



NSW GOVERNMENT
Department of Planning

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Ms Diana Talty
Attn: Adrienne Cray
Sydney Harbour Foreshore Authority
PO Box N408
Grosvenor Place NSW 1220

Our ref: MP 05_0067
Your ref:
File: 9040762

Dear Ms Talty,

Subject: Project 05_0067 – Director-General's Environmental Assessment Requirements – Construction of a public park – Ballast Point Park, Ballast Point Road, Birchgrove

I refer to your application lodged on 13 December 2005 and your request for the Director-General's Environmental Assessment Requirements (DGRs) for the Project.

The DGRs attached with this letter were prepared in accordance with the *Environmental Planning and Assessment Act 1979* (the Act) after considering both the comments of the relevant public authorities and relevant guidelines.

The DGRs were developed from information provided with your application. Section 75F (3) of the Act permits subsequent modification of the DGRs and may be invoked to address hitherto unidentified environmental impacts. If these powers are used, you will be formally notified of changes to the Director-General's EARs.

The DGRs require that you, or someone acting on your behalf, prepare an Environmental Assessment (EA) for this Project. Before you lodge the EA, I recommend you consult with the Department to confirm the following:

- the consultation and public exhibition arrangements (including land owner notification),
- the fees applicable for this project, and
- whether additional electronic or printed versions of the EA are required.

After you lodge the EA, consideration will be given to whether it adequately addresses the DGRs. You will be advised of the acceptance and the anticipated dates for public consultation of the EA.

You should keep the contact officer for this project apprised of the preparation of the EA for the Project and, where relevant, any emerging issues. The officer, Liz Lamb is available during business hours on 9228 6546 or via return email to elizabeth.lamb@dipnr.nsw.gov.au.

Yours sincerely,

Chris Wilson
A/ Deputy Director-General
As delegate for the Director-General

**CONSTRUCTION OF A PUBLIC PARK, BALLAST POINT PARK, BALLAST POINT ROAD,
BIRCHGROVE**

**ENVIRONMENTAL ASSESSMENT REQUIREMENTS UNDER PART 3A OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT 1979**

Project	Construction of a public park at Ballast Point, Birchgrove. Includes five precincts for passive recreation purposes including a mobile coffee kiosk, two amenities blocks, children's play area, on-site parking for 18 cars, interpretive elements and public art, indigenous plantings, shade structures and a variety of viewing and recreation spaces.
Site	Ballast Point Road, Birchgrove Lot 1 DP 115939, Lot 2 DP 115939, Lot 3 DP 115939, Lot 4 115939, Lot 7 DP 132691, Lot 11 DP 792332, Lot 413 DP 752049, Lot 1 DP 82593, Lot 2 DP 82593, Lot 634 DP 752049
Proponent	Sydney Harbour Foreshore Authority
Date of Issue	8 February 2006
Date of Expiration	8 February 2008
General Requirements	An Environmental Assessment for each project must include: (a) an executive summary; (b) a description of the proposal including: ▪ description of the site, including cadastre and title details; ▪ design, construction, operation, maintenance, rehabilitation and staging as applicable; and ▪ project objectives; (c) an assessment of the environmental impacts of the project, with particular focus on the key assessment requirements specified below; (d) draft Statement of Commitments detailing measures for environmental mitigation, management and monitoring for the project; and (e) certification by the author of the Environment Assessment that the information contained in the Assessment is neither false nor misleading.
Key Assessment Requirements	Part A – Heads of Consideration (a) Likely environmental, social and economic impacts; (b) Justification for undertaking the project; and (c) The public interest Part B – Relevant EPIs and Guidelines to be addressed (a) Planning provisions applying to the site, including permissibility and the provisions of all plans and policies; (b) Nature and extent of non-compliance with specified EPIs; and Part C – Key Issues to be addressed (a) General – the Environmental Assessment must include details of the staging of the proposal including the future integration of facilities such as the Maritime Refuelling Facility, tanker turning facility and staged provision of car parking areas. (b) Urban Design and Landscaping – the Environmental Assessment must include, but not be limited to, an analysis of the relationship between public and any future private domains; consideration of public foreshore access including the maintenance of constant pedestrian foreshore access, open space linkages from Mort Bay Park to the Ballast Point site, and future public access to the site from water; inclusion of soft and hard landscaping including utilisation of indigenous species that would have occurred naturally prior to site clearing, consideration of diverse habitats and structured vegetation communities including groundcover, understorey, and canopy species, revegetation in large clumps with minimal interruption from paths and structures, use of indigenous plantings immediately adjacent to the water and overhanging the foreshore, and long term plans for the landscaping/revegetation that include objectives and performance measures; assessment of amenity and safety; inclusion of passive and active recreational spaces; and sustainability.

