MAJOR PROJECT ASSESSMENT: Sydney Slipways Marine Maintenance Facility, Rozelle Bay

Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

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EXECUTIVE SUMMARY

Sydney Slipways Pty Limited (Sydney Slipways) proposes to construct and operate a marine maintenance facility at Rozelle Bay, Sydney. The site is approximately 18,840m^2 in area and is located in the Leichhardt local government area, 2km west of the Sydney CBD. The site is bisected by James Craig Road and is situated adjacent to the Glebe Island Bridge and directly below the ANZAC Bridge.

The site is currently being used by a marine contractor for storage space for marine equipment including, excavators, silt curtains, storage containers, barges and timber piles. The RTA also has a minor administrative centre on site.

The proposed marine maintenance facility would include a boat maintenance/vessel refit yard, wet working bays, straddle lifts, worksheds, paintsheds, commercial offices and retail space, car parking and catering facilities. The facilities would be able to provide maintenance services to power and sail boats ranging from approximately 6 to 45 metres in length. The proposal would create the largest marine maintenance facility in Sydney Harbour.

The proposed marine maintenance facility has an estimated capital investment value of $23.3 million and would employ up to 70 workers during construction and 140 workers during operation.

On 20 April 2006, Sydney Slipways lodged an Environmental Assessment (EA) for the proposal with the Department. During the exhibition period, the Department received 40 submissions on the EA.

The Department has assessed all of the issues raised in submissions and has concluded that residual impacts of the project, including noise, air and water pollution, odour, safety, traffic and ecological impacts, can be mitigated and/or managed to ensure an acceptable level of environmental performance. The project facilitates the continuation of a working harbour and is thus in the public interest. Consequently, the Department considers that the proposal should be approved, subject to strict conditions of approval.

1. BACKGROUND

The site is located in Rozelle Bay and is bisected by James Craig Road. Its northern edge is situated adjacent to the Glebe Island Bridge (Lot 34), while its southern sections lie directly below Anzac Bridge adjacent to the NSW Maritime site (Lot 31) (refer to Figure 1).

Figure 1: Site location

The site is currently being used by a marine contractor for storage space for marine equipment including, excavators, silt curtains, storage containers, barges and timber piles. The RTA also has a minor administrative centre on site (refer to Figures 2 and 3).

The intention of the proposed marine maintenance facility and slipway is to provide boat repair facilities, particularly for large vessels (up to 45m). Due to the current high demand for marine maintenance facilities it has become increasingly difficult for boat owners to find suitable facilities. At the present time many boating enthusiasts have to wait long periods of time before they are able to secure a place in a marine repair and maintenance facility.

In recognition of the growth and needs of the recreational and commercial boating industry, and to ensure the industry's sustainable growth, Rozelle and Blackwattle Bays were incorporated into the *Sydney Regional Environmental Plan No 26 – City West* (the SREP) as part of the Bays Precinct. The SREP ensured the Bays Precinct would be maintained for maritime uses, and reinforced the role of the precinct as a major inner harbour working waterfront.

The REP required the preparation of a Master Plan for the area. The Master Plan titled 'Rozelle and Blackwattle Bays Maritime Precincts' was prepared by NSW Maritime (formally the Waterways Authority) and approved in September 2002. Consistent with the vision of the SREP, the Master Plan envisaged a major boat repair facility on the Sydney Slipways site.

In 2002, Sydney Slipways submitted a successful tender to the NSW Maritime Authority for the development of the site in accordance with the Master Plan. In 2004, NSW Maritime Authority lodged a Development Application for the subdivision of land and realignment of James Craig Road, Rozelle Bay. This application subsequently amended the Master Plan for the site.

Figure 2: View of site, looking east

Figure 3: View of site, looking west

2. PROPOSED DEVELOPMENT

The proposed facility would occupy a footprint of 18,840m^2, which is divided into two sites by James Craig Road, comprising Site R1 (15,900m^2) and R2b (2,940m^2). Site R1 compromises boat maintenance facilities and vessel refit yards. Site R2b comprises marine retail/office space to be utilised for marine contractors and retailers.

