

## ATTACHMENT 3 – COMPLIANCE TABLES

### State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 6 Water Catchments

Provision	Proposal	Compliance
<b>Cl. 6.6 Water Quality and Quantity</b>		
(a) Development should have neutral or beneficial effect on quality of water entering waterways	The proposal will not impact upon water entering the waterway. This was addressed in the land-based DA's.	Yes
(b) Development should not have an adverse impact on water flow in a natural waterbody.	There will be no impacts on water flow in the natural waterbody.	Yes
(c) Development should not increase the amount of stormwater runoff from a site.	The development does not impact the stormwater runoff from the land-based site.	Yes
(d) Development should incorporate on-site stormwater retention, infiltration or reuse.	This is a consideration for the land-based site and cannot be addressed for the subject application.	Yes
(e) Development should not impact upon the level and quality of the water table.	The development will not impact the water table in any way.	Yes
(f) Development should not increase the cumulative impact of development on the regulated catchment.	The development will not increase the impact of development on the catchment.	Yes
(g) Development should make adequate provision to protect the quality and quantity of groundwater.	The proposal will not impact groundwater in any foreseeable way.	Yes
(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures-		
(a) The effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial.	The proposal will not impact upon the quality of water entering the river.	Yes
(b) The impact on water flow in a natural waterbody will be minimised.	The proposal will not impact upon water flows in the water body.	Yes
<b>Cl. 6.7 Aquatic Ecology</b>		
(a) Consent authority must consider whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation.	As addressed in the submitted reports, any impacts on aquatic vegetation can be adequately mitigated through the implementation of appropriate mitigation measures.	Yes
(b) Consent authority must consider whether the development involves the clearing of riparian vegetation and, if so, whether the development will require – (i) A controlled activity approval under the Water Management Act 2000 (ii) A permit under the Fisheries Management Act 2000.	The application was referred to the Department of Primary Industries – Fisheries in accordance with Parts 7 and 7A of the Fisheries Management Act 1991. General Terms of Approval from DPI – Fisheries were provided on 15 May 2024.  The application was referred to the NSW Department of Planning and Environment – Water under	Yes

Provision	Proposal	Compliance
	the provisions of Section 91 of the Water Management Act 2000. Comments from DPE – Water were provided on 15 January 2024 advising that the proposed works are exempt from the need to obtain a Controlled Activity Approval under the Water Management (General) Regulation 2018, Schedule 4, Item 36.	
(c) Consent authority must consider whether the development will minimise or avoid – (i) The erosion of land abutting a natural waterbody. (ii) The sedimentation of a waterbody.	The proposal will take place entirely within the waterway itself and will therefore not result in erosion of foreshore land abutting the waterbody. The proposal will not result in sedimentation of the waterbody.	Yes
(d) Consent authority must consider whether the development will have an adverse impact on wetlands that are not in the coastal wetlands or littoral rainforests area.	As addressed in the Aquatic Ecology Report, there are mapped coastal wetlands to the northwest of the site, however there will be no direct impacts on wetlands as they are not within the footprint of the marina.	Yes
(e) Consent authority must consider whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology.	The submitted reports outline adequate safeguards and rehabilitation measure to protect aquatic ecology.	Yes
(f) If the development site adjoins a natural waterbody – it should be considered whether additional measures are required to ensure a neutral or beneficial effect on water quality of the waterbody.	The proposal will not impact on the quality entering the waterway.	Yes
(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following -		
(a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,	As addressed in the submitted reports, any impacts on aquatic vegetation can be adequately mitigated through the implementation of appropriate mitigation measures.	Yes
(b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,	As addressed in the submitted reports, any impacts on aquatic reserves can be adequately mitigated through the implementation of appropriate mitigation measures.	Yes
(c) if a controlled activity approval under the <i>Water Management Act 2000</i> or a permit under the <i>Fisheries Management Act 1994</i> is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained,	The application was referred to the Department of Primary Industries – Fisheries in accordance with Parts 7 and 7A of the Fisheries Management Act 1991. General Terms of Approval	Yes

