



Environmental Assessment

Dolans Bay Marina

Appendix 11

Consultation

- 11.1 NSW Maritime Authority
- 11.2 NSW Department of Environment, Climate Change & Water
- 11.3 Sutherland Shire Council
- 11.4 NSW Department of Industry & Investment



APPENDIX 11 - Consultation

11.1 NSW Maritime Authority

NSW MARITIME

1 May 2009

H & J STANDEN PTY LTD
PO Box 654
CARINGBAH NSW 2229

Dear Mr Standen

RE: Proposed Expansion of Dolans Bay Marina, Sutherland.

I refer to your letter of 24 March 2009 in relation to the proposed expansion of Dolans Bay Marina and our discussions of 27 April 2009.

Please be advised that NSW Maritime has reviewed the plans and inspected the site for the proposed development and wishes to advise that we have no navigational objections to this proposal provided:

1. That the proposed development does not exceed the agreed dimensions of 165235 by 109935 by 68200 metres (as indicated in the attached plan);
2. That where NSW Maritime is required to relocate any Private Moorings to accommodate this proposal that your company will meet the full cost of these relocations; and
3. Subject to the NSW Maritime's standard conditions, a copy of which is attached.

Should you have any further inquiries or wish to discuss this matter further please contact me on 9545 4422.

Yours sincerely

Graeme Dunlavy
Operations Manager
Botany Bay/Port Hacking

NSW MARITIME
Unit 44 46/47-55 Green Street Sutherland NSW 2257
PO Box 456 Sutherland NSW 2259
T 02 9545 1272 F 02 9545 3619 www.nswmaritime.nsw.gov.au



NSW MARITIME

STANDARD CONDITIONS FOR PERMISSIVE OCCUPANCIES

1. The tenant shall not be exempted from the provisions of the Management of Waters and Waterside Lands Regulations - NSW, and shall at all times comply with the requirements of all Acts and Regulations administered by NSW Maritime.
2. Tenant shall at all times comply with any directions given by NSW Maritime or an officer of the Authority in regard to painting, lighting or use or alteration of any structure as may, from time to time, be required in the interests of safe navigation, equitable use of and conservation of waterways and the prevention of pollution.
3. Area of tenure shall include only that area below high water mark covered by the actual structures plus the berthing area.
4. The sites of any freestanding piles installed for the purpose of mooring a vessel at a jetty/pontoon shall be included in the area of the tenure.
- 4A Any existing moorings affected by the proposal will be relocated at the developers expense.
5. Jetties shall be of substantial construction, have a minimum deck height of 0.75m above local mean high water level, with end piles and piles not more than 15m apart to have a minimum height of 1.0m above local mean high water level. Piles shall be finished at even height, stripped of bark above deck level and painted white. No outlying wires or obstructions shall project outside the extremities of the jetty.
- 6 Freestanding piles for the mooring of a vessel at a jetty/pontoon shall be erected to a height of at least 1.0m above the level of local mean high water and have the bark stripped off 0.6m down from the top and be painted white and the permissive occupancy number displayed thereon.



NSW MARITIME
AUTHORITY

File No: SW W93/111/2

19 March 2010

Mr C Ritchie
Manager – Industry
Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Ann-Maree Carruthers

Dear Mr Ritchie

**Dolans Bay Marina Expansion (MP10_0017)
Request for Environmental Assessment Requirements**

I refer to your letter dated 2 March 2010 inviting comments regarding the request for environmental assessment requirements.

NSW Maritime (NSWM) has reviewed the submission for the above proposal and provides the following comments:

1. Navigational Issues

The submission identifies that a detailed assessment of the navigation and safety impacts on water users in Port Hacking will be undertaken. NSWM suggest the following matters to be considered in the proposed navigational assessment:

- o The danger of obstruction;
- o Risk of accidents;
- o Hazards to navigation visibility;
- o Lighting;
- o Access to existing foreshore structures;
- o Traffic (on-water) separation;
- o Safety of moored vessels; and
- o Access to proposed structures.