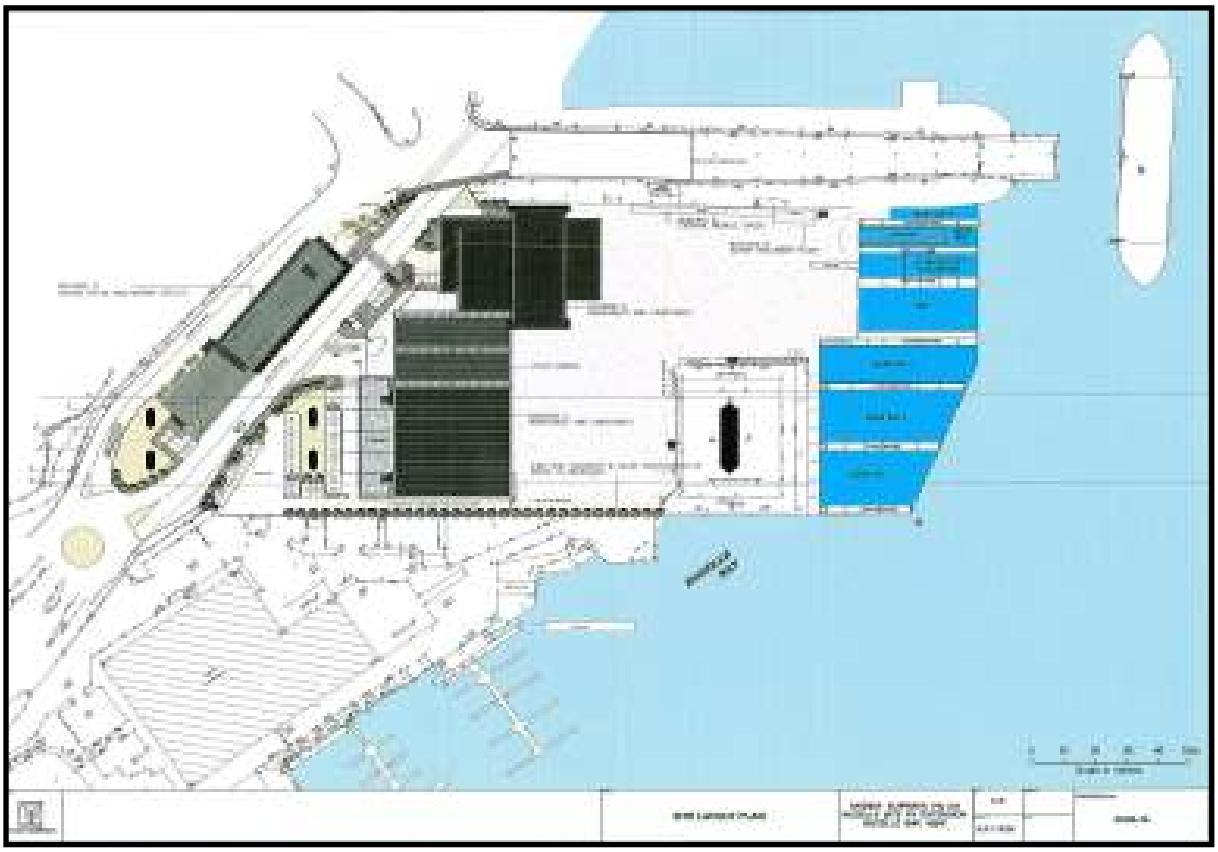

Figure 4: Site Layout

The major built components of the proposal are detailed in Table 1, and the exterior appearance of the facility is illustrated on the cover of this report.

Table 1: Major Components of the Proposal

Component	Description
Site Preparation Works	Removal of rubble and site compaction, construction of a sea wall and driving of piles for workbays. Paving of hardstand areas.
Buildings A-E	Construction of five separate buildings comprising buildings A (workshed, commercial units and site control office), B (water treatment plant), C (commercial and retail units and offices), D (parts and equipment storage) and E (workshed and paint bays).
Workbays	Construction of 5 work bays delineated by floating finger pontoons, projecting eastwards into Rozelle Bay. The work bay areas will allow the maintenance of vessels to be undertaken in the water.
Boat Lifts	Construction of a straddle lift (approximately 38m deep x 7.5m wide) and platform lift (approximately 38m deep x 14m wide) which enable vessels to be taken out of the water and manoeuvred on site for maintenance and repairs.
Concrete Ramp (slipway)	It is proposed to construct a concrete ramp approximately 22m long and 5.5m wide in work bay 4. It will be constructed in the 'dry', by building a water retention structure.
Parking	Construction of 128 parking spaces (79 at street level, 49 at basement level).

