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Our ref: MP 09_0165 MOD 1

Ms Ros Read
Town Planning Consultant
Urban Perspectives
PO Box 4507
SYDNEY NSW 2001

Dear Ms Read

**Section 75W Director-General's Requirements for Sydney Super Yacht Marina
Redevelopment- James Craig Road, Rozelle Bay (MP 09_0165 MOD 1)**

I refer to your request for Director-General's Requirements (DGRs) to be used in the preparation of your section 75W application (application) to modify the above approved development including to incorporate changes to the water based facilities (berthing/mooring configuration) and amendments to the approved eastern building and car parking at the Super Yacht Marina, Rozelle Bay.

The DGRs have been issued for your application based on the information contained in your request dated 4 November 2013, and the subsequent information sent to the department with respect to the berthing layouts on 20 November 2013.

Prior to exhibiting the application, the department will review the documentation to determine if it adequately addresses the DGRs. The department may consult with other relevant government authorities in making this decision. Please provide 1 hard copy and 1 electronic copy of the application to assist this review.

If the Director-General considers that the application does not adequately address the DGRs, the Director-General may require you to revise the application. Once the Director-General is satisfied that the DGRs have been adequately addressed, the EA will be made publicly available for at least 30 days.

Your contact officer for this project, Sara Roach, can be contacted on 9228 6389 or via email sara.roach@planning.nsw.gov.au. Please mark all correspondence regarding the project to the attention of the contact officer.

Yours sincerely

 23/12/13

Chris Ritchie
Acting Director- Industry, Social Projects & Key Sites
(as Director-General's nominee)

Director General's Requirements

Section 75W of the *Environmental Planning and Assessment Act 1979*

Application number	MP 09_0165 MOD 1
Project	Sydney Super Yacht Marina Redevelopment
Location	James Craig Road, Rozelle Bay, Rozelle
Proponent	Sydney Superyacht Marina Pty Ltd
Date Modified	December 2013
Expiry date	If the environmental assessment is not exhibited within 2 years after this date, the applicant must consult further with the Director General in relation to the preparation of the environmental assessment.
General requirements	The modification application must include: • An executive summary. • A description of the existing and surrounding environment. • A thorough description of the proposal, including: ○ the need for the amendments proposed including to the berthing configuration, building height and car parking provision; and ○ alternatives considered. • Consideration of any statutory provisions (see below). • A detailed assessment of the key issues specified below, including: ○ a description of the existing environment; ○ an assessment of the potential impacts of the project, including direct, indirect and cumulative impacts must be considered and any other existing and proposed development/activities; and ○ a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage, and/or monitor the impacts from the development. • An amendment to the approved Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the arising from the proposal. • A conclusion justifying the proposal, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the proposal is in the public interest. • A signed statement from the author of the application certifying that the information contained in the report is neither false nor misleading.
Key issues	The modification application must address the following key issues: 1. Relevant EPI's policies and guidelines to be addressed Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including: • State Environmental Planning Policy (Major Development) 2005; • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy 55 - Remediation of Land; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005; • Sydney Metropolitan Strategy and the Draft Inner West Subregional Strategy; • Rozelle and Blackwattle Bays Maritime Precincts Master Plan; • Water Management Act 2000; • Protection of the Environment Operations Act 1997; and • Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.