In addition, the applicant will be required to liaise with NSWM in respect to the required surrender of existing commercial moorings and any future commercial mooring requirements of the facility.

If you require any further information, please do not hesitate to contact NSW Maritime's Planner, Susannah Webb, on 9563 8697.

Yours sincerely


On behalf of Allan Young
Manager Property Planning

19/03/10

NSW MARITIME

James Craig Road, Rozelle Bay NSW 2039
Locked Bag 5100, Camperdown NSW 1450

T 02 9563 8511 F 02 9563 8530 www.maritime.nsw.gov.au



ATTACHMENT A

The following are Department of Environment, Climate Change and Water's (DECCW) key environmental requirements to be addressed in the development of an Environmental Assessment (EA) for the proposed development.

Environmental Impacts of the Project

1. The following environmental impacts of the project need to be assessed, quantified and reported on:
 - Water quality
 - Air emissions
 - Underground storage tanks
 - Noise emissions
 - Waste
2. These should be assessed in accordance with the relevant guidelines listed in Attachment B.
3. Describe mitigation and management options that will be used to prevent, control, abate or mitigate identified environmental impacts associated with the project and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
4. The EA should outline details of a Construction Environmental Management Plan (CEMP) and an Operation Environmental Management Plan (OEMP). The CEMP and OEMP should document how the proponent will manage any foreseeable environmental risk during the construction and operation phases. This would include but not necessarily be limited to the identification of any operation procedures, mitigation measures, monitoring and reporting requirements to address any potential environmental impacts from the development.

Impacts on Water Quality - Construction

The project must be designed, constructed and operated to ensure:

- There is no pollution of waters (including surface and groundwater).
- Polluted water (including process waters, wash down waters, polluted stormwater) is captured on the site and directed to reticulated sewer where available or collected, treated and beneficially reused, where this is safe and practicable to do so, or collected for timely removal by a trade waste contractor.

The EA must demonstrate how the above objectives will be achieved and any monitoring proposed to confirm adherence to the above objectives.

The Preliminary EA states there will be no dredging required as part of the proposed development. The document does not specifically mention pile driving or other berth construction methods which would be employed. The EA must describe the construction methods which would include a description of construction techniques and related pollution controls e.g. booms. Also the EA should document appropriate soil and water management controls applicable to the construction phases of the development.

Impacts on Water Quality - Operation

Based on the site inspection, DECCW believes the configuration of the current slipway and the related infrastructure presents challenges in preventing pollution from vessel maintenance and repair activities. Specifically vessel repair areas are not enclosed to retain dust and parts of the slipway are inundated at high tide. The preliminary EA states the number of berths is increasing from the current 20 to a proposed 81. The EA should include a description of the existing water pollution controls on site for vessel maintenance and repair as well as other functions for example,



refuelling. The anticipated increase in these activities due to the increased number of vessels should also be explained as well as clarification of any associated proposed upgrades to these systems.

In consideration of the current and proposed slipway operations the EA must compare the proposed operations against the Slipway Guidance documents listed in Attachment B.

Impacts on Water Quality - seagrass

Based on a review of NSW Fisheries mapping the proposed marina extension would be over some areas of Posidonia seagrass beds. Any potential impacts would need to be assessed in the EA and advice sought from the Department of Industry and Investment.

Impacts on Air Quality

The EA should include a description of the existing air pollution controls for vessel maintenance and repair. As per the above water quality section, the anticipated increase in these activities due to the increased number of vessels should be described as well as clarification of any associated proposed upgrades to these systems. The EA must compare the proposed operations against the Slipway Guidance documents listed in Attachment B

Impacts of Noise

The Preliminary EA proposes operating hours to be 7am to 6pm for fuel services and slipway service and 24 operation of the marina berths. The EA also says that a Noise Impact Assessment (NIA) will be conducted for the proposed development. The NIA must be in accordance with the NSW Government's *Industrial Noise Policy* and must account for the loudest noise sources during the proposed operating hours. DECCW's Interim Construction Noise Guidelines must also be considered in this NIA.