Fuel Storage	Installation of two underground fuel tanks storing 50,000 litres of diesel which will service vessels and craft for refuelling.
Rainwater tanks	Installation of five rainwater collection tanks with a total capacity of 355,000L which will collect rainwater from the roofs of buildings A-E.
Landscaping	Landscaping of the road frontage, parking areas and southern site boundary. Erection of a 2.5 metre high noise barrier along the western and southern site boundaries.

Essentially, marine vessels would access the site via Rozelle Bay and would berth at the workbays, where they would either be worked on in the water, or lifted onto the site via boat lifts. Vessels would be blasted, painted or antifouled on the open hardstand area, or would be moved to the worksheds in buildings A and E for maintenance activities such as mechanical repairs, electronics repairs, anti-fouling, upholstering, cabinet making, rigging, plumbing, cleaning and lubrication. Parts of buildings A and C would house marine-related commercial units as well as the site control office. A water treatment plant would treat all site runoff prior to recycling or disposal to sewer.

The proposal has a capital investment value of $23.3 million, and would employ up to 70 workers during construction and 140 workers during operations.

Sydney Slipways submitted an environmental assessment of the proposal to the Department on 20 April 2006 (see Appendix D).

3. STATUTORY CONTEXT

4.1 Major Project

The proposal is classified as a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) as it complies with the criteria in Clause 7(2) of Schedule 2 of the *State Environmental Planning Policy (Major Projects) 2005*, being 'development within the area identified as Glebe Island, White Bay, Rozelle Bay and Blackwattle Bay on Maps 6A and 6B to this Schedule', for the purpose of a marine maintenance facility. Consequently, the Minister is the approval authority for the project.

4.2 Permissibility

The site is zoned 'Waterfront Use' and 'Port and Employment'' under the *Sydney Regional Environmental Plan No 26 – City West*, and the proposal is permissible with development consent in these zones. The water is zoned W1 – Maritime Waters under *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.* While reclamation is not permissible in this zone, the works are considered ancillary to the proposal.

4.3 Exhibition

The environmental assessment of the proposal was exhibited from 20 April 2006 until 23 May 2006, which satisfies the requirements for public consultation in Section 75H of the EP&A Act.

4.4 Environmental Planning Instruments

Under Section 75I(2) of the EP&A Act, the Director-General's report on this project is required to include a copy of or reference to the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project.

The Department has assessed the proposal against the relevant provisions of the following planning instruments (see Appendix E):

- *State Environmental Planning Policy No 11 – Traffic Generating Developments*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy No 33 – Hazardous and Offensive Development*
- *Sydney Regional Environmental Plan No 26 – City West*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Master Plan – Rozelle and Blackwattle Bays*

This assessment concludes that the proposal is not inconsistent with the aims, objectives and requirements of these instruments.

4. ISSUES RAISED DURING CONSULTATION

During the exhibition period, the Department received 40 submissions on the proposal (see Appendix C for a copy of these submissions): 6 from public authorities (Department of Environment and Conservation, Leichhardt Municipal Council, City of Sydney Council, NSW Maritime Authority, Sydney Ports Corporation and Sydney Water), 7 from special interest groups and 27 from the general public.

The proposal was referred to Sydney Harbour Design Review Panel and the Foreshores and Waterways Planning and Development Advisory Committee prior to exhibition. Neither objected to the proposal.

The NSW Maritime Authority and City of Sydney Council raised no objections to the proposal, and provided their recommended conditions of approval. The DEC and the Sydney Ports Corporation raised concerns about the noise, air quality, and traffic impacts of the proposal.

Eight submissions received from the general public supported the proposal, however, Leichhardt Council, resident groups and other members of the general public either objected to the proposal or raised concerns. The matters raised by Council, resident groups and the community focused on the following key issues:

- the 24 hour, 7 day a week operation and associated noise impacts, particularly during the evening and at night;
- air quality impacts from the spraying of anti-foulants and paint;
- traffic impacts, including the impacts on local roads and the impact of the facility on recreational boating including impacts on rowers and dragon boaters;
- visual impacts, including impacts on the view of the 'three bridges' and Anzac Bridge, and lighting impacts; and
- water quality impacts; and
- access to the foreshore.

Sydney Slipways provided a Preferred Project Report responding to issues raised in submissions on 2 November 2006 (see Appendix B).