Key issues	2. Built Form / Urban Design • Height, bulk and scale of the proposal within the context of the locality; • Potential impacts on heritage items in the vicinity of the site including Glebe Island Bridge; • Design quality with specific consideration of: building façades, massing, setbacks, articulation, colours, materials/finishes; and safety by design; • Identify proposed public domain, landscaped areas, and linkages with and between other public domain spaces, including the waterfront; • Address existing and future opportunities for public access to and along the foreshore; and • Identify and assess the visual impacts of the amendments, including on Rozelle Bay. 3. Marina development and navigational safety • Provide a detailed review of existing marina operations and the proposed operation; • Justify the suitability of the site for the changes to the berthing facilities; • Provide a review of existing boating activities, including recreational rowers in the area and the potential impact of the proposal on these activities; • Address potential navigational and safety impacts; • Provide details of the demand for and typical configurations for the berthing facilities and how these will be managed and implemented; • Assess the wind, wave and current regime and water depth suitability and impact on the safety of any moored vessel and any person using the proposed development; • Assess the geotechnical and contamination issues associated with the construction of the water based proposal including the contamination status of the sediments to be disturbed, the impacts associated with disturbance of sediment, and the management and mitigation measures to be employed during marine works; and • Assess the maritime impacts associated with operation and management of the flexible berthing facilities. 4. Transport and Accessibility Impacts • Demonstrate the provision of sufficient on-site car parking and secure bicycle storage and amenities for the amended proposal having regard to accessibility of the site to public transport, local planning controls, and RTA guidelines; and • A Traffic and Transport Assessment (TTA) is to be prepared in accordance with the RTA's Guide to Traffic Generating Developments, considering traffic generation, any required road / intersection upgrades, access, loading dock(s), measures to promote public transport usage and pedestrian and bicycle linkages resulting from the amendments. The TTA is to assess the cumulative impact of the proposal associated with other construction and operational activities on the site and the surrounding area. 5. Flora and Fauna • Assessment of potential impacts on any flora and fauna, including threatened species, populations or communities or their habitats and recommend appropriate mitigation measures. 6. Water Quality and Contamination • Undertake an assessment of the potential impacts on water quality of Rozelle Bay. Relevant consideration should be given to the National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ); the ANZECC Guideline and Water Quality Objectives in NSW (OEH); and Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (OEH); and • Assess the impacts of the proposal on surface and groundwater quality, as relevant. 7. Drainage / Flooding Address drainage/flooding issues associated with the proposal, including: • Stormwater and drainage infrastructure;
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	• Integrated Water Management Plan including any proposed water sensitive urban design measures; and • Assessment of any flood risk in accordance with the guideline contained in the NSW Floodplain Development Manual (2005) including potential effects of climate change, sea level rise and an increase in rainfall intensity. 8. Water, Air, Noise and Odour Quality • Address potential water quality, air quality, noise, vibration and odour impacts, during the construction and operation of the development and appropriate mitigation measures. 9. Waste Management • Identify all potential sources of liquid waste and non-liquid wastes as defined in the Environmental Guideline <i>Waste Classification Guideline</i> (DECC, 2008). The EA should identify any waste that will be stored, separated or processed on the site and identify the procedures to be adopted to manage these wastes. 10. Infrastructure Provision • Detail the existing infrastructure on site and identify possible impacts on any such infrastructure from the proposal, including the existing Sydney Water and possible Energy Australia infrastructure; and • Detail measures to mitigate the impacts of the proposal on any infrastructure items, including proposed relocation and/or augmentation. 11. Social Impacts • Consideration of social impacts including but not limited to potential impacts on existing community facilities and services, employment opportunities, transport infrastructure and public safety. 12. Construction Impacts • Identify measures to ameliorate potential construction impacts including to vehicular, pedestrian and maritime access, noise and vibration, air quality, water quality and waste management. 13. Staging • Identify proposed staging and timing for the delivery of the development and land uses and activities; and • Provide a Table listing different land uses, a floor by floor breakdown of GFA, total GFA, and site coverage as relevant to each stage and with reference to the overall development. 14. Ecologically Sustainable Development (ESD) • Identify how the amended development will incorporate ESD principles in the design, construction and ongoing operation phases of the development. 15. Consultation • Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines</i> October 2007.
Deemed refusal period	40 days

