- v) Regrading, topsoiling and turfing of the footpath area to final design levels across the full frontage of the site and across adjacent properties if required.
- vi) Street tree planting within the footpath area in accordance with Council's design drawing.

9. Noise Control During Construction and Demolition

To minimise the impact on the surrounding environment:

A. During Works

The LAeq sound pressure level measured over a period of 15 minutes, when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 20dB(A) when measured at the nearest affected premises.

10. Acid Sulfate Soil Management

A. During Works

If evidence of acid sulfate soils is observed during construction or demolition, measures in accordance with the Acid Sulfate Soils Manual 1998 (prepared by Acid Sulfate Soils Management Advisory Committee) must be implemented to ensure the risk to the aquatic environment is mitigated. A suitably qualified environmental scientist must be engaged for these purposes.

11. Disposal of Site Soils

A. During Works

All soils removed from the subject site are to be classified under the NSW Department of Environment and Climate Change Waste Classification Guidelines (2009). Testing is required prior to off-site disposal.

In accordance with DECC Waste Classification Guidelines (2009), materials identified for off-site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility.

Note: Attention is drawn to Part 4 of the NSW DECC Waste Classification Guidelines (2009) which makes particular reference to the management and disposal of Acid & Potential Acid Sulfate Soils.

12. Environmental Protection Measures - Marine Structures

To minimise the environmental impacts of the proposal on the foreshores and waterways, the following measures are to be implemented:

A. During Construction

- i) A floating silt curtain must be provided which encompasses and encloses the entirety of the affected area at all times when works are likely to disturb the riverbed or banks;
- ii) Materials used for the construction of the proposal must not include anti-fouled surfaces, treated timber or any product that is likely to have a detrimental impact on aquatic organisms or the aquatic environment;
- iii) No excavation of soil or sediment (or the removal of vegetation or rock) is permitted and no dredging is to be carried out;
- iv) In order to prevent the oxidation of Acid Sulfate Soils, all posts/ piles for the proposal must be driven into the sediment substrate. No riverbed excavation is permitted;
- v) Piles must be removed from the riverbed using a method that minimises the disturbance and mobilisation of sediment. Piles must be cleaned on the land, away from the water and any waste material must be disposed of to an appropriately licensed waste facility;
- vi) All waste must be disposed of to an appropriately licensed waste facility.

13. Prevention of Air Pollution

A. Ongoing

To ensure contaminants are not released into the atmosphere from the premises, the use of the building and operation of the slipway and marina premises and any plant, equipment and fittings installed therein must be operated so as to meet the following requirements:

- i) Protection of the Environment Operations Act 1997.
- ii) Protection of the Environment Operations (Clean Air) Regulation 2002.
- iii) AS 1668 - Part 2 - 1991.
- iv) AS 3666.1 - 2002.
- v) AS 3666.2 - 2002
- vi) AS 3666.3 - 2000
- vii) Public Health Act - 1991.
- viii) Public Health Act (Microbial Control) Regulation 2000.

14. Storage of Hazardous or Toxic Material

To ensure hazardous and toxic materials are not a threat to the environment:

A. Design

In areas where hazardous and toxic materials are to be stored bund walls and floors must be constructed of impervious materials and be of sufficient size to contain 110% of the volume of the largest tank on the site plus the volume displaced by any additional tanks within the bunded area.

B. Before Construction

Details of the design satisfying 'A' above must accompany the documentation forming part of the Construction Certificate.

C. Ongoing

Hazardous and toxic materials must be stored in accordance with the Workcover Authority requirements. All tanks, drums and containers of toxic and hazardous materials must be stored in a bunded area.

15. General Odour Condition

A. Ongoing

The use and operation of the premises must not cause the emission of any odours that, by reason of its level, nature, character or quality is likely to be harmful to or interfere unreasonably with the comfort or repose of person who is outside the premises.

16. Fuel Facilities & Underground Petroleum Storage System

A. Ongoing

The use and operation of the refuelling facilities at the marina must not cause harm to the surrounding environment. The Underground Petroleum Storage System and Fuel Bowsers must be operated and maintained in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage System) Regulation 2008*. A spill kit must be located adjacent to the bower, at all times for use in an emergency and all staff must be trained in its correct use. The statistical inventory reconciliation analysis (SIRA) data, environmental protection plan (EPP) and any other records relating to the maintenance of the system must be kept as required under the Regulation and be available at all times.