The Department posted a copy of this response on its website on 3 November 2006, and has assessed the issues raised in these submissions in more detail in Section 6 below.

5. ASSESSMENT OF ENVIRONMENTAL IMPACTS

5.1 Noise

Construction

Sydney Slipways has estimated that the construction of the marine maintenance facility would take over 6 months to complete. Accordingly, the noise impact assessment compared predicted noise levels against the "greater than 26 weeks" criterion (that is, background plus 5dB(A)) as specified in the DEC's *Environmental Noise Control Manual* for residential areas. Sydney Slipways' assessment indicated that the construction impacts would meet DEC's operational noise criteria for the proposal at nearby residences, except at one location (R7) where a minor exceedance of the criteria (<1dB(A)) is predicted.

The Department and DEC are satisfied that potential noise impacts from the construction of the marine maintenance facility can be appropriately managed. However, the DEC have recommended that Sydney Slipways be required to prepare a construction noise management plan prior to the commencement of construction to ensure that noise impacts from construction are kept to a minimum. This requirement has been incorporated into the Department's recommended conditions of approval.

Operation

The marine maintenance facility would operate 24 hours a day 7 days a week, and would be the largest such facility in Sydney Harbour. Activities proposed to be undertaken at the site that are likely to contribute to noise emissions include workshop tools (hammering, grinding, compressors, welders), operation of straddle lifts and fork lifts, transport trucks, vessel engines, fans and generators.

Residential areas within a 1km radius of the site include Rozelle to the north, Glebe Point to the south and Pyrmont to the east. Maritime and port industrial uses are located immediately adjacent to site to the north. Residences are located approximately 250 metres to the east at Pyrmont and 400 metres to the south at Glebe Point (refer to Figure 1).

An increase in noise levels was one of the key issues raised in public submissions. In addition, the DEC raised a number of issues associated with the noise impact assessment. DEC considered that:

- not all potential noise sources (including cranes, pumps, vessel engines, piling particularly during construction, had been identified;
- insufficient information had been provided to determine if the proposed Project Specific Noise Levels were appropriate;
- there was the potential to under-estimate noise levels from the operation of the facility;
- there was an absence of noise controls; and
- there was insufficient detail in the traffic noise assessment.

Sydney Slipways' were subsequently required to re-assess the noise impacts of the project, with consideration to issues raised by the DEC and other submissions, and to commission an independent review of the revised noise impact assessment.

Sydney Slipways' revised assessment predicted potential worst case noise impacts at each of the closest residential receivers and assessed compliance against the DEC's *Industrial Noise Policy* (INP). Nine nominated sensitive residential receivers were identified namely Mansfield Street, Crescent Street, Hornsey Street, Bayview Cresent, Federal Road, Oxley Street, Bank Street, Refinery Drive and Bowman Street. These locations are identified in Figure 5.

Figure 5: Location of Sensitive Receivers

The revised assessment indicated that operations at the site would comply with DEC's noise criteria at residences to the north, west and south. The assessment indicated, however, that without mitigation, exceedences of up to 9 dBA above the noise criteria at location R7 and 4 dBA above the noise criteria at location R9, could occur during the evening period.

Sydney Slipways propose to install a 2.5 metre noise wall along the southern boundary of the site and to carry out hammering and grinding activities inside site buildings during the evening period. The noise assessment indicates that these measures would reduce noise levels from the facility to ensure that the DEC criteria would not be exceeded at residences to the east of the site during the evening period.

To ensure the noise impact assessment had adequately addressed concerns raised by DEC and the general public, an independent review of the noise impact assessment was undertaken. This review concluded that:

- monitoring locations are representative of the nearest sensitive residential receivers to the proposed site;
- Project Specific Noise Goals had been determined in accordance with the INP and are appropriate;
- sleep disturbance criteria and traffic noise criteria are suitable;
- modelling methodology was appropriate, allowing a conservative assessment of noise impacts (i.e., a 'worst case' scenario) and the modelling of noise emissions included allowances for reflection off water surfaces; and
- the proposed noise controls were appropriate, although it was unclear whether the noise wall along the southern boundary of the site was required.

Both the Department and DEC were generally satisfied with Sydney Slipways' noise impact assessment. Notwithstanding, the Department and DEC consider that noisy activities such as painting, application of anti-foulants, hammering, grinding, engine testing and flushing, should not be permitted between the hours of 6pm and 7am. The recommended conditions of approval restrict the hours of operation for these activities. In addition, the Department's recommended conditions require Sydney Slipways to comply with stringent noise criteria at all residences, prepare and implement a noise management plan to monitor noise emissions from the site and undertake a noise compliance assessment within 3 months of commencement of operations.