Plans and Documents to accompany the Application

Plans and Documents	The following plans, architectural drawings, diagrams and relevant documentation shall be submitted; 1. An existing site survey plan drawn at an appropriate scale illustrating: • the location of the land, boundary measurements, area (sq.m) and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; and • location and height of adjacent buildings and private open space. • all levels to be to Australian Height Datum. 2. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc). 3. A locality/context plan drawn at an appropriate scale should be submitted indicating: • significant local features such as parks, community facilities and open space and heritage items; • the location and uses of existing buildings, shopping and employment areas; • traffic and road patterns, pedestrian routes and public transport nodes. 4. Architectural drawings at an appropriate scale illustrating: • the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land; • detailed floor plans, sections and elevations of the proposed buildings; • elevation plans providing details of external building materials and colours proposed; • fenestrations, balconies and other features; • accessibility requirements of the Building Code of Australia and the Disability Discrimination Act; • the height (AHD) of the proposed development in relation to the land; • the level of the lowest floor, the level of any unbuilt area and the level of the ground; • any changes that will be made to the level of the land by excavation, filling or otherwise. 5. Other plans: • Stormwater Concept Plan - illustrating the concept for stormwater management; • Erosion and Sediment Control Plan – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site; • Geotechnical Report – prepared by a recognised professional which assesses the risk of Geotechnical failure on the site and identifies design solutions and works to be carried out to ensure the stability of the land and structures and safety of persons; • View Analysis - Visual aids such as a photomontage must be used to demonstrate visual impacts of the proposed building envelopes in particular having regard to the siting, bulk and scale relationships from key areas; • Landscape plan - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site. • Shadow diagrams showing solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.
Documents to be submitted	• 1 copy of the s75W Modification (EA), plans and documentation for the Test of Adequacy; • 12 hard copies of the modification (once it has been determined adequate); • 12 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and • 5 copies of the modification and plans on CD-ROM (PDF format), not exceeding 5Mb in size.

APPENDIX A

COMPLIANCE TABLE: AMENDED DIRECTOR GENERAL'S REQUIREMENTS APPLICATION MP 09_0165 Modified 23 December 2013

Requirements included specifically in respect of this modification application are shaded

Requirements	Yes	No	Compliance
General Requirements The modification application must include:			
• An executive summary	✓		Page 8-9
• A description of the existing and surrounding environment	✓		Section 1.3 and 1.4
• A thorough description of the proposal, including: - o The need for the amendments proposed including to the berthing configuration, building height and car parking provision; and - o Alternatives considered	✓		Section 2
• Consideration of any statutory provisions (see below)	✓		Section 3
• A detailed assessment of the key issues specified below, including: - o A description of the existing environment - o An assessment of the potential impacts of the project, including direct, indirect and cumulative impacts must be considered and any other existing and proposed development/activities; and - o A description of the measures that would be implemented to avoid, minimize, mitigate, offset, manage, and/or monitor the impacts from the development	✓		Section 1.3 and 1.4, Section 4 assesses impacts, including mitigation measures. Those measures are also in the draft amended conditions and statement of commitments
• An amendment to the approved Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimize any potential impacts of the arising from the proposal	✓		Appendix B2. Water quality management plan, Marina Operational Management Plan and Vessel Traffic

Requirements	Yes	No	Compliance
			Management Plan
A conclusion justifying the proposal, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the proposal is in the public interest	✓		Section 5
A signed statement from the author of the application certifying that the information contained in the report is neither false nor misleading	✓		Front page
Key Issues: The modification application must address the following key issues:			
1. Relevant EPI's policies and guidelines to be addressed Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including:	✓		Section 3
State Environmental Planning Policy (Major Development) 2005	✓		Section 3.4.1
State Environmental Planning Policy (Infrastructure) 2007	✓		Section 3.4.2
State Environmental Planning Policy 55 – Remediation of Land	✓		Section 3.4.3 and section 4.6
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	✓		Section 3.4.4 and Appendix C
Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005	✓		Section 3.5.1 and Appendix E
Sydney Metropolitan Strategy and the Draft Inner West Subregional Strategy	✓		Section 3.6.1
Rozelle and Blackwattle Bays Maritime Precincts Master Plan	✓		Section 3.5.2 and Appendix F SREP 26 in 3.4.5 and Appendix D
Water Management Act 2000	✓		Section 3.6.4
Protection of the Environment Operations Act 1997	✓		Section 3.6.5
Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance	✓		Section 3
	✓		

