



Eden Resort Hotel Pty Ltd  
C/- Inspire Urban Design and Planning Pty Ltd  
PO Box 7277  
**South Sydney Business Hub NSW 2015**

our ref: DGR 711

Attention: Mr Stephen McMahon

Dear Mr McMahon

**Cattle Bay Marina - Eden (DGR 711)  
Director-General's Requirements**

I refer to your request for the Director-General's Requirements (DGRs) for the preparation of a Environmental Impact Statement (EIS) for the above development proposal. I have attached a copy of these requirements.

The attached DGRs are for the project type specified in your application being a marina and a land based car park. The Department notes that there is some uncertainty whether the application will be assessed under Part 4 or Part 5 of the *Environmental Planning Assessment Act 1979*. The issued DGRs for this proposal can be used irrespective of whether the planning process is either Part 4 or Part 5.

In your request, you indicated that your proposal could potentially be designated development and may require an approval and/or license under the *Protection of the Environment Operations Act 1997*. The Department has consulted with the Environment Protection Authority (EPA), the Office of Environment and Heritage (OEH), NSW Office of Water (NOW), Catchment Management Authorities Southern Rivers (CMA), the Department of Defence, Crown Lands, Transport for NSW, the Department of Primary Industries (DPI), Bega Valley Shire Council, Roads and Maritime Services (RMS) and NSW Water Police on your proposal.

If other integrated approvals are identified before the proposed is lodged, you must undertake your own direct consultation with the relevant agencies, and address their requirements in the EIS.

If your proposal contains any actions that could have a significant impact on matters of National Environmental Significance, then it will require an additional approval under the *Commonwealth Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. If you have any questions about the application of the EPBC Act to your proposal, you should contact the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) in Canberra on 6274 1111 or [www.environment.gov.au](http://www.environment.gov.au).

If you have any enquiries about these requirements, please contact Daniel Gorgioski on 9228 6464.

Yours sincerely

  
Karen Jones  
Director

21/3/13

**Metropolitan and Regional Projects South**

# Director-General's Requirements

Part 2 of Schedule 2 of the *Environmental Planning and Assessment Regulations 2000*.

For the preparation of Environmental Impact Statement

<b>DGR Number</b>	711
<b>Proposal</b>	Marina comprising approximately 154 berths in two floating arms with wave attenuators and a land based car park.
<b>Location</b>	Cattle Bay, Eden
<b>Applicant</b>	Eden Resort Hotel Pty Ltd (ERH)
<b>Date of Expiry</b>	21 March 2015
<b>General Requirements</b>	The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000.
<b>Key Issues</b>	<ul style="list-style-type: none"> <li>• <b>Strategic planning</b> – justify the proposal with reference to relevant local, regional and state planning strategies. Provide justification for any inconsistencies with these planning strategies.</li> <li>• <b>Justification</b> – including: <ul style="list-style-type: none"> <li>- An assessment of the need for a marina (including boat length, height and type) in the locality and region;</li> <li>- Impacts on the amenity of the foreshore;</li> <li>- Justification for the size of occupation of the waterway, including access ways, fairways and dredging areas (if any); and</li> <li>- Impacts of the proposal on existing maritime infrastructure in Cattle Bay and Snug Cove.</li> </ul> </li> <li>• <b>Visual Amenity</b> - including an assessment of the visual impact of the proposal (height, scale, density and lighting) on the local and regional area, particularly: <ul style="list-style-type: none"> <li>- Impacts on the amenity of the foreshore;</li> <li>- Water users of Snug Cove;</li> <li>- Loss of views from public places; and</li> <li>- Cumulative impacts.</li> </ul> </li> <li>• <b>Traffic and Transport</b> - including construction and operation, traffic and parking assessment and landside access (e.g. the impact on users of the public foreshore): <ul style="list-style-type: none"> <li>- Address the suitability of the existing sealed areas on-site to support the establishment of the car parking area;</li> <li>- Traffic Impact Study (TIS) is required. TIS should identify the largest design vehicles associated with the development and give consideration to any necessary road upgrades; and</li> <li>- Intersection modelling using SIDRA should be undertaken for the junction of Mitchell Street with Flinders Street, and Chandos Street and Imlay Street, plus any other key intersections with the classified road network that are likely to be impacted by the proposal.</li> </ul> </li> <li>• <b>Navigation and Safety</b> - including assessment of: <ul style="list-style-type: none"> <li>- The impacts on water based traffic and the existing users of Cattle Bay and Snug Cove in the vicinity of the marina; and</li> <li>- The adequacy of marina design in accordance with relevant Australian standards.</li> </ul> </li> <li>• <b>Infrastructure Provision</b> <ul style="list-style-type: none"> <li>- Address existing capacity and requirements of the development for sewerage (including sewer pump out), water, refuelling facilities, electricity, waste disposal (including dredged material), telecommunications and gas in consultation with relevant agencies. Identify and describe staging, if any, of infrastructure works; and</li> <li>- Address and provide the likely scope of any planning agreements and/or development contributions with council/government agencies</li> </ul> </li> </ul>

(including relevant community/state infrastructure contributions).