Provision	Proposal	Compliance
	from DPI – Fisheries were provided on 15 May 2024.	
(d) the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,	The proposal will take place entirely within the waterway itself and will therefore not result in erosion of foreshore land abutting the waterbody. The proposal will not result in sedimentation of the waterbody.	Yes
(e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.	As addressed in the Aquatic Ecology Report, there are mapped coastal wetlands to the northwest of the site, however there will be no direct impacts on wetlands as they are not within the footprint of the marina.	Yes
<b>Cl. 6.8 Flooding</b>		
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.	* Mitigation measures are recommended in the Harbour Flooding Report in to mitigate the risk of harbour flooding. * The proposed marina has been designed to accommodate flood flows.	Yes
(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not— (a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or (b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.	Mitigation measures are recommended in the Hydrology and Water Quality Assessment to mitigate the risk of pollutant runoff into the Parramatta River.	Yes
<b>Cl. 6.9 Recreation and Public Access</b>		
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider— (a) the likely impact of the development on recreational land uses in the regulated catchment, and (b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.	<ul style="list-style-type: none"> <li>Recreational land uses surrounding the site will not be impacted by the proposal, and will remain accessible to the public.</li> <li>The provision of a 36-berth marina in this location will improve public access to the waterways. The proposal also includes a small craft pontoon which will improve public access to the waterway.</li> <li>Access to foreshore areas surrounding the site, such as Kissing</li> </ul>	Yes

Provision	Proposal	Compliance
	Point Park, Bennelong Park and Settlers Park, will be unaffected by the proposal.	
<p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—</p> <p>(a) the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,</p> <p>(b) new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,</p> <p>(c) if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.</p>	<p>The proposal will improve public access to and from natural waterbodies for recreational boating purposes.</p>	Yes
<b>Cl. 6.10 Total catchment management</b>		
In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.	<p>The application was notified to Canada Bay Council which is the adjacent local government area on Parramatta River. No objection was submitted by this Council.</p> <p>The site is significantly separated from other local government areas and will not have widespread environmental impacts to warrant notification to any other Councils.</p>	Yes
<b>Cl. 6.11 Land within 100m of a natural waterbody</b>		
<p>In deciding whether to grant development consent to development on land within 100m of a natural waterbody in a regulated catchment, the consent authority must consider whether—</p> <p>(a) the land uses proposed for land abutting the natural waterbody are water-dependent uses, and</p> <p>(b) conflicts between land uses are minimised.</p>	<ul style="list-style-type: none"> <li>The proposal relates to a new marina, which is a water-dependent use and will not cause conflicts between any other land uses. The submitted Marine Safety and Navigation Report addresses how conflicts with other water uses will be minimised.</li> </ul>	Yes
<b>Cl. 6.18 Marinas</b>		
In deciding whether to grant development consent to development for the purposes of	* The proposed servicing of the marina will be adequate in	Yes