17. Sewer Pump out Facilities

A. Ongoing

The use and operation of the sewer pump out facilities at the marina must not cause harm to the surrounding environment. The sewer pump out facilities shall be operated and maintained in accordance with the New South Wales Maritime requirements. All staff and patrons of the marina must be trained in the use of the facility. A spill kit must be located adjacent to the sewer pump out at all times for use in an emergency and all staff must be trained in its correct use.

18. Construction Management Plan

A. Prior to Works

Prior to the issue of any construction certificate for the development, a detailed construction management plan must be submitted to Council's Director-Planning & Environment. This plan must be consistent with the draft construction management plan submitted with the application and the relevant conditions of this development consent. The plan must be prepared by the consultant engaged to carry out the works. The plan must be specific to the works being carried out, including construction and demolition methods and environmental controls for mitigating all potential environmental impacts.

19. Proof of Adherence to Underground Petroleum Storage System (UPSS) Regulation

A. Prior to Works

Prior to the issue of any construction certificate for the development, documentary evidence of the installation of ground water monitoring wells in accordance with the UPSS Regulation 2008 must be submitted to Council's Director-Planning & Environment.

20. External Lighting

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

A. Design

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

B. Ongoing

All lighting must be operated and maintained in accordance with the Standard above.

21. Noise Control - Design of Plant and Equipment

To minimise the impact of noise from the development:

A. Design

All sound producing plant, equipment and machinery, including winches, compressors and gurneys must be designed and/or located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

C. Ongoing

All sound producing plant, equipment and machinery, including winches, compressors and gurneys must be operated and maintained in accordance with 'A' above.

22. Noise Control - Offensive Noise

A. Ongoing

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.

23. Crime Risk & Public Safety

A. Design

All security devices to be installed on the premises are to comply with the relevant Australian Standards.

24. Sydney Water - Notice of Requirements

A. Before Occupation

- i) The applicant must obtain a Notice of Requirements under the Sydney Water Act 1994 and submit the Notice to the Council.
- ii) A Compliance Certificate under s73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges.

Advice from Sydney Water:

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at www.sydneywater.com.au/customer/urban/index/ or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services as well as building, driveway or landscaping design.

25. Permitted Hours for Building and Demolition Work

A. During Works

To minimise the noise impact on the surrounding environment, all building and demolition work must be carried out only between the hours of 7.00am and 5.00pm Mondays to Fridays inclusive and 8.00am and 1.00pm on Saturdays. No work must be carried out on Sundays and Public Holidays. Notwithstanding the foregoing, piling operations must be limited to between the hours of 7.00am and 3.00pm Mondays to Fridays inclusive, only.

26. Toilet Facilities

A. During Works

Toilet facilities must be available or provided at the work site at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site before works begin and must be maintained until the works are completed.

Each toilet must:

- i) be a standard flushing toilet connected to a public sewer, or
- ii) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- iii) be a temporary chemical closet approved under the Local Government Act 1993

27. Car parking Areas

A. Ongoing

To ensure that the car parking area satisfies the demands of the development, it must be made available on an unrestricted basis and free of charge at all times for employees' and visitors' vehicles.

28. Berthing Capacity

A. Ongoing

- i) The overall berthing capacity of the marina (including associated commercial swing moorings) is not to exceed 66 vessels.
- ii) No more than 57 vessels (excluding those vessels moored for emergency purposes or those vessels moored at the work/pump-out/refuelling berths) are to be moored on the fixed berthing facility of the marina, at any time.
- iii) No more than 9 vessels are to be moored on swing moorings licensed to the marina, at any time.
- iv) Whilst ever vessels are moored on the fixed berthing facility, they are to be confined to the defined berthing areas as delineated on the approved plans (as amended by the conditions of this development consent).
- v) The berths delineated on the approved plans as work/pump-out/refuelling berths are not to be leased or otherwise used for the permanent mooring of vessels, at any time.