- **Hazards Assessment**

- Provide a hazards assessment for construction and operation, including an assessment of the impacts on the environment and nearby aquaculture operations in the event of a failure of the marina because of a severe coastal event (e.g. severe wave impacts) or climate change impacts;
- Provide a fire management and containment measures and/or fire fighting equipment to be installed on-site; and
- Identify any contamination on the site and appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land.

- **Public Access** – including impacts on waterway access (including equity), waterway sharing of existing users of Cattle Bay (e.g. passive craft);

- Assess the opportunity for public access to be provided by the wharf;
- Assess access for the disabled; and
- Public and pedestrian access to the marina and foreshore.

- **Coastal Process**

- Address coastal hazards and the guidelines for preparing coastal zone management plans;
- Consider impacts associated with wave and wind action, coastal erosion, climate change sea level rise and more frequent and intense storms; and
- Address coastal process and impacts on the hydrodynamics of the estuary from construction and operation of the proposal, particularly from wave shoaling and refraction.

- **Soil and Water** – including:

- Impacts on water quality during construction and operation;
- Assess the potential impacts on groundwater dependent ecosystems;
- Assess the impact on the project on drainage lines and riparian corridors, having regard to Concept Approval MP05\_0032 and its requirements;
- Include an assessment of any flood risk on the site with consideration of any relevant provisions of the *NSW Floodplain Development Manual 2005*;
- Details of proposed erosion and sediment controls (during construction);
- The proposed stormwater management system (during operation);
- Any proposed dredging activities;
- Assess the potential impacts of the development on the stability of the bed and shoreline of Cattle Bay during construction and operation of the marina; and
- Identify the presence and extent of acid sulphate soils on the site and, where relevant, appropriate mitigation measures. Identify the need for an Acid Sulfate Management Plan (prepared in accordance with ASSMAC Guidelines).

- **Geotechnical**

- Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.

- **Environmental Management Plan**

- Provide an environmental management plan for the construction and operation of the facility, which includes a monitoring program for noise, air and water quality.

- **Heritage and Archaeology**

- Identify whether the site has Aboriginal cultural heritage significance and identify appropriate measures to preserve any significance. The assessment must address the information and consultation requirement of the guidelines for the *Aboriginal Cultural Heritage Assessment and Community Consultation*; and
- Identify any items of non-indigenous heritage significance and, where relevant, provide measures for the conservation of such items. Where there is a known heritage impact, a Heritage Assessment of non-indigenous heritage values of the site is to be submitted, including built, archaeological, landscape and moveable items of potential