Provision	Proposal	Compliance
<p>marinas on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development includes adequate measures in relation to the collection, storage, treatment and disposal of sewage and other waste,</p> <p>(b) whether the development complies with the document entitled Environmental Guidelines: Best Management Practice for Marinas and Slipways, published in 1998 by the Environment Protection Authority,</p> <p>(c) whether adequate depth of water exists for the development and related foreshore facilities,</p> <p>(d) whether the development is likely to affect the stability of land adjoining a natural waterbody,</p> <p>(e) whether the development will have an adverse impact on the foreshore or the bed of a natural waterbody.</p>	<p>catering towards the proposed number of vessels. These facilities will include fire hydrants, power stations and portable sewer pumpout facilities.</p> <p>* The water depth of the site is adequate in supporting the proposed marina.</p> <p>* Physical works pertaining to the proposal are located wholly on the water-based component of the site, and will not have any effects on land adjoining a natural waterbody. Land-based works were approved under LDA2023/0245.</p> <p>* As confirmed in the Hydrology and Water Quality Report, the proposed works have the potential to impact on the bed of the Parramatta River, however any such impact will be adequately managed through the implementation of appropriate mitigation measures, such as through the deployment of silt curtains or other measures where necessary.</p>	
<b>Cl. 6.26 Zoning of Foreshores and Waterways Area</b>		
<p>(1) For this Part, land is in one of the following zones if it is shown within the zone on the Foreshores and Waterways Area Map—</p> <p>Zone 1—Maritime Waters</p> <p>Zone 2—Environment Protection</p> <p>Zone 3—Naval Waters</p> <p>Zone 4—Aviation</p> <p>Zone 5—Water Recreation</p> <p>Zone 6—Scenic Waters—Active Use</p> <p>Zone 7—Scenic Waters—Casual Use</p> <p>Zone 8—Scenic Waters—Passive Use</p> <p>Zone 9—National Parks and Nature Reserves</p> <p>(2) A zone boundary that follows the water's edge, as shown on the Foreshores and Waterways Area Map, is taken to follow the mean high water mark.</p> <p>(3) This section does not affect the zoning, under another environmental planning instrument, of land in the Foreshores and Waterways Area if the land is not included in a zone under this section.</p>	<p>The water-based site where the marina is proposed is zoned 'Zone 1 – Maritime Waters'.</p>	<p>Yes</p>
<b>Cl. 6.28 General</b>		
<p>(1) In deciding whether to grant development consent to development in the Foreshores and Waterways</p>	<ul style="list-style-type: none"> <li>The proposal recognises Sydney Harbour as a public asset, one which</li> </ul>	<p>Yes</p>

Provision	Proposal	Compliance
<p>Area, the consent authority must consider the following—</p> <p>(a) whether the development is consistent with the following principles—</p> <p>(i) Sydney Harbour is a public resource, owned by the public, to be protected for the public good,</p> <p>(ii) the public good has precedence over the private good,</p> <p>(iii) the protection of the natural assets of Sydney Harbour has precedence over all other interests,</p> <p>(b) whether the development will promote the equitable use of the Foreshores and Waterways Area, including use by passive recreation craft,</p> <p>(c) whether the development will have an adverse impact on the Foreshores and Waterways Area, including on commercial and recreational uses of the Foreshores and Waterways Area,</p> <p>(d) whether the development promotes water-dependent land uses over other land uses,</p> <p>(e) whether the development will minimise risk to the development from rising sea levels or changing flood patterns as a result of climate change,</p> <p>(f) whether the development will protect or reinstate natural intertidal foreshore areas, natural landforms and native vegetation,</p> <p>(g) whether the development protects or enhances terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to or shading of aquatic vegetation,</p> <p>(h) whether the development will protect, maintain or rehabilitate watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.</p>	<p>will be celebrated by the provision of greater public access to the waterways for recreational purposes, through the provision of a 36 berth marina and pontoon which is accessible by water taxis and for launching small craft.</p> <ul style="list-style-type: none"> <li>• The submitted Aquatic Ecology Report, confirms that the proposal will not impact on the natural assets of Sydney Harbour, including the quality of waterways and aquatic vegetation.</li> <li>• The proposal promotes the equitable use of the Foreshores and Waterways Area and will not compromise the usage of the waterways for passive recreation crafts.</li> <li>• As confirmed in the Marine Safety and Navigation Report, the proposal will not impact on the existing commercial and recreational uses of the Foreshores and Waterways Area.</li> <li>• The proposal is for the provision of a marina, which promotes water-dependent uses.</li> <li>• The proposal will not be subject to impact from rising sea levels or flood patterns, such is its nature as a water-based development.</li> <li>• The proposal will not impact on any aquatic vegetation or fauna species.</li> <li>• The proposal will not otherwise have any adverse impacts on watercourses, wetlands, riparian lands, remnant vegetation or ecological values.</li> </ul>	
<b>Cl. 6.32 Rocky Foreshores and Significant Seagrasses</b>		