The Department acknowledges the level of concern that has been raised by the general public concerning the possible noise impacts from this proposal. However, the Department is satisfied that the mitigation measures proposed by the Proponent, as well as the conditions of approval, will mitigate potential noise impacts on surrounding sensitive residential receivers.

Traffic Noise

A maximum of 140 additional heavy vehicle movements per hour would be generated by the project during operation, approximately 1 percent of the peak hour traffic on the Anzac Bridge. The Department concurs with Sydney Slipways that traffic noise generated by the development would be insignificant compared to the overall traffic noise in the area.

5.2 Air Quality

The activities that would be undertaken at the site would include removal of various anti-fouling coatings, removal of paint and other top side coatings, application of new coatings (spray painting, roller, brush), welding, fabrication, and sanding and coating application works. These activities have the potential to generate particulate emissions and volatile organic compounds and odorous and toxic air pollutants.

DEC raised concerns about the adequacy of the air quality impact assessment and considered that the assessment did not comply with the DEC's *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales, August 2005.* Sydney Slipways were subsequently required to revise the air quality assessment and to commission an independent review of the assessment.

The revised Air Impact Assessment assessed the potential impacts of particulate emissions and the emission of volatile organic compounds (VOCs), odorous and toxic pollutants. Sources for particulate matter included particulate matter from boats generated during grit or sand blasting activities and

particulate emissions from sanding of vessels. Potential emissions of volatile organic compounds (VOCs), odorous and toxic pollutants could occur from the painting of vessels with anti-foulants, paints and resins.

Dispersion modelling indicates that emission of particulates and VOCs would comply with DEC criteria at the site boundary and at nearby sensitive receivers, including residential areas, the NSW Maritime office and at the restaurant located at James Craig Road.

Sydney Slipways proposes to adopt a number of controls and strategies to minimise and mitigate off site air quality impacts in accordance with the DEC's *Solutions to Pollution for Marinas, Boatsheds and Slipways*. Two spray booths within Building E would be serviced by an air filtering system. A laminar air flow would enable air to enter at one end of the booths and exit through air extraction banks in the wall opposite. Once the air leaves the booths, dust and particles would be removed by multiple dry filters. The air would then be exhausted to the atmosphere through stacks, and some air would be recycled back into the booths.

A ride-on vacuum cleaner would be the main means of cleaning hard stand areas instead of sweeping or hosing. Dust emissions would be minimised by containing dust producing works in Buildings A and E. Works undertaken on the hard stand areas would be shrouded or fully cocooned. Air inside cocoons would be filtered and recirculated thus minimising dust emissions.

An independent review of the air impact assessment was undertaken to ensure the assessment had adequately addressed concerns raised by DEC and the general public. This review concluded that the air quality assessment had been prepared in accordance with DEC's *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales, August 2005* and that the assessment had adequately addressed the air quality impacts from the proposal.

The Department considers that air quality impacts can be adequately managed and mitigated through conditions of approval, and by the Proponent obtaining a license under the *Protection of Environment Operations Act (1997)* from DEC. The Department's recommended conditions of approval require the Proponent to prepare and implement an Air Quality Management Plan prior to the commencement of operations. This Plan would be required to be prepared in consultation with DEC to mitigate and manage air pollutant emissions resulting from activities on site. Recommended conditions of approval also require the Proponent to design, construct, operate and manage the project in a manner that would be minimised dust and vapour emissions, and not cause or permit the emission of offensive odours from the site.

5.3 Road Traffic and Parking

James Craig Road is a primary access road and is utilised by trucks and vehicles servicing port related activities at White Bay and Glebe Island, and maritime related businesses and activities along the northern section of Rozelle Bay. It does not serve any residential areas and public access to the road is restricted. Two way traffic volumes along James Craig Road are in the order of 2,500 vehicles per day during weekdays and 1,000 vehicles per day on weekends. The intersection of The Crescent and James Craig Road currently operates at a Level of Service A.