Requirements	Yes	No	Compliance
2. Built Form/ Urban Design	✓		
• Height bulk and scale of the proposed development within the context of the locality	✓		Section 4.2 and Appendix G
• Potential impacts on heritage items in the vicinity of the site including Glebe Island Bridge	✓		Section 4.7
• Design quality with specific consideration of: building facades, massing, setbacks, articulation, colours, materials/finishes, visual impacts including views, and safety by design	✓		Section 3.5.2, 4.2 and Appendix F & G
• Identify proposed public domains, landscaped areas, and linkages with and between other public domain spaces, including the waterfront.	✓		Section 3.5.2, 3.6.2 and Appendix F
• Address existing and future opportunities for public access to and along the foreshore	✓		Section 3.5.2
• Identify and assess the visual impacts of the amendments, including on Rozelle Bay.	✓		Section 4.2 Appendix G
3. Marina Development and navigational safety			
• Provide a detailed review of existing marina operations and the proposed operation	✓		4.1
• Justify the suitability of the site for the changes to the berthing facilities	✓		4.1.3.7
• Provide a review of existing boating activities, including recreational rowers in the area and the potential impact of the proposal on these activities	✓		4.1.3.1, 4.1.3.2, 4.1.3.3, 4.1.3.4
• Address potential navigational and safety impacts	✓		4.1.3.4, 4.1.4
• Provide details of the demand for and typical configurations for the berthing facilities and how these will be managed and implemented	✓		4.1.3.3
• Assess the wind, wave and current regime and water depth suitability and impact on the safety of any moored vessel and any person using the proposed development	✓		4.1.3.5
• Assess the geotechnical and contamination issues associated with the construction of the water based proposal including the contamination status of the sediments to be disturbed, the impacts associated with disturbance of sediment, and the management and mitigation measures to be implied during marine works; and	✓		4.1.3.6, 4.5 and 4.6
• Assess the maritime impacts associated with operation and management of the flexible berthing facilities	✓		4.1.3.6, 4.5 and 4.6

Requirements	Yes	No	Compliance
4. Transport and Accessibility Impacts	✓		
Demonstrate the provision of sufficient on-site car parking and secure bicycle storage and amenities for the proposal having regard to accessibility of the site to public transport, local planning controls, and RTA guidelines	✓		Section 4.3 and Appendix H and I
A Traffic and Transport Assessment (TTA) is to be prepared in accordance with the RTA's Guide to Traffic Generating Developments, considering traffic generation, any required road/intersection upgrades, access, loading dock(s), measures to promote public transport usage and pedestrian and bicycle linkages resulting from the amendments. The TTA is to assess the cumulative impact of the proposal associated with other construction and operational activities on the site and the surrounding area.	✓		Section 4.3 and Appendix H
	✓		
5. Flora and Fauna Assessment of potential impacts on any flora and fauna, including threatened species, populations or communities or their habitats and recommend appropriate mitigation measures.	✓		Section 4.5
6. Water Quality and Contamination	✓		
Undertake an assessment of the potential impacts on water quality of Rozelle Bay. Relevant consideration should be given to the National Water Quality Management Strategy; Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ); the ANZECC Guideline and Water Quality Objectives in NSW (OEH); and approved Methods for the Sampling and Analysis of Water Pollutants in NSW (OEH); and	✓		Section 4.6
Assess the impacts of the proposal on surface and groundwater quality, as relevant			Section 4.6
7. Drainage/Flooding Address drainage/flooding issues associated with the site, including:	✓		Section 4.8
Stormwater and drainage infrastructure		✓	NA
Integrated Water Management Plan including any proposed water sensitive urban design measures; and		✓	NA