Provision	Proposal	Compliance
<p>(3) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied the development—</p> <p>(a) will preserve and enhance the health and integrity of seagrasses, areas containing seagrasses and ecological communities in rocky foreshore areas, and</p> <p>(b) will maintain or increase the connectivity of seagrass vegetation and natural landforms, and</p> <p>(c) will prevent, or will not contribute to, the fragmentation of aquatic ecology, and</p> <p>(d) will not cause physical damage to aquatic ecology.</p> <p>(4) Despite subsection (2), development consent is not required for development that is—</p> <p>(a) for the sole purpose of maintaining an existing navigational channel, or</p> <p>(b) for works that—</p> <p>(i) will restore or enhance the natural values of rocky foreshore or seagrass areas, including the restoration or enhancement of plant communities, water levels, water flow or soil composition, and</p> <p>(ii) are to be carried out to rectify damage arising from a contravention of this Chapter, and</p> <p>(iii) will have no significant environmental impact beyond the site on which they are carried out, or</p> <p>(c) to be carried out by or on behalf of—</p> <p>(i) TfNSW, or</p> <p>(ii) the Port Authority of NSW.</p>	<p>There has been no seagrass identified within the direct development footprint or adjacent to the proposal, and therefore the proposal is not expected to impact on seagrasses or other aquatic ecology.</p> <p>The application was referred to DPI – Fisheries in accordance with Parts 7 and 7A of the Fisheries Management Act 1991 and general terms of approval were granted.</p>	Yes
<b>Cl. 6.33 Boat Storage Facilities</b>		
<p>In deciding whether to grant development consent to development for the purposes of boat storage facilities in the Foreshores and Waterways Area, the consent authority must consider the following—</p> <p>(a) whether the development will increase the number of public boat storage facilities and encourage the use of the facilities,</p> <p>(b) whether the development will avoid the proliferation of boat sheds and other related buildings and structures below the mean high water mark,</p> <p>(c) whether the development will provide for the shared use of private boat storage facilities,</p> <p>(d) whether the development will avoid the proliferation of private boat storage facilities in and over the waterways by providing facilities that satisfy a demonstrated demand,</p>	<p>The proposal is consistent with Clause 6.33 in that:</p> <ul style="list-style-type: none"> <li>• It increases the number of boat storage facilities available to the public through the provision of 36 berths. It also proposes a small craft pontoon and water taxi accessible pontoon which will be publicly available.</li> <li>• It does not include additional boat sheds below the mean high water mark;</li> <li>• It is for a new marina which is available to any vessel to access and use through a lease</li> </ul>	Yes

Provision	Proposal	Compliance
(e) whether the development will minimise the visual intrusion caused by the boat storage facility, (f) for development involving permanent boat storage—whether the development will— (i) be adversely affected by the wave environment in relation to safety and utility, and (ii) avoid adverse impacts on safe navigation and single moorings.	agreement with the marina; <ul style="list-style-type: none"> <li>The design is not considered to be visually intrusive as discussed in the body of the report.</li> <li>It will not be affected by the wave environment and will avoid adverse impacts on safe navigation.</li> </ul>	
<b>Cl. 6.37 – Marinas in Zone 1</b>		
Development consent must not be granted to development for the purposes of marinas on land in Zone 1 unless the consent authority is satisfied access between the marinas and the foreshore will not be provided on or across land in Zone 2, 3, 7 or 8.	The portion of the waterway where the marina is proposed is Zone 1. Access to the marina is proposed directly from the land-based site and does not impact on any land in Zones 2, 3, 7 or 8.	Yes
<b>Cl. 6.45 – Land to Which this Division Applies</b>		
(1) This Division applies to a strategic foreshore site. (2) In this Division, a reference to a strategic foreshore site includes a reference to the whole of a structure, including a wharf, that is— (a) located partly on land in a strategic foreshore site and partly on waters adjoining the site, and (b) related to the strategic foreshore site.	The land-based portion of the site is identified as ADI Site Ryde, which is a mapped Strategic Foreshore Site. This has been addressed in the land-based DA assessments. As the water-based portion of the site is not within a strategic foreshore site, this division does not apply to this DA.	N/A
<b>Cl 6.47 – Master Plans</b>		
(1) A master plan for a strategic foreshore site must illustrate and explain, as appropriate, proposals for the following— (a) design principles drawn from an analysis of the site and its context, (b) phasing of development, (c) the distribution of land uses, including foreshore public access and open space, (d) pedestrian, cycle and motor vehicle access and circulation networks, (e) provision for parking, (f) provision for infrastructure, (g) building envelopes and built form controls, (h) heritage conservation, including the implementation of heritage management documents or applicable publicly available policies, (i) remediation of the site, (j) provision of public facilities, (k) provision of open space, including the function and landscaping of the space, (l) any impact on adjoining land reserved or acquired under the National Parks and Wildlife Act 1974 and measures to be taken in relation to the impact,	The approval of the Stage 1 Concept DA (LDA2018/0223) satisfies the requirements for the preparation of a master plan for the land-based site.	Yes



