

# Concept Approval

## Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation effective 1 October 2011, I determine:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval in Schedule 2 and the Statement of Commitments in Schedule 3.



Richard Pearson  
**Deputy Director General**  
**Development Assessment & Systems Performance**  
**Department of Planning & Infrastructure**

3rd October

2011

### SCHEDULE 1

#### PART A: PARTICULARS

Application No.:	MP09_0035
Proponent:	St George Motor Boat Club Ltd
Approval Authority:	Minister for Planning & Infrastructure
Land:	2 Wellington Street, Sans Souci
Project:	Expansion of the existing approved marina from 128 berths to 229 berths, including the construction of a new berthing arm, the regularisation and continued use of 23 existing unapproved berths; and construction of a car parking structure providing 34 additional parking spaces.

#### PART B: NOTES RELATING TO THE DETERMINATION OF MP09\_0035

##### Responsibility for other consents / agreements

The Proponent is responsible for ensuring that all additional consents and agreements are obtained from other authorities as relevant, including (but not limited to) State and Federal airports/ aviation authorities.

##### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

## Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

## PART C — DEFINITIONS

In this approval:

**Act** means the *Environmental Planning and Assessment Act 1979* (as amended).

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this approval.

**Department** means the Department of Planning & Infrastructure or its successors.

**Director General** means the Director General of the Department or his nominee.

**Environmental Assessment** means the Environmental Assessment prepared by Planning Ingenuity and dated 28 April 2010.

**Minister** means the Minister for Planning & Infrastructure.

**MP No. 09\_0035** means the Major Project described in the Proponent's Environmental Assessment.

**Preferred Project Report (PPR)** means the Preferred Project Report and Response to Submissions dated 1 March 2011 prepared by Planning Ingenuity.

**Proponent** means St George Motor Boat Club Ltd or any party lawfully acting upon this approval.

**Regulation** means the Environmental Planning and Assessment Regulation 2000 (as amended).

**End of Schedule 1**

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## SCHEDULE 2

### TERMS OF APPROVAL

#### Development Description

1. Concept approval is granted to the development described below:
  - (a) an additional 78 berths including:
    - a new marina Arm F accommodating an additional 37 berths;
    - an additional 37 berths on the outer side of the existing Arm E;
    - an additional 4 berths on the western (outer) edge of Arm D;
    - boat refuelling facilities at the outer edge of Arm A;
  - (b) regularisation and continued use of 23 existing unauthorised berths within Arms A, B, C, D and E; and
  - (c) a car parking structure above the lower car parking level accommodating 34 car parking spaces and reconfiguration of the existing lower and upper level car parking area to provide an additional 2 spaces to accommodate a total of 238 car parking spaces and 4 additional trailer parking spaces.

#### Development in Accordance with Plans and Documentation

2. The approval shall be generally in accordance with application MP09\_0035 and with the Environmental Assessment (including appendices), except where amended by the Preferred Project Report, and the following drawings:

Drawing No.	Rev.	Name of Plan	Date
MP001	-	Master Plan	28/2/2011
M001		2009 Marina Submission	
MP002	A	Streetscape of proposed new Car Parking area	26/2/2011
M003	B	Proposed Marina Extension Separation from adjoining Properties	28/2/2011
M004	-	Sections and Elevations	18/02/11
CP001	C	Existing Car Parking (Proposed New Trailer Parking Area)	7/11/09
CP002	E	Proposed New Car Parking	7/11/09
CP003	C	Proposed New Park Detail	02/11/09
CP004	B	Section through new Car Park	2/12/09
SW001	B	Proposed Marina Extension Recycling of Stormwater	28/2/2011

except as modified by the following pursuant to Section 75O(4) of the Act.

#### Lapsing of Approval

3. Approval of the Concept Plan shall lapse 5 years after the determination date shown above in this Instrument of Approval, unless the development has been physically commenced.

#### End of Schedule 2

### **SCHEDULE 3**

#### **STATEMENT OF COMMITMENTS MP09\_0035**

#### **CONCEPT PLAN FOR A MARINA EXPANSION AND CAR PARKING (source: PPR)**

### **Revised Statement of Commitments**

This Statement of Commitments has been prepared for St George Motor Boat Club (the proponent) and supersedes the Statement of Commitments provided in the Environmental Assessment Report dated 28 April 2010 and the Preferred Project Report (PPR) dated 1 March 2011, for the proposed marina extension and associated parking facilities on the subject site.

The proponent confirms that:

- The proposal does not involve any dredging works;
- There are no seagrasses within the extended marina area;
- All tenants will be subject to and made aware of the Marina Code of Conduct in terms of responsibilities of leasing a berth;
- The provision of parking has been designed in accordance with AS2890.1.