Underground Petroleum Storage Systems

The EA should include a description of the current Underground Storage Tanks (UST) on site and any anticipated increases in throughput due to the proposed upgrade. Based on the information provided in the Preliminary EA the proposal may be subject to the requirements of the new Protection of the Environment and Operations Act 1997 (Underground Petroleum Storage Systems) Regulation 2008. The EA should briefly discuss the regulatory requirements applicable to the site and any works required to fulfil these requirements.

The EA must also compare the proposed fuelling operations against the Industry Guidance documents listed in Attachment B.

Acid Sulfate Soils

Risk maps have been published by Department of Infrastructure, Planning and Natural Resources, (formerly the Department of Land and Water Conservation) for areas with potential acid sulfate soils. The assessment should take into account these risk maps and the "Acid Sulfate Soil Manual" (August 1998) issued by the NSW Acid Sulfate Soil Management Advisory Committee.

Waste

The goal of the development should ensure:

- It is in accordance with the principles of the waste hierarchy and cleaner production
- The handling, processing and storage of all materials used at the premises does not have negative environmental or amenity impacts
- The beneficial reuse of all wastes generated at the premises are maximised where it is safe and practical to do so
- No waste disposal occurs on site.



ATTACHMENT B

Guidance Material

Noise and vibration

- NSW Industrial Noise Policy (EPA, 1999)

Water quality

- Guidelines for Implementing the POEO (Underground Petroleum Storage Systems) Regulation 2008 (DECCW 2009)
- National Water Quality Management Strategy: Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)
- NWQMS Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC 2000)
- NSW Government Interim Water Quality and River Flow Environmental Objectives See <http://www.environment.nsw.gov.au/ieo/>
- The relevant targets within the State Water Management Outcomes Plan
- EPA technical guidelines '*Bunding and Spill Management!*'

Stormwater

(Note: some of these documents will be revised in 2007)

- Managing Urban Stormwater: Soils and Construction (NSW Landcom, 2004)
- Managing Urban Stormwater: Source Control (EPA 1998)
- Managing Urban Stormwater: Treatment Techniques (EPA 1998)

Groundwater

- State Groundwater Policy Framework Document (DLWC 1997)
- The NSW State Groundwater Quality Protection Policy (DLWC 1998)
- National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ & ANZECC, 1995)

Industry Best Practice and Planning Documents

- Environmental Action for Marinas, Boatsheds and Slipways (DECC 2007)
- Australian Standard 3962-2001: Guidelines for the Design of Marinas
- Port Hacking Integrated Environmental Management Plan (Sutherland Council 2006)
- The NSW Estuaries Management Policy

Waste

- Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes.



11.3 Sutherland Shire Council

Peter Barber
File Ref: DBC/08/773426

23 February 2010
Mr Richard Pearson
Deputy Director General
Development Assessment and Systems Performance
Department of Planning
GPO Box 39
SYDNEY NSW 2001



Administration Centre
1-20 Eden Street, Sutherland
NSW 2257 Australia

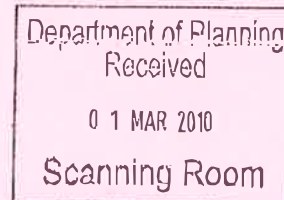
Please reply to:
General Manager
Locked Mail 17,
Sutherland NSW 2257
Australia

Tel 02 9710 0500
Fax 02 9710 0505

DX4511 SUTHERLAND
Email scs@ssw.gov.au
www.sutherland.nsw.gov.au
ABN 52 018 207 508

Office Hours
8.30am to 4.30pm
Monday to Friday

Attention: Mr Chris Wilson
Ref: R92/00367



Dear Mr Pearson,

Proposed expansion of the Dolans Bay marina

[In response, please quote Ref: DBC/08/773426]

I refer to your letter dated 5 February 2010, seeking Council's input into a request for Director General's requirements in relation to the above project at 72 Parthenia Street, Dolans Bay.