Provision	Proposal	Compliance
(m) the protection and enhancement of the natural assets of the site and land adjoining the site, (n) the protection and enhancement of natural waterbodies and aquatic ecology on or adjoining the site.		
<b>Part 6.4 Heritage Conservation in Sydney Harbour</b>		
In this Part— <b>heritage development</b> means development that involves one or more of the following— (a) demolishing or moving, or altering the exterior, including by changing the detail, fabric, finish or appearance of a building, of— (i) a heritage item, or (ii) an Aboriginal object, or (iii) a building, work, relic or tree within a place or site that is a heritage item, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on, or subdividing, land— (i) on which a heritage item or Aboriginal object is located, or (ii) within a place or site that is a heritage item, (f) development near a heritage item, including development that— (i) may have an impact on the setting of the heritage item, including by affecting a significant view to or from the item or by overshadowing, or (ii) may undermine or otherwise cause physical damage to the heritage item, or (iii) will otherwise have an adverse impact on the heritage significance of the heritage item.	<p>The land-based site is listed as State heritage item No. 68 “Naval Refit Centre” under Schedule 5 of the BC SEPP but is not listed on the State Heritage Register under the <i>Heritage Act 1977</i>. The site is also listed as local heritage item No. 327 and local archaeology site No. A346 “Former Squire’s Brewery and Halversen’s Boat Yard” under the RLEP 2014.</p> <p>The marina pontoons have been designed to avoid the James Squire Wharf archaeological remains as identified in the letter provided by Curio Projects, dated December 2023. Conditions of consent are recommended requiring compliance with the Curio recommendations.</p>	Yes