END OF CONDITIONS

Table of Submissions Objecting to Proposal

Issue 1: View loss and visual impacts
 Issue 2: Car parking demand and traffic impacts
 Issue 3: Impacts on the marine environment
 Issue 4: Noise impacts
 Issue 5: Status of swing moorings
 Issue 6: Alienation of waterways for private interests
 Issue 7: Fire risk
 Issue 8: Impact on property values
 Issue 9: Incompatible with residential character
 Issue 10: Overdevelopment
 Issue 11: Lack of demand for moorings
 Issue 12: Obstruction of waterway access
 Issue 13: Lighting impacts
 Issue 14: Ecological sustainability

Property owned and/or occupied by objector	Date of Letters	Issues raised
19 Clare Street Sylvania	16/07/13	1, 2, 3, 4, 5 & 6
1/19 & 9/19 Clare Street Sylvania	26/07/13	1, 2, 3, 4 & 5
2/19 Clare Street Sylvania	14/08/13	1, 3, 4, 6, 7, 9 & 11
11/19 Clare Street Sylvania	31/07/13	1, 2, 3, 4, 7, 8 & 9
13/19 Clare Street Sylvania	15/07/13 03/08/13	1, 2, 3, 4, 5, 6, 7, 9, 12 & 13
14/19 Clare Street Sylvania	12/08/13	1, 2, 3, 4 & 8
10 Florida Street Sylvania	05/08/13	1, 2, 3, 4, 7, 10, 11 & 12
6/2-6 Harrow Street Sylvania	23/07/13	2 & 8
2/8-12 Harrow Street Sylvania	09/08/13	1, 2, 3 & 7
15 Harrow Street Sylvania	31/07/13	1, 2 & 3
17 Harrow Street Sylvania	04/08/13	1, 2, 3, 4 & 7
1/18-20 Harrow Street Sylvania	15/08/13	1, 2, 3, 4 & 9
23 Harrow Street Sylvania	16/08/13	1, 2, 3, 4, 5, 9 & 14
6/26-30 Harrow Street	29/07/13	1, 2, 3, 4, 5, 7 & 8

Sylvania		
27 Harrow Street Sylvania	14/08/13	1, 2, 3, 4 & 5
31 Harrow Street Sylvania	15/08/13	1, 2, 3, 4, 5 & 11
32 Harrow Street Sylvania	15/08/13	1, 2, 3, 6, 7, 10 & 14
34 Harrow Street Sylvania	02/08/13	1, 2, 3, 9, 10 & 14
39 Harrow Street Sylvania	02/08/13	1, 2, 3, 4, 5, 7, 10, 11 & 14
42 Harrow Street Sylvania	05/08/13	1, 2, 3, 4, 6 & 9
43 Harrow Street Sylvania	12/08/13	1, 2, 3, 5, 7, 10, 13 & 14
45 Harrow Street Sylvania	02/08/13	1, 2, 3, 4, 6, 7, 9 & 10
6/1 Koorooma Place Sylvania	13/08/13	1, 3, 4, 10 & 14
12/1 Koorooma Place Sylvania	23/07/13	1, 2, 3 & 4
13/1 Koorooma Place Sylvania	14/08/13	1, 2, 3 & 7
14/1 Koorooma Place Sylvania	20/08/13	1, 2, 3 & 10
15/1 Koorooma Place Sylvania	14/08/13	1, 2, 3, 4, 5, 7, 8 & 14
16/1 Koorooma Place Sylvania	15/08/13	1, 2, 3, 4, 5 & 6
17/1 Koorooma Place Sylvania	15/08/13	1, 2, 3, 4 & 5
18/1 Koorooma Place Sylvania	15/08/13	1, 2, 4, 8, 10 & 11
21/1 Koorooma Place Sylvania	16/08/13	1, 2 & 3
23/1 Koorooma Place Sylvania	26/08/13	1, 2 & 3
25/1 Koorooma Place Sylvania	16/08/13	1, 3, 5, 10 & 11
2/1A Koorooma Place Sylvania	14/08/13	1, 2, 3, 4, 6, 7, 9, 11, 13 & 14
99 Princes Highway Sylvania	07/08/13	1, 2, 3, 4, 6, 9 & 14
53 Tavistock Road South Hurstville	15/08/13	1, 2, 5, 7, 9 & 11
C/- Locked Bag 17 Sutherland	14/08/13	1, 2, 3, 4, 6 & 7

Greg Hansell - 9710 0844
File Ref: PAD13/0013

15 April 2013

13/01/2013 11:01:31

Marina Investments Pty Ltd
25 Harrow Street
SYLVANIA NSW 2224

Dear Sir/Madam

Pre-Application Discussion No. 13/0013

Proposal: Alterations & Additions to Marina Berthing Facilities

Property: Waterways adjacent to Sylvania Marina (25 Harrow Street, Sylvania)

I refer to the pre-application discussion held on 12 March 2013 regarding the above marina premises and adjacent waterways.