At this preliminary stage Council is not able to undertake a proper assessment of proposal, however, the following issues are highlighted as concerns and matters that the applicant would need to carefully address in any development application submission:

- The extent to which the proposal occupies the waterway: - the size of the marina indicated monopolises a large amount of public waterway, which would restrict the ability of the community to use the waterway for various recreational purposes.
- Restriction of access to private properties: - although it is difficult to assess from the plans provided, it would appear that a number of waterfront property owners would have access to their existing and potential future watercraft facilities significantly restricted.
- Noise: - intensification of the marina use would result in a significant increase in the amount of noise generated by people visiting the marina, using its facilities, and the noise of vessels manoeuvring 24 hours a day. The containment of the marina in a small steep-sided Bay is likely to result in noise adversely affecting a large number of residents. A detailed acoustic report should be provided with any application.



- 2 -

- **Parking and servicing:** - the proposal to significantly expand the size of the marina without any additional off street car parking cannot reasonably be justified. Complete reliance on kerbside parking would have an unreasonable impact on the residential area, especially considering that the marina would operate 24 hours. The expansion will presumably also increase the volume of service vehicles required (e.g. fuel deliveries, waste removal, delivery of consumable items), which needs to be quantified and assessed in terms of impact.
- **Visual impact:** - the proposal would have a significant visual impact on the views from both private and public property, and from the waterway. The visual impact of vessels moving on dispersed swing moorings cannot be compared to the impact of a large number of boats in static marina berths. In Council's experience, swing moorings that are surrendered can be reallocated in the future and therefore cannot be discounted in a visual impact assessment. The preliminary visual impact assessment submitted is considered to be inadequate and flawed.
- **Navigability:** - the preliminary advice provided by NSW Maritime is noted. Council would, however, be concerned about the impact of the proposed marina on restricting the ability of the public to freely and safely use the Bay for recreational purposes such as fishing, sailing, power boating or using paddle-craft in view of the loss of open water and increased boating traffic.
- **Intensification/upgrading of facilities:** - any application put forward should clearly describe the implications that the increase in the number of births would have on the operation of other aspects of the marina. For example, would there be any change or expansion to the operation of the slipway, any refuelling or pump out facilities, or the land-based component of marina. Council has recently been successful in legal proceedings regarding the poor environmental performance of the slipway. The substantial redevelopment proposed may present an opportunity to improve the situation.
- **Acid Sulfate soils:** - depending on the details of the proposed works, an assessment on the potential to disturb ASS would be required. This issue can quite often be effectively managed/mitigated via the imposition of conditions of consent (eg. driving of posts/piles etc). ASS needs to be considered, assessed and managed in accordance with the ASS Manual (ASSMAC, 1998).
- **Contaminated sediments:** - given the use of the site as a marina there is potential for contaminated sediment, particularly in close proximity to the slipway operation. The application would need to consider the potential for contaminated sediment and the potential for redistribution and/or dispersion of such sediment.
- **Aquatic ecology:** - although a survey of the seabed within the proposed marina footprint has been undertaken and no seagrasses identified, a detailed survey should also encompass the areas occupied by the swing moorings leased by the Dolans Bay Marina.



It is also of immense importance that the current distribution of the invasive marine pest *Caulerpa Taxifolia* is determined. This should encompass not only the area of the proposed marina but also the existing swing moorings to be removed. If *Caulerpa Taxifolia* is identified in any of the areas affected by the proposed works, or there is potential for this species to be disturbed during any phase of the development, appropriate management and mitigative measures will need to be included to minimise the spread of the species. Measures to manage this pest species should be described.