## Sydney Harbour Foreshores and Waterways DCP 2005

Matter for Consideration	Comments
<b>Section 4.2 – General Requirements</b>	

<p>The following objectives and requirements must be considered for all water-based and land/water interface developments:</p> <ul style="list-style-type: none"> <li>• public access to waterways and public land is maintained and enhanced;</li> <li>• congestion of the waterway and foreshore is minimised;</li> <li>• conflicts on the waterway and foreshore are avoided;</li> <li>• the development warrants a foreshore location;</li> <li>• the development does not interfere with navigation, swimming or other recreational activities;</li> <li>• the demand for the development has been established;</li> <li>• the structure does not obstruct or affect the natural flow of tides and currents;</li> <li>• development does not dominate its landscape setting;</li> <li>• the extent of development is kept to the absolute minimum necessary to provide access to the waterway;</li> <li>• shared usage of facilities is encouraged to minimise the number of structures and their cumulative impact on the environment of the Harbour and its tributaries; and</li> <li>• development is setback at least 2.5 metres from the division of the waterway as established by the NSW Maritime Authority and illustrated in Figure 4.</li> </ul>	<p>The proposed development is consistent with the general requirements in that:</p> <ul style="list-style-type: none"> <li>• Public access to the waterway will be maintained and enhanced through the provision of 36 new marina berths and a public small craft pontoon, providing for recreational boating;</li> <li>• The site is located outside the main navigation channel and will not obstruct other watercraft travelling on the Parramatta River.</li> <li>• The proposal is compatible with the surrounding land and water uses. The proposed marina will maintain the modern day working harbour character of the site and the waterway.</li> <li>• As the site is located outside the main navigation channel, the proposed development will not have any adverse impacts on navigation and the use of the waterway for recreational activities and water-based transport. The location is not in an established or identified potential swimming location.</li> <li>• The proposal is designed to integrate with the existing character of the area, therefore not presenting as a visually dominating structure from the public domain. Visual impacts are addressed in the body of the report.</li> </ul>
<p><b>Section 4.3 – Foreshore Access</b></p>	
<p>Foreshore access is to be encouraged and promoted. Wherever possible, public access to and along the foreshore including the inter-tidal zone should be secured or improved. Foreshore links joining public open spaces or access points are most desirable. These can be obtained by right of way or dedicated or acquired strips of land and may link with tracks across beaches and rock platforms. Where foreshore links are not available, a link through adjacent streets is usually possible.</p> <p>The maps accompanying this DCP indicate existing and potential pedestrian and bicycle access around the foreshore. When designing and assessing a development, consideration should be given to providing these access routes.</p>	<p>Foreshore access is improved as a result of the approved Stage 2 Development Application which provides for connectivity between the two adjacent reserves and to the foreshore.</p> <p>The proposed marina will improve this level of access by providing for a publicly accessible small craft launching area and water taxi accessible pontoon.</p>
<p><b>Section 4.7 – Marinas (Commercial and Private)</b></p>	
<p>'Commercial marinas' permitted in a variety of locations in order to support working waterfront functions and recreational use of the harbour. Where permissible following objectives and guiding principles must be considered.</p>	
<p><b>Location</b></p> <ul style="list-style-type: none"> <li>• marinas (where permissible) to be located where they can be used by as many people as possible and are easily accessed from land and water</li> </ul>	<ul style="list-style-type: none"> <li>• The marina is located in an area where it can be used by as many people as possible and can be easily accessed from land and water.</li> </ul>

<ul style="list-style-type: none"> <li>• marinas to be located where there is adequate water depth or where minimal dredging of soft material will achieve an adequate water depth</li> <li>• marinas are to be located away from areas subjected to exposed wave environments</li> <li>• marinas are preferably to be located away from wetlands or the wetlands protection area (both as defined by SREP) or where they or vessels using them will physically damage or overshadow estuarine vegetation of high value</li> <li>• marinas are not to reduce number of publicly available single (swing) moorings, jeopardise safe navigation or adversely impact other water users including small craft, and</li> <li>• waterside structures are to minimise impacts on public water activities</li> </ul>	<ul style="list-style-type: none"> <li>• The applicant has demonstrated that the marina is located in an area where there is suitable water depth and that no dredging is required.</li> <li>• The marina is not located in an exposed wave environment.</li> <li>• Mapped coastal wetlands occur within the vicinity of the proposed marina, however, they are not impacted by the development as they are not within the development footprint.</li> <li>• Whilst the proposal is located in an area where there are existing swing moorings, these moorings are capable of being relocated close to the existing location.</li> <li>• The marina will not impact upon public water activities.</li> </ul>
<p><b><i>Design and Layout</i></b></p> <ul style="list-style-type: none"> <li>• Buildings and other facilities are to be designed and sited so that natural or other attractive features are not obscured (see also Section 4.5 of this DCP);</li> <li>• buildings are to be designed so that their dimensions are not excessive and can reasonably meet the functional requirements of the proposed uses;</li> <li>• marinas are to enhance public access to and along the shore and, where relevant, the inter tidal zone;</li> <li>• Secure storage is to be provided in a controlled environment;</li> <li>• the extent of development over water including waterside structures, berths, fairways and access channels is to be minimised and result in minimal alienation of the waterway;</li> <li>• marinas are to be in the form of a series of interlinked pontoons which shall be restrained and held in position by a minimum number of piles or mooring lines to anchor points in the seabed;</li> <li>• design of marina restraints shall take into account the flexibility and performance of the pontoon systems under environmental loads;</li> <li>• the colours, appearance and form of any associated buildings shall be compatible with the surrounding environment;</li> <li>• shiny or reflective materials are not to be used;</li> <li>• the depth and width of berths and fairways of commercial marinas shall accommodate either a yacht or motor vessel. Restricted berths are to be nominated only where this will lead to an optimal environmental outcome;</li> <li>• commercial marinas are to provide a point of access to boats for disabled people where possible;</li> </ul>	<ul style="list-style-type: none"> <li>• The proposal involves the construction of a new marina. All structures will be constructed on the water-based component of the site.</li> <li>• No physical works are proposed to the land-based component of the site under this DA.</li> <li>• Existing public access to the foreshore will be maintained (as approved in the Stage 2 DA) and not impacted by this proposal.</li> <li>• The proposed marina will provide adequate and secure storage facilities for marina users.</li> <li>• Access to the marina pontoons will be provided via a gangway extending off of the existing hardstand area. Appropriate access and parking is provided for disabled persons through the provision of accessible parking spaces (under the Stage 2 DA).</li> <li>• The proposal has been designed to minimise the impact of vessels on the surrounding environment, as discussed in the relevant assessment sections of this EIS.</li> </ul>