The following information provides a summary of the matters addressed at the meeting and other matters arising from further investigation. The contents of this letter do not represent a complete assessment of the proposal, but are intended to address the major issues likely to arise, if an application is submitted.

The contents of this letter are advisory only and do not bind the determining authority (in this case, the Sydney East Joint Regional Planning Panel) to granting consent for the proposed development, if and when an application is made for such a proposal.

Description of Site and Proposal:

The marina is located approximately 300 metres south west of Tom Uglys Bridge on the southern shores of the Georges River. Immediately to the east, west and south of the marina are low and medium density residential land uses along the foreshore. Another facility, known as Tom Uglys Bridge Marina, is located 230 metres to the north east of the marina. The existing marina has 52 wet berths, 3 work berths and operates 19 commercial swing moorings within the waterway. On the land, there are a chandlery, workshop, slipways and car parking area.

The proposal involves alterations and additions to the marina berthing facilities, including a northerly extension of the existing floating pontoon structure to provide for an additional 15 wet berths and relinquishment of 19 commercial swing moorings. It is understood that the overall number of moorings is not being increased, but rather the mix of fixed berths and swing moorings is being altered. It is also understood that no changes are proposed with regard to the land-based facilities, refuelling or sewage pump-out facilities.

Relevant Planning Controls:

The proposed alterations and additions to the marina berthing facilities are located within 'Zone 16 - Environmental Protection (Waterways)' under the provisions of Sutherland Shire Local Environmental Plan 2006 ('SSLEP2006'). Within this zone, development for the purpose of a 'marina' (as proposed) is allowed only with consent from Council.

In addition to the provisions of SSLEP2006, the provisions of the following environmental planning instruments and development control plans are also of particular relevance to your proposal:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 62 – Sustainable Aquaculture
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment ('GMREP')
- Sutherland Shire Development Control Plan 2006.

Your attention is also drawn to the provisions of Draft Sutherland Shire Local Environmental Plan 2013 which is currently on public exhibition. This draft plan proposes major changes to the planning controls applying to the local waterways. These changes may have significant implications for your current proposal and future proposals at your marina.

Comments on the Proposal:

1. Procedural Matters

As the marina proposal falls within the relevant criteria for designated development, it will be assessed by Sutherland Shire Council ('council') and determined by the Sydney East Joint Regional Planning Panel ('panel').

The proposal will be processed in accordance with the designated development provisions of the Environmental Planning & Assessment Act 1979 ('EP&A Act'). This will require the preparation and submission of an environmental impact statement ('EIS') in accordance with the Environmental Planning & Assessment Regulation 2000.

Consultations with the relevant authorities administering the provisions of the Water Management Act 2000, Fisheries Management Act, 1994 and Protection of the Environment Operations Act, 1997 should be carried out, with a view to properly establishing if other approvals are required from these authorities and if the integrated development provisions of the EP&A Act are triggered as a result.

2. Content of EIS

From a preliminary view, the draft EIS appears to cover the key issues likely to arise during the assessment process. No further issues need to be covered by the EIS beyond those already identified by the NSW Department of Planning through its

scoping exercise and as outlined in the Director General's requirements. That is to say, the matters which need to be considered appear to have been considered, without making an assessment as to the actual merit (or otherwise) of the substance and findings of the EIS.

3. Key Issues

As discussed at the meeting, the issues that are most likely to be the primary focus of the Council's assessment of the application are the issues of visual impact, traffic generation and car parking demand and environmental impacts upon the waterway. These issues, especially visual impact, are also likely to be determinative in the panel's decision on the application.

The proposal will need to demonstrate that it satisfies the zone objectives, including the important objective of ensuring development is carried out in a way that protects the scenic value of the waterways. The reasonableness of the impacts of the proposal on public and private residential views upstream, downstream and across the river towards the city skyline will be a critical part of council's assessment.

The proposal will need to demonstrate that the change in the proportions of swing moorings and fixed berths does not result in increased car parking demand, especially given that off-street car parking is already limited and opportunities to improve the situation are not readily available.