	<p>significance.</p> <ul style="list-style-type: none"> <li>• <b>Flora and Fauna</b> – Assess potential impacts of the development on flora and fauna, including threatened species, populations, ecological communities and/or critical habitat and any relevant recovery plan in accordance with DECC's Guidelines for <i>Threatened Species Assessment</i>. Assess the presence and spread of pest species and detail actions to reduce, avoid or mitigate impacts or compensate unavoidable impacts, where relevant. <ul style="list-style-type: none"> <li>- Assess potential impacts on aquatic flora and fauna (specifically consider sea grass, migratory waders and threatened shorebird species) and;</li> <li>- Direct and indirect impacts to marine vegetation (i.e. mangroves, seagrass and macroalgae) and benthic communities from activities;</li> </ul> </li> <li>• <b>Air and Noise and Vibration</b> <ul style="list-style-type: none"> <li>- Provide an Air Quality Impacts Assessment (AQIA) for the construction and operation. The AQIA should detail proposed mitigation measures and include an emission monitoring regime;</li> <li>- Provide a noise impact assessment for construction and operation of the facility. The assessment should detail proposed mitigation measures and include a noise monitoring regime;</li> <li>- Vibration from all activities during construction and operational stages; and</li> <li>- Blast impacts if required for any reason during construction or operational stages of the proposed development.</li> </ul> </li> <li>• <b>Socio-Economic Impacts</b> <ul style="list-style-type: none"> <li>- Provide a social impact assessment for the development, which includes an assessment of compatibility with surrounding uses, impact upon other users of the waterway and impacts on the foreshore precinct.</li> </ul> </li> <li>• <b>Aquaculture and Fishing</b> <ul style="list-style-type: none"> <li>- Provide an assessment of the impacts on aquaculture operations particularly impacts on water quality, during construction and operation; and</li> <li>- Provide an assessment on recreational and commercial fishing.</li> </ul> </li> <li>• <b>Waste Management</b> <ul style="list-style-type: none"> <li>- including details of how wastes will be minimised, managed, stored and disposed of in accordance with the relevant standards and guidelines.</li> </ul> </li> <li>• <b>Ecologically Sustainable development</b> <ul style="list-style-type: none"> <li>- Identify how the project will incorporate ESD principles in the design, construction and ongoing operation.</li> </ul> </li> <li>• <b>Original Concept Plan</b> <ul style="list-style-type: none"> <li>- Demonstrate that the proposal is consistent with the Concept Plan Approval MP05_0032.</li> </ul> </li> </ul>
<b>Environmental Planning Instruments</b>	<p>The EIS must assess the proposal against the relevant environmental planning instruments,</p> <ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy 14 – Coastal Wetlands;</i></li> <li>• <i>State Environmental Planning Policy 44 – Koala Habitat Protection;</i></li> <li>• <i>State Environmental Planning Policy 55 – Remediation of Land;</i></li> <li>• <i>State Environmental Planning Policy 71 – Coastal Protection;</i></li> <li>• <i>Australian Water Quality Guidelines for Fresh and Marine Waters (ANZECC 2000);</i></li> <li>• <i>Environment Protection and Biodiversity Conservation Act 1999;</i></li> <li>• <i>South Coast Regional Strategy (DoP 2006);</i></li> <li>• <i>Coastal Protection Act (NSW Gov. 1979);</i></li> <li>• <i>Coastal Design Guidelines for NSW (DoP 2003);</i></li> <li>• <i>Bega Valley Local Environmental Plan (2002);</i></li> <li>• <i>Draft Bega Valley Local Environmental Plan (2012);</i></li> <li>• <i>Policy and Guidelines for Aquatic Habitat and Fish Conservation (1999);</i></li> <li>• <i>Fisheries Management Act 1994;</i></li> <li>• <i>Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (1999);</i></li> <li>• <i>Environmental actions for Marinas, boatsheds and slipway (2007);</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999);</i></li> <li>• <i>NSW industrial Noise Policy;</i></li> <li>• <i>NSW Environmental Criteria for Road Traffic Noise;</i></li> <li>• <i>Approved Methods for the sampling and Analysis of Water Pollutants in NSW;</i></li> <li>• <i>Contaminated Sites – Guidelines for Consultants Reporting on contaminated sites (1997);</i></li> <li>• <i>Contaminated Sites – Guidelines on Significant Risk of Harm and Duty to Report (1999);</i></li> <li>• <i>Water Management Act (2000);</i></li> <li>• <i>Practical Consideration of Climate Change – Floodplain Risk Management Guidelines (DECC 2007);</i></li> <li>• <i>NSW Floodplain Development Manual (2005);</i></li> <li>• <i>Aquifer Interference Policy (2012);</i></li> <li>• <i>Guidelines for Controlled Activities (2012);</i></li> <li>• <i>Protection of the Environment Operations Act 1997</i></li> <li>• <i>Snug Cove Master Plan 2005;</i></li> <li>• <i>Eden Structure Report (Bega Valley Shire Council, 2006);</i></li> <li>• <i>Australian and New Zealand Guidelines for Fresh and Maritime Water Quality (ANZECC 2000); and</i></li> <li>• Any other relevant development control plans and section 94 plans.</li> </ul>
<b>Guidelines</b>	<p>It is recommended that during the preparation of the EIS you consult the Department's <i>EIS Guideline Marinas and Related Facilities</i>. The Guideline is available for purchase from the Departments Information Centre, 23-33 Bridge Street, Sydney or by calling 1300 305 695.</p>
<b>Consultation</b>	<p>During the preparation of the EIS, you should consult relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult surrounding landowners and occupiers that are likely to be impacted by the proposal.</p> <p>Details of the consultations carried out and issues raised must be included in the EIS.</p>