Sydney Slipways estimated there would be a maximum of 130 traffic movements per day during the construction of the project, including 10-30 heavy vehicle movements and 100 light vehicle movements. Given the current traffic volumes on the surrounding road network, the Department considers that additional traffic generated by the construction of the marine maintenance facility would have minimal impact on James Craig Road and associated regional roads. Nevertheless, the recommended conditions of approval require Sydney Slipways to prepare a detailed Traffic Management Plan prior to the commencement of construction.

Sydney Slipways' Traffic and Transport Impact Assessment indicated that the proposed development would generate approximately 140 traffic movements per day during weekdays, and 70 traffic movements per day on the weekends. The assessment indicated that the increase traffic generated from the facility would have an insignificant impact on the operation of James Craig Road or its intersection with The Crescent, which would continue to operate at level of service of A.

Further more, the assessment cited a 2004 study titled *Traffic Study – Rozelle Bay Maritime Precinct* which indicated that the cumulative impact of all developments planned for Rozelle Bay along James Craig Road would not affect the level of service of this road.

The Department considers that the project would have minimal impact on James Craig Road. Nevertheless, the Department recommends that Sydney Slipways implement a number of measures to ensure impacts are appropriately managed and monitored. The Department's recommended conditions of approval require Sydney Slipways to:

- design access routes and on-site car parking in accordance with relevant Australian Standards and/or *RTA's Road Design Guide*; and
- prepare and implement an operational traffic management plan for the project.

Parking

Sydney Slipways proposes to provide 49 basement car spaces and 78 at grade off street spaces. Leichhardt Council initially raised concern that the number of car spaces was inadequate, and recommended that a minimum of 133 spaces be provided. The proposed number of car parking spaces was subsequently increased to 127,

Car parking calculations for the site were assessed against Australian Standard 3962-2001 for *Marine Activities (AS 3962-2001)*, *Leichhardt Council Amendment No 8*, *and RTA Guide to Traffic Generating Development*, as outlined on Table 2.

Table 2: Car parking requirements for the proposal in accordance with government guidelines

Land Use	**Parking Formula**	**Area / Employees**	**Requirement[1]**
Marine Repair Facility	0.5 spaces/employee (AS 3962-2001)	72 full time plus 50 part time	61
Office Space	1.5 spaces/100m^2 (DCP) 1 space/40m^2 (RTA)	4138m^2 approx	62 **103**
Mixed Marine	1.5 spaces/100m^2 (DCP) 1 space/30m^2 of net lettable floor area (AS 3962-2001)	1766m^2 1568m^2	26.5 **52.3**
Café	5 visitor spaces per 100m^2 s (DCP) 0.44 per employee (DCP)	175m^2 2 employees	0[2] 2
		Total Required	151/ **216.3**
		Total Proposed	127

Note: [1] The more onerous requirement is highlighted in **bold**.
[2] There would be no visitor traffic generated by the café that would be independent of rest of proposal.

The Department notes that the proposed number of car spaces would be 24 less than the minimum requirements outlined in the DCP and 6 less than the number recommended by Leichhardt Council. The site would, however, be able to accommodate more car spaces if required, due to the provision of a large hard stand area on Lot 31. The Department, therefore, considers that adequate and acceptable provisions have been made with respect to car parking. Notwithstanding this, the Department recommends that all on-site car parking for staff and visitors associated with the project, including aisle widths and parking bay dimensions, be designed in accordance with relevant Australian Standards.

5.4 Water Traffic

Currently, Rozelle and Blackwattle Bays are used by recreational boating enthusiasts, including rowers and dragon boaters. The immediate waters surrounding the site are also used by commercial craft including, the fishing fleet at Sydney Fish Markets, vessels delivering materials to the Pioneer Concrete Plant, commercial charter boat operators, mixed marine businesses along James Craig Road, and AAT Glebe Island car terminal to the north in Johnsons Bay.

Sydney Slipways has estimated that the proposed facility would result in approximately 20 boat movements per day, or 2 to 3 boat movements per hour. The site is located in the north of Rozelle Bay, where it meets Blackwattle Bay to the east and Johnsons Bay to the north. Boats utilising services at the site would generally enter from Johnsons Bay to the north. Recreational boating is generally confined to the southern sections of Rozelle and Blackwattle Bays.

The Department does not consider these recreational activities would be detrimentally affected by the facility, for a number of reasons. Recreational activities already occur, alongside commercial water activities beyond Glebe Island Bridge. For example, recreational rowing is undertaken in the Parramatta River where commercial craft operate. Furthermore, the majority of these recreational activities are undertaken in the early morning and evenings, which is outside the core operating hours of the facility. Finally, a 8 knot speed limit / no wash zone already applies to vessels in the bay to minimise conflict.