Other issues that will be considered in council's assessment include:

- The impacts of the proposal on other users of the waterways and foreshores.
- The extent to which the proposal achieves a reasonable balance between competing private and public interests.
- The appropriateness of alienating more public waterways to benefit a private commercial interest.
- The environmental benefits and costs of fixed berths as opposed to swing moorings.
- The impacts of the proposal on navigation within the main channel of the river.
- The impacts of the proposal on the ecology, hydrology and geomorphology of the river.
- The adequacy of water depth for the size of boats anticipated.
- The impacts of the proposal on potentially acid sulfate soils and potential contaminants within the riverbed sediments.
- Noise, water and air pollution.
- Cumulative impacts taking into consideration the approved expansion of nearby Tom Uglys Bridge Marina.
- The rationale in proceeding with the current proposal after considering alternatives.

4. Resident Interest

The proposal, when exhibited for public comment, is likely to attract significant interest and scrutiny from adjacent and nearby residents that front and overlook the river. As

such, it is important that the information accompanying the development application and EIS contain no discrepancies or inaccuracies and is objectively based as far as practicable. Engagement with neighbouring residents is recommended.

The plans submitted with the application should include elevation drawings of the marina berthing facilities from all directions, clearly distinguishing the proposed works from the existing structure and detailing the heights of piles and the like.

The information on the numbers of swing moorings and fixed berths (both existing and proposed) and comparisons of these numbers should be reviewed to ensure that they are accurate and reflect existing approvals. According to Council's records, the marina is currently approved for a maximum of 53 berths and 17 swing moorings. The information in your draft EIS refers to slightly different figures.

5. Extension of Fixed Berthing Structure

The general configuration of the berthing structure extension and the extent to which it intrudes into the river would appear to be generally reasonable from ecological and navigational perspectives, given that it is well removed from existing seagrass areas, the main navigational channel of the river and the approved footprint of the expanded berthing facilities associated with Tom Uglys Bridge Marina.

The visual intrusiveness of the berthing structure extension is a more critical consideration, particularly for those nearby residents that currently enjoy north westerly views over the main channel of the river towards Kangaroo Point. This aspect of the proposal will need to be carefully addressed in your submission, as it is likely to be a contentious issue for many of the residents.

6. Removal of Swing Moorings

The proposed removal of the existing commercial swing moorings will have positive effects for the surrounding marine environment, in that sea grasses will be able to more easily establish and prosper in these areas and disturbance to the seabed will be reduced. The removal of the moorings also opens up more of the waterways for general public use. Considered in isolation, this element of the proposal is generally supported.

One of the concerns raised by local residents when they last commented on the proposal was that the commercial swing moorings could easily be reinstated at some future date, despite their removal as part of the current proposal. In other words, there is no guarantee that the removal of the existing swing moorings will be permanent.

It was suggested that you have no interest in continuing with swing moorings as part of your business operation and no intention of seeking approval for any swing moorings in the future. Supporting information to demonstrate these intentions and thus allay the fears of the residents and ensure the ongoing environmental health of the waterway would contribute to the merits of the proposal.

Conclusion:

The proposed removal of the commercial swing moorings is generally supported, particularly if there is permanency attached to this outcome. The expansion of the fixed berthing facilities may be supported, if it can be demonstrated that car parking demands are not increased and public and private views are not unreasonably affected. A recommendation for support of the proposal would also be contingent upon the relevant objectives and provisions prescribed in *Sutherland Shire Local Environmental Plan 2006* and *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment* being fully satisfied.

The above information is based on a meeting with Council Officers, Luke Murtas (Team Leader), Greg Hansell (Environmental Assessment Officer – Planner), Daniel Robson (Environmental Assessment Officer – Environmental Science) and Amanda Linsley (Environmental Health Officer) on 12 March 2013 and the details presented in that discussion.

The information provided is in accordance with the environmental planning instruments, development control plans and codes that were current at the time of the meeting. It is your responsibility to check whether there have been any amendments or repeals, or if any new instruments or policies have been adopted before you lodge the development application.

If you consider the information to be inaccurate, it is your responsibility to contact Council for clarification. Council reserves the right to ask for more information during the assessment of the proposal, if such information is necessary for the assessment.

Before preparing a development application, please refer to Council's "DA Guide" and other information provided about lodgement requirements. Council's Development Enquiry Officers are also available to help. Incomplete applications will not be accepted and will result in delays.

I trust that this information helps you. If you need more information, please do not hesitate to contact Greg Hansell during normal business hours on 9710 0844.