	(c) Traffic and Parking - the Environmental Assessment must include a traffic report prepared by a suitably qualified person in consultation with RTA and the Local Traffic Committee that addresses matters including, but not limited to, a local area traffic management plan that assesses the impact of the development on the local road network and identifies any improvements required to accommodate the project with regard for impacts on narrow streets and heavy on-street parking; identifies the level of expected traffic generated by the development including an assessment of parking requirements; in consultation with engineers from Leichhardt Council Infrastructure section, demonstrates the feasibility of parallel parking in Yeend Street with regard for road width; and consideration of a potential area for vehicles to turn in Yeend Street within the site (South West corner) in a shared pedestrian/vehicle zone and any associated engineering and heritage investigations should this be feasible. (d) Heritage - the Environmental Assessment must include a heritage impact statement prepared by a suitably qualified person and addressing matters including, but not limited to, identification of any State significant archaeological relics found during the Caltex Australia archaeological test excavations associated with the former site of the "Menevia" House; consideration of retention of any relics found in-situ as well as consideration of interpretation of any found relics within the new Public Park; and details of the treatment of retained heritage elements including Tank 101 panels regarding form, scale and use. (e) Remediation – the Environmental Assessment must include a statement regarding remediation of the site addressing matters including, but not limited to, an outline of the remediation measures being undertaken by Caltex Australia under DA 537-11-2003; the current status of the demolition and remediation works and the expected program for completion; and a proposed mechanism for ensuring remediation has been satisfactorily completed and all obligations under SEPP 55 discharged. Part D – Statement of Commitments (a) Proposed mitigation and management of residual impacts and (b) A draft Statement of Commitments detailing measures for environmental management and mitigation measures and monitoring for the projects. The draft Statement of Commitments should include consideration of stormwater management, construction impacts (including soil and sediment run-off, the proposed controls and monitoring procedures to prevent any sediment, waste or pollutants from entering Sydney Harbour, and noise); waste generation and collection; the use of cranes; staging of development and occupation; mitigation of amenity impacts from construction activities; and identification of the ongoing responsibility for ownership, maintenance, and the ultimate renewal of seawalls and any over-water structures following completion. Test of adequacy If the Director General considers that the Environmental Assessment for each Project does not adequately address the Environmental Assessment Requirements, the Director General may require the proponent to submit a revised Environmental Assessment to address the matters notified to the proponent. The Director General may modify these requirements by further notice to the proponent. General Environmental Risk Analysis (in relation to all components of the project) Notwithstanding the above key assessment requirements, the Environmental Assessment must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and occupation), proposed mitigation measures and potentially residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of the additional key environmental impacts must be included in the Environmental Assessment.
Consultation Requirements	You must undertake an appropriate and justified level of consultation with the following parties during the preparation of the Environmental Assessment: ▪ NSW Heritage Office, regarding any State significant archaeological relics found during Caltex Australia's archaeological test excavations; ▪ Leichhardt Council regarding ownership and ongoing maintenance of seawalls, park, site infrastructure and parking in Yeend Street; ▪ RTA regarding traffic and parking;

	▪ Local Traffic Committee regarding traffic and parking; and ▪ NSW Maritime regarding engineering approval for any works involving seawalls or any stormwater drainage works that alter the existing outlets to Sydney Harbour. The Environmental Assessment must clearly indicate issues raised by stakeholders during consultation, and how those matters have been addressed in the Environmental Assessment.
Deemed refusal period	Under clause 8E(2) of the <i>Environmental Planning and Assessment Regulation 2000</i> , the applicable deemed refusal period is 60 days from the end of the proponent's environmental assessment period for the project.