<ul style="list-style-type: none"> <li>• marinas are to be designed to minimise the impact of vessels when in use on the environment including on air and water quality, marine habitat and bank stability; and</li> <li>• marina layouts are to be designed in accordance with the following publications: <ul style="list-style-type: none"> <li>• Department of Environment and Conservation (NSW) "Environmental Information for Marinas, Boatsheds and Slipways.</li> <li>• NSW Maritime Authority "Engineering Standards and Guidelines for Maritime Structures"</li> <li>• NSW Fisheries Department's "Aquatic Habitat Management and Fish Conservation—Policy and Guidelines", 1998</li> <li>• NSW Department of Primary Industries – Fisheries "Policy and Guidelines – Aquatic Management and Fish Conservation (1999)".</li> <li>• NSW Department of Primary Industries – Fisheries "Habitat Protection Plan No. 2: Seagrasses"; and</li> <li>• NSW Department of Primary Industries – Fisheries "Habitat Protection Plan No. 1: General"</li> </ul> </li> </ul>	
<p><b>Facilities and Services</b></p> <ul style="list-style-type: none"> <li>• commercial marinas are to provide boating service facilities such as fuel, water, toilet facilities or sewage pumpout where practicable and where such facilities are not yet locally available;</li> <li>• commercial marinas are to provide a mix and choice of boat storage facilities based on established demand as well as a range of marine services to the boating public; and</li> <li>• commercial marinas are to provide benefits to both the general and boating public; and</li> <li>• vessels at the marina are not to be used as a permanent residence. A covenant shall be included on the lease to enforce this requirement.</li> </ul>	<p>The proposed marina does not provide fuel facilities but will provide for water and sewage pumpout via a mobile unit. The marina provides for a mix of boat storage facilities.</p>
<p><b>Visual Impact</b></p> <p>Note: For detailed provisions on how to undertake a visual impact analysis see Appendix D in this DCP.</p> <ul style="list-style-type: none"> <li>• the visual contrast (derived from an analysis of form, line, colour and texture) between the marina and the existing or planned future character of its setting is to be minimised;</li> <li>• the visual impact of the marina on people in the visual catchment (derived from an analysis of the potential number of viewers, their location within the landscape, distance from the marina, and duration of view) is to be minimised;</li> <li>• any visual analysis shall consider the impact of the largest motor vessel(s) capable of being berthed at the marina;</li> </ul>	<p>The application was accompanied by a Visual Impact Assessment (VIA), prepared by SJB Architects. The VIA considers the impact of the proposal based on 11 of the most prominent viewpoints along the river. The visual impact will be greatest on Viewpoint 1, being from Settlers Park, which will experience a 'moderate' visual impact from the proposal. Specifically, the VIA notes that the proposal will have an impact on water views from the park and that the berthed vessels will be visually denser than the moored vessels, however on the balance the impact will be moderate as the existing clutter and intrusion of plant, shipping containers and equipment from the current use of the wharf deck will be removed, and the open view of the river and opposed foreshore will remain.</p>