- **Water quality:** - the assessment would need to consider the potential for impacts on water quality as a result of the marina operations and should provide mitigative and management measures to minimise any adverse impacts associated with the proposal. Disposal of bilge water needs to be covered in the assessment of the proposal.
- **Waste management:** - arrangements for the storage and removal of liquid and solid waste need to be explained, especially considering the small size of the land-based component. There are limited sewer pump out facilities on the Hacking and the considerable expansion proposed would place further pressure on them. Serious consideration should be given to the provision of pump out facilities as part of any redevelopment.
- **Fuel:** - arrangements for the delivery, storage and dispensing fuel need to be carefully considered to ensure that there will be no adverse impact on neighbours or the marine environment. The existing refuelling facilities are not up to current best practice and would be placed under greater pressure if the marina expanded. The condition and possible leakage from the underground storage tanks may need to be examined.
- **Environmental Management Plan:** - with the significant increase in the size of the marina the current plan would need to be significantly upgraded or a new plan prepared. This should accompany a development application to assist in the assessment of likely impact on adjacent residents and the environment.
- **External lighting:** - the impact of an external lighting associated with the marina would need to be assessed
- **Coastal processes:** - any application needs to demonstrate that the type and design of the marina is suitable for the prevailing conditions, such as wave height, wind conditions and storms. The location of such a large structure on the waterway is also likely to change wave patterns in this relatively small bay, which may impact on other properties. Consideration also needs to be given as to whether the marina would affect natural flushing of the Bay and lead to increased sedimentation.



- 4 -

Even in the absence of a detailed proposal and full assessment, Council shares the Department's concern in relation to the scale of the marina and would view the proposal outlined in the report prepared by David Crane and Associates dated September 2009 to be an extreme overdevelopment of Dolans Bay. The ability of residents around the Bay and the community to use and enjoy the public waterway would be severely and unreasonably compromised by the proposal. The proposal would also have unacceptable impacts on residents by way of noise, traffic and parking.

If the proposal proceeds beyond this point, Council would appreciate the opportunity to consider and make further submissions in relation to the development. Should you wish to discuss this proposal please contact Peter Barber on telephone 9710- 0373.

Yours sincerely

Peter Barber
Manager, Coastal Environmental Assessment Team
for John Rayner
General Manager



11.4 NSW Department of Industry & Investment



Industry &
Investment



PCU003476

OUT10/3339

NSW Department of Planning
(Attn: Chris Ritchie)
GPO Box 39
SYDNEY NSW 2001



Dear Chris,

Re: Dolans Bay Marina Expansion (MP 10_0017) - Request for Environmental Assessment Requirements

Thank you for your letter dated 2 March 2010 requesting comments from Industry and Investment (I&I) NSW on this Department's environmental assessment requirements to be included in the Director General's Requirements (DGRs) for the proposal cited above.

I&I NSW is responsible for ensuring that fish stocks are conserved and that there is "no net loss" of key fish habitats, such as seagrass and kelp, upon which they depend. To achieve this, I&I NSW ensures that developments comply with the requirements of the Department's *Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (1999)*.

Considering the above mentioned policy, aspects of this proposal of concern to I&I NSW are:

- Potential direct and indirect impacts to aquatic habitats including seagrass and kelp and threatened species listed under the *Fisheries Management Act 1994*. These impacts could occur from: shading created the marina structure and berthed vessels; direct harm of marine vegetation during construction; erosion and sedimentation impacts during construction; the use of the marina and increased boating activities in the vicinity of the marina (e.g. propeller damage and increased boat wash).
- Impacts to water quality during construction and ongoing use of the marina.

I&I NSW requests that the above issues be addressed in the DGRs for this proposal. To further assist in the preparation of an environmental assessment for these works, I&I NSW's specific assessment requirements are attached. This information is required so that the Department can transparently assess this proposal for potential impacts on the aquatic environment. It is important that the environmental assessment of this proposal includes a comprehensive survey and description of the aquatic habitat in the vicinity of the marina.

For any further information please contact me carla.ganassin@industry.nsw.gov.au or (02) 9527 8552.

Cronulla Fisheries Centre
P.O. Box 21, Cronulla NSW 2230
202 Nicholson Parade, Cronulla
Tel: 02 9527 8411 Fax: 02 9527 8576



Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Carla Ganassin', with a horizontal line extending to the right.