### **Design**

- The proposed new works to the marina will generally comply with the provisions of *AS2692-2001 and AS3962-2001- Guidelines for Design of Marinas*
- The layout of the car parking area will be designed in accordance with *AS2890.1* and *AS2890.2 Parking Facilities* and the vehicle swept paths will be modelled in accordance with AUSTROADS for the longest vehicle (including garbage trucks) that access the site. Certification will be provided to the Department of Planning from an appropriately qualified person certifying compliance.
- Stormwater and wastewater will be managed generally in accordance with the concept stormwater management plan provided with the application. This includes a 2000L rainwater tank, high pressure boat cleaning equipment and EPA approved drain / oil separator.
- An assessment of existing stormwater outlets shall be carried out by an appropriately qualified and experienced person to ensure that erosion of the adjacent riverbank is not occurring. Any erosion of the riverbank will be remedied by appropriate and permanent dispersal techniques (or similar) prior to use of the car park extension.
- A Section 73 Certificate will be obtained from Sydney Water for the project.
- The proposed new jetty arm will have a minimum deck height of 750mm above the local Mean High Water Mark (MHW), all piles will be located no greater than 15m apart and with a minimum height of 1m above the local MHW. All piles will have an even finished height with the top painted white. No outlying wires or obstructions will project beyond the extremities of the jetty. Free standing piles for the mooring of vessels will be erected at a height of 1m above the local MHW and the top painted white.

### **Construction Management**

- Construction of the parking facility, new berthing arm and marina alterations will take between 5-6 months.
- Construction will be restricted to the following hours:
  - Monday to Friday 7.30am to 4.00pm
  - Saturday 8.00am to 1.00pm
  - No work will be carried out on Sundays or Public Holidays

- Construction works will be carried out in accordance with the Waste Management Plan prepared by Golder Associates date 25 November 2009, submitted with the application and the construction contractor and all sub-contractors will be required to comply.
- Construction works will be carried out in accordance with the Environmental Management Plan prepared by Golder Associates date 25 November 2009, submitted with the application and the construction contractor and all sub-contractors will be required to comply.
- The construction contractor and all sub-contractors are to comply with the Club's Water Quality Management Plan and Emergency and Spill Management Plan at all times when working on the site.
- Protect the stormwater discharge pipe located at the end of Plimsoll Street during construction, as required.
- A detailed Construction Environmental Management Plan for the project will be submitted to the Department of Planning prior to construction commencing.
- During the construction phase of the project, the Club will develop and implement a complaints handling procedure and provide the public with a 24-hour telephone contact number
- The Club will make application to the NSW Department of Environment and Climate Change for a variation to the existing environment protection licence to authorize the required construction works.
- Anchoring or mooring in the nearby sub-tidal rock rubble will be avoided during construction.
- Operation of construction vessels will only occur during periods of sufficient water depth to avoid propeller dredging of the waterway. Similarly, to avoid propeller dredging of the waterway only shallow draft vessels will be moored over shallow inshore locations.
- A Traffic Management Plan (TMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control will be submitted to the Department of Planning and Council prior to release of the Construction Certificate.

#### **Traffic Management**

- Traffic generation associated with the construction is estimated to be:
  - 6 construction worker trips per day (i.e. 6 arrivals and 6 departures) for 4 weeks increasing to 20 construction worker trips (i.e. 20 arrival and 20 departure trips) per day for 16 weeks;
  - 3-4 general delivery vehicles per week in small to medium rigid trucks;
  - 2 semi trailer deliver vehicles per week; and
  - A 40 tonne mobile crane coming to the site up to 6 times during the 20 week construction period.
- The club commits to install appropriate signage within the car parking area to ensure that turning areas are kept clear at all times.

### Noise Management

- Works will be carried out in accordance with the DECCW's "Interim Construction Noise Guideline" and AS 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites"
- Piling will not be conducted before 8.00am and will include respite periods;
- Regular maintenance of plant and machinery used for the project will be carried out to assist in minimizing noise emissions.
- The noise management procedures recommended in the acoustic report prepared by RSA Acoustics dated December 2009 will be implemented by the Club during the construction and operational phases of the development.

### Waste Management

- Construction works and operation of the completed marina will be carried out in accordance with the Waste Management Plan prepared by Golder Associates date 25 November 2009, submitted with the application and the construction contractor and all sub-contractors will be required to comply.
- The marina has an existing sewage pump-out facility. All sewage waste removed from vessels will be disposed of directly to the Sydney Water sewage connection.
- The Club will comply with the NSW DECC and SES directions in managing spills.
- Waste generated by the new berths will be contained in the existing waste storage area.

### Operational

- The Club will revise the existing Emergency Procedures Manual to include responses to the following identified high risk scenarios as identified by the Environmental Management Plan prepared by Golder Associates dated 25 November 2009:

#### *Berthing:*

1. Oil/fuel spill
2. Chemical spill

#### *Refueling facilities:*

3. Fuel spill into Kogarah Bay
4. Leaking UST, pipe work or bowzers

#### *Dual Slipway:*

5. Oil spill
- The Club will continue to manage car and trailer parking to prevent impacts on surrounding residents and road network
  - Crime prevention at the club will continue to be managed and includes the use of an electronic key access system, use of an annual trailer label system, surveillance of the marina and ramp by

Marina staff to ensure unauthorised users and turned away, employment of a security company and use of CCTV.

- Vessels will be berthed according to size and depth of clear water in accordance with the Cardno report submitted with the application dated 26 November 2010.
- The construction and operation of proposal will be consistent with the requirements of relevant Acts administered by NSW Maritime.
- The operation of the facility will comply with the directions of NSW Maritime relating to painting, lighting or use or alteration of any structure in the interests of safe navigation, equitable use of the waterway as well the conservation of the waterway or the prevention of pollution.
- Any existing moorings that require relocation will be done so at the Clubs expense.
- The Club will distribute to all mooring holders educational material with respect to the impacts that boating has on seagrasses found in the Georges River / Botany Bay System and including seagrass friendly boating practices.
- All vehicles will enter and exit the site in a forward direction.