Requirements	Yes	No	Compliance
Assessment of any flood risk in accordance with the guideline contained in the NSW Floodplain Development Manual (2005) including potential effects of climate change, sea level rise and an increase in rainfall intensity		✓	NA
8. Water, Air, Noise and Odour Quality Address potential water quality, air quality, noise, vibration and odour impacts, during the construction and operation of the development and appropriate mitigation measures.	✓		Section 4.4 (noise), 4.6 (water), 4.5 (air), and reports of acoustic(Appendix K) and water environmental experts (Appendix J)
9. Waste Management Identify all potential sources of liquid waste and non-liquid wastes as defined in the Environmental Guideline <i>Waste Classification Guideline (DECC, 2008)</i> . The EA should identify any waste that will be stored, separated or processed on the site and identify the procedures to be adopted to manage these wastes.	✓		Section 4.9
10. Infrastructure Provision	✓		
Details the existing infrastructure on site and identify possible impacts on any such infrastructure from the proposal, including the existing Sydney Water and possible Energy Australia infrastructure.	✓		Section 4.10
Detail measures to mitigate the impacts of the proposal on any infrastructure items, including proposed relocation and/or augmentation.	✓		Section 1.6 and 4.10
11. Social Impacts Consideration of social impacts including but not limited to potential impacts on existing community facilities and services, employment opportunities, transport infrastructure and public safety.	✓		Section 4.1 (particularly 4.1.3.2 and 4.1.3.4) , 4.2, 4.3, 4.4, 4.11, 4.12
12. Construction Impacts Identify measures to ameliorate potential construction impacts including vehicular/pedestrian access, noise and vibration, air quality, water quality and waste management.	✓		To be included in the CEMP (see conditions in section D of the Consent)

Requirements		Yes	No	Compliance
13.	Staging Identify proposed staging and timing for the delivery of the development and land uses and activities; and	✓		Section 2.11
	Provide a Table listing different land uses, a floor by floor breakdown of GFA, total GFA, and site coverage as relevant to each stage and with reference to the overall development.	✓		Section 2.11
14.	Ecologically Sustainable Development (ESD) Identify how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development.	✓		Section 4.6, Appendix J and amended statement of commitments Appendix B2
15.	Consultation Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i> .	✓		Section 1.6 and 4.1.2

Plans and Documents to accompany the Application

	Requirements	Yes	No	Not applicable	Compliance
Plans and	The following plans, architectural drawings, diagrams and relevant documentation shall be submitted;				
Documents	1. An existing site survey plan drawn at an appropriate scale illustrating; - the location of the land, boundary measurements, area (sq.m) and north point; - the existing levels of the land in relation to buildings and roads; - location and height of existing structures on the site; and - location and height of adjacent buildings and private open space. • - all levels to be to Australian Height Datum.	✓			Provided with initial application

	Requirements	Yes	No	Not applicable	Compliance
	2. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc).	✓			See Plan DA01A
	3. A locality/context plan drawn at an appropriate scale should be submitted indicating: • significant local features such as parks, community facilities and open space and heritage items; • the location and uses of existing buildings, shopping and employment areas • traffic and road patterns, pedestrian routes and public transport nodes.	✓			See plan DA02 C
	4. Architectural drawings at an appropriate scale illustrating: • the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land; • detailed floor plans, sections and elevations of the proposed buildings; • elevation plans providing details of external building materials and colours proposed; • fenestrations, balconies and other features; • accessibility requirements of the Building Code of Australia and the Disability Discrimination Act; • the height (AHD) of the proposed development in relation to the land; • the level of the lowest floor, the level of any unbuilt area and the level of the ground; • any changes that will be made to the level of the land by excavation, filling or otherwise.	✓			Provided

	Requirements	Yes	No	Not applicable	Compliance
	5. Other plans: • Stormwater Concept Plan -illustrating the concept for stormwater management; • Erosion and Sediment Control Plan – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site; • Geotechnical Report – prepared by a recognised professional which assesses the risk of Geotechnical failure on the site and identifies design solutions and works to be carried out to ensure the stability of the land and structures and safety of persons; • View Analysis -Visual aids such as a photomontage must be used to demonstrate visual impacts of the proposed building envelopes in particular having regard to the siting, bulk and scale relationships from key areas; • Landscape plan -illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site. • Shadow diagrams showing solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.	✓	✓		Previously provided with Original application - Figure 4.5 To be done at CEMP stage Provided in original application Appendix P Section 4.2 and Appendix G Plans L 100 Rev 05 and L 101 Rev 4 dated 12 and 9 August 2013 respectively and approved by Department Plan DA 11C
Documents to be submitted	• 1 copy of the s75W Modification (EA), plans and documentation for the Test of Adequacy; • 12 hard copies of the modification (once it has been determined adequate); • 12 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and • 5 copies of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size	✓			