Carla Ganassin
Conservation Manager
Aquatic Habitat Protection Unit

11 March 2010



ATTACHMENT: Environmental assessment requirements for the Dolans Bay Marina expansion proposal (MP10_0017)

- site address and contact details
- property description (e.g. Lot and DP numbers)
- a clear description of the proposal including details of construction methods and materials,
- **map(s)** of the development area and adjacent areas - this should include nearby waterways, adjacent infrastructure (such as jetties) and land use,
- clear **photographs** of the site (at low and high tide in estuaries), including photographs of any riparian and aquatic vegetation present (including pest species such as *Caulerpa taxifolia*),
- a clear description of the physical and hydrological features of the development area (which may extend upstream and downstream of the development site in the case of flowing rivers or tidal waterways),
- description of local wave and current regimes (in tidal areas),
- description of the water quality (e.g. discolouration, sedimentation, turbidity, pH, dissolved oxygen, nutrients),
- types of surrounding land use (e.g. agricultural, urban, aquaculture),
- substrate type (e.g. rock, sand, gravel, silt, coral reef),
- In describing the locality in the vicinity of the proposal, discussion is to be provided in regard to the previous land and water uses and the effect of these on the proposed site.
- approximate depth contours within 20 metres of the proposal,
- a clear description of aquatic environments including:
 - threatened and protected species, populations, ecological communities, pest species or presence of 'critical habitat' under the *Fisheries Management Act 1994* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*,
 - an aquatic and riparian vegetation survey map of the area which shows the location and/or coverage of saltmarsh, mangrove, seagrass, macroalgae, macrophytes, riparian vegetation and snags,
- details of the nature, timing, magnitude and duration of the proposed disturbance to the aquatic environment,
- assessments of predicted impacts upon any threatened species (fish and marine vegetation) (i.e. completion of a 7 part test) and other aquatic flora and fauna,
- details of any mitigation measures to limit environmental impacts,
- details of the general regional context, any protected areas, other developments in the area, and/or cumulative impacts,

Dredging and reclamation activities

- Purpose of works
- Type(s) and distribution of marine vegetation in the vicinity of the proposed works
- Method of dredging to be used
- Timing and duration of works
- Dimension of area of works including levels and volume of material to be extracted or placed as fill
- Nature of sediment to be dredged, including Acid Sulphate Soil, contaminated soils etc
- Method of marking area subject to works
- Environmental safeguards to be used during and after works
- Measures for minimising harm to fish habitat under the proposal
- Spoil type and source location for reclamation activities
- Method of disposal of dredge material
- Location and duration of spoil stockpiling, if planned



Activities that damage marine vegetation

- Type of marine vegetation to be harmed
- condition of marine vegetation (i.e. Information on type, species, shoot density and/or percentage cover, Is the vegetation continuous or sparse in coverage? What is the aerial extent? Is the vegetation healthy or degraded? Is wrack (dead seagrass or macroalgae) present?),
- Map and density distribution of marine vegetation
- Reasons for harming marine vegetation
- Methods of harming marine vegetation
- Construction details
- Duration of works/activities
- Measures for minimising harm to marine vegetation under the proposal and details of compensatory habitat development to replace lost vegetation.
- Method and location of transplanting activities or disposal of marine vegetation

Fishing

- Outline and document recreational and indigenous fishing activities that may be affected by the activity, including popular recreational fishing sites and recognised indigenous harvesting sites.

B. Assessment of likely impacts

- In defining the proposal area, discussion must be provided in regard to possible indirect effects of the proposal on aquatic species/habitats in the area surrounding the subject site: for example, through altered hydrological regimes, soil erosion or pollution.
- indicate the location, nature and extent of aquatic habitat removal or modification (both direct and indirect) which may result from the proposed action.
- Assess the impacts of this proposal on threatened aquatic species, populations and communities listed under the *Fisheries Management Act*.
- discuss the potential impact of the modification or removal of aquatic habitat (note - potential direct and indirect sources of impact are stated in the letter with this attachment).

C. Ameliorative measures

The environmental assessment should consider and provide detail on how the proposal has been or may be modified and managed to minimise impacts and conserve aquatic habitat and public foreshore access on the subject site and in the study area.