<ul style="list-style-type: none"> <li>• the largest vessels (motorised or otherwise) to be berthed at the marina are to be located as far from shore as possible;</li> <li>• waterside structures and berthed vessels associated with marinas are not to block views from foreshore public open space or views to foreshore public open space from the waterway;</li> <li>• the bulk and scale of buildings and other structures on land is to be minimised through appropriate mitigation measures including landscaping, articulated walls, detailing of surfaces and by using smaller elements (see also Section 4.5 of this DCP);</li> <li>• the visual impact of car parking from the waterway is to be minimised; and</li> <li>• all signage is to be located on dry land below the roofline (or parapet) of buildings. Advertising signs are not to detract from the visual quality or amenity of the foreshores and waterways when viewed from the waterways.</li> </ul>	<p>It is noted that the land surrounding the marina is relatively flat and contains a considerable amount of foreshore mangrove vegetation which will obscure the views of the marina from a number of viewpoints. Further, it is noted that the proposal will result in the relocation (and possible removal) of the existing swing moorings located in the footprint of the proposed marina and associated vessel travel paths. <b>Figures 12 to 17</b> (in the body of the report) provide a comparison between current and proposed views from viewpoints 1 to 5 and 8 as per the VIA.</p>
<p><b>Environmental Management</b></p> <p>Pollution and waste:</p> <ul style="list-style-type: none"> <li>• potential pollutant sources from the site must be controlled and meet established performance standards;</li> <li>• appropriate controls are to be in place and managed to prevent any pollutants entering the environment;</li> <li>• marinas for nine or more vessels are to provide adequate and readily accessible facilities for the collection and disposal of wastes from vessels;</li> <li>• facilities for pumping out sewage holding tanks are to be provided onshore; and</li> <li>• any waste that cannot be recycled is to be disposed of at an appropriate facility.</li> </ul> <p>Traffic and Parking:</p> <ul style="list-style-type: none"> <li>• land-based impacts including traffic volumes and parking demand meet established performance standards;</li> <li>• adequate car and trailer parking (based on the number and type of berths, associated activities and number of employees) is to be available onsite. Off-site parking is acceptable only where it will not reduce community amenity or generate adverse traffic impacts; and</li> <li>• the adverse impacts of traffic and parking generated by boat storage facilities in terms of congestion, safety, air quality and noise are to be minimised.</li> </ul>	<p>The applicant has submitted an Operational Plan of Management (OPOM) which outlines measures for the management of solid and liquid waste. Liquid waste is proposed to be addressed by way of a mobile sewage pump-out unit and the OPOM includes details of the unit to be used. Discharge from the unit will be disposed of to the reticulated sewer system.</p> <p>The basement car parking area associated with the land-based development of the site was approved with 17 car parking spaces to be allocated to the marina. Council's Senior Development Engineer and Traffic Officers were satisfied that the 17 car parking spaces were adequate to cater for the demand generated by the 36 berths.</p>
<p><b>Noise</b></p> <ul style="list-style-type: none"> <li>• The adverse impacts of noise (considering hours of operation, existing background noise, expected departure/arrival times for vessels, noise level of marina patrons, noise level from repair and testing of vessels and motors) are to</li> </ul>	<p>The applicant has submitted an Operational Plan of Management (OPOM) which outlines a number of measures that will be taken to minimise noise impacts. Further, the OPOM includes a Noise Management Plan which outlines additional operational measure to minimise noise. A condition of consent is</p>

be minimised through appropriate design and management measures; and • land-based impacts including noise emissions meet established performance standards	recommended to require compliance with the OPOM.
<b><i>Lighting</i></b>  • The adverse impacts of lighting on night navigation and neighbours are to be minimised through appropriate design and management measures.	A condition of consent is recommended requiring that prior to the issue of a Construction Certificate, the applicant submits details of external lighting to the Principal Certifier which meets the relevant Australian Standards.
<b><i>Health and Safety</i></b>  • Marinas are to be a safe place to work and adequate environmental safety and emergency response plans are in place.	The applicant has submitted an Operational Plan of Management which addresses medical emergencies, hazard management, flooding emergency response and other matters. A condition of consent is recommended requiring compliance with the Plan of Management.