Yours faithfully

Mark Adamson
Manager – West Environmental Assessment Team
for J W Rayner
General Manager

Our Ref: IDA13/5

Your Ref: DA13/0590

18 July 2013

Sutherland Shire Council
(Attn: Mr Greg Hansell)
Locked Bag 17
SUTHERLAND NSW 1499

Dear Mr Hansell

Proposal: IDA referral for Marina Upgrade
Property: 25 Harrow Street, Sylvania – Georges River

Thank you for your referral of 10 July 2013, seeking comment on the proposal from Fisheries NSW, a division of NSW Department of Primary Industries (DPI).

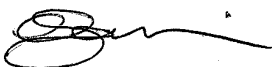
Fisheries NSW is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, Fisheries NSW ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. In addition, Fisheries NSW is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture and marine protected areas within NSW.

Fisheries NSW has reviewed the proposal in light of those provisions and has no objections, subject to the proponent meeting the General Terms of Approval that follow. As per s.91A(3) of the *Environmental Planning and Assessment Act 1979*, any consent issued by Council must be consistent with these GTAs.

1. Environmental safeguards (silt curtains, booms etc.) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms; and
2. All other relevant authorities have no objections to this proposal.

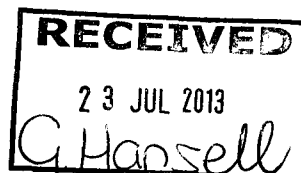
If Council, members of the Independent Assessment Panel or the proponent require any further information, please do not hesitate to contact me on (02) 4254 5527.

Yours sincerely,



Carla Ganassin
Conservation Manager, Aquatic Habitat Protection Unit (Central)

Our reference: FIL13/3375:DOC13/34012:GN
Contact: Greg Newman (02) 4224 4100



Sutherland Shire Council
(Attention: Greg Hansell)
Locked Bag 17
SUTHERLAND NSW 1499

Dear Sir

REQUEST FOR GENERAL TERMS OF APPROVAL - SYLVANIA MARINA (DA13/0590)


I am writing in response to the information and payment in relation to the above Development Application which was received by the Environment Protection Authority (EPA) on 12 July 2013.

Based on a review of the information provided the proposal does not meet the activity thresholds listed in Schedule 1 (25 Marinas and boat repairs) of the Protection of the Environment Operations Act 1997 (POEO Act). Therefore, the proposal does not require an Environment Protection Licence and is not integrated development under the POEO Act. Accordingly, EPA will not make a submission on the Development Application. The payment will not be processed by EPA.

In assessing this application, Sutherland Shire Council may wish to refer to *EPA Environmental Action for Marinas, Boatsheds and Slipways* document which can be found at the following link:
http://www.environment.nsw.gov.au/resources/sustainbus/2007108_mbs_marinas.pdf

If you have questions regarding the above please phone the contact officer on (02) 4224 4100.

Yours sincerely

 18/7/13
PETER BLOEM
Manager Illawarra
Environment Protection Authority

(N:\FINALS\2013\PLANNING\GN DOC13-34012 GTAs SYLVANIA MARINA.DOC)

FILE LOCATION

GHAN.

PO Box 513 Wollongong NSW 2520
Level 3, 84 Crown Street, Wollongong NSW
Tel: (02) 4224 4100 Fax: (02) 4224 4110
ABN 43 692 285 758
www.environment.nsw.gov.au



Department of
Primary Industries
Office of Water

DA13/0590
APPENDIX "F"

Contact: Jeremy Morice
Phone: 02 4224 9736
Fax: 02 4224 9740
Email: jeremy.morice@water.nsw.gov.au



General Manager
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Our ref: 10 ERM2013/0606
File No: 9056133
Your Ref: DA13/0590

Attention: Greg Hansell

31 July 2013

Dear Sir

Re: Development Application – 25 Harrow Street, Sylvania – Alterations to Marina

The Office of Water has reviewed documents for the above development application and considers that, for the purposes of the *Water Management Act 2000* (WM Act), a controlled activity approval is not required and no further assessment by this agency is necessary.

The proposed works are located on Crown land.

Should the proposed development be varied in any way that results in development extending onto freehold land that is waterfront land, then the Office of Water should be notified.

Further information on controlled activity approvals under the WM Act can be obtained from the Office of Water's website:

www.water.nsw.gov.au Water licensing » Approvals » Controlled activities

Please direct any questions regarding this correspondence to Jeremy Morice,
jeremy.morice@water.nsw.gov.au.

Yours sincerely

Jeremy Morice
Water Regulation Officer
Water Regulation Group | Sydney & South Coast
NSW Department of Primary Industries | NSW Office of Water

FILE LOCATION

CHAN.