The Department considers that the project would have minimal impact on water traffic. The use of the bay for a marine maintenance facility is also consistent with the objectives of W1 – Maritime Waters zone under *SREP (Sydney Harbour Catchment) 2005*. Nevertheless, the Department recommends that Sydney Slipways implement a number of measures to ensure impacts are appropriately managed and monitored. The recommended conditions of approval require Sydney Slipways to:

- provide signage on site regarding the no wash zone and recreational boating;
- prepare and implement a vessel traffic management plan; and
- liaise with NSW Maritime prior to the commencement of operations to implement management measures that would prevent conflict with other vessels.

5.5 Visual Amenity and Lighting

Visual Amenity

Concern was raised about the visual impact of the proposed buildings, including impacts to the 'three bridges view' and Anzac Bridge. The Department acknowledges that there would be a partial view loss of the three bridges, however, the extent of view loss is considered reasonable with views of the three bridges (Glebe Island, Anzac Bridge, Harbour Bridge) being generally retained. The proposed siting of the buildings on Lot 31 would retain greater views of the three bridges than if the buildings were sited in accordance with the Master Plan. The Department considers that by siting buildings A and E in the western corner of the site, impacts on visual amenity have been minimised. The maritime industrial nature of the site combined with surrounding infrastructure (silos, buildings, bridges) ensures the proposed buildings have a high degree of integration with their locality and a character consistent with the local context.

The bulk and scale of the development is generally consistent with the provisions set out in the Master Plan. A maximum height of RL23m applies to Lots 31 and 34. None of the buildings exceed the maximum height standard. While concern has been raised that the height of the buildings would have an impact on the Anzac Bridge, the building heights are consistent with the Master Plan. Furthermore, the siting of the buildings on Lot 31 and their orientation reduces the degree of visual obstruction to the Anzac Bridge and provides a satisfactory degree of separation.

The maximum site coverage permitted for the site is 50 per cent. Lot 31 has site coverage of approximately 23 per cent and Lot 34 has site coverage of approximately 48 per cent thereby complying with this requirement. The proposal, however, is generally inconsistent with thee setback requirements outlined in the Master Plan, with Buildings B, D and E set back approximately 2.75m from the northern boundary, compared to the 15m requirement and Building C set back 4.4m from the eastern boundary, compared with the 5m requirement. Building E also does not meet the 10m set back on the western boundary.

The Department acknowledges that the buildings do not meet nominated set backs specified in the Master Plan. The Department considers that the design and siting of the buildings are appropriate, however, in that they meet allowable building height limits and site coverage requirements and are generally consistent with the heights of surrounding buildings and infrastructure. Accordingly, the Department considers the bulk and scale of the proposal on balance is appropriate and reasonable.

Lighting

The site is located at the north western section of Rozelle Bay, between the western approaches of the Anzac and Glebe Island Bridges. There is considerable illumination in the area due to port and marine activities and infrastructure. Glebe Island, the Glebe Island Silos, White Bay, Anzac Bridge, Maritime Building and the Super Yacht Marina are all illuminated at night, none more so than the silos

and Anzac Bridge. Residences to the south at Glebe Point and east at Pyrmont already experience light spill.

The operation of the marine maintenance facility would result in increased lighting impacts from buildings, hard stand areas, straddle lifts and marine work bays. The facility would operate 24 hours resulting in night time lighting, particularly in the hard stand areas. The increase in lumination and illumination could have a detrimental impact on the amenity of the surrounding residential areas. Sydney Slipways however, prepared a lighting assessment which concluded the development would not generate a large amount of light spill beyond what is already produced in the vicinity, and that the cumulative effects of lighting would not be significant.

The Department acknowledges there are significant lighting levels in the immediate area due to surrounding infrastructure and port activities. In response, the Department has recommended a number of conditions of approval to ensure lighting matters are satisfactorily assessed to provide greater levels of certainty, and enable monitoring to address any lighting concerns. The recommended Conditions of Approval include the preparation of a lighting management plan once detailed lighting elements have been finalised.

5.6 Water Quality

Concern was raised that the construction and operation of the marine maintenance facility would have a negative impact on water quality in Rozelle Bay due to the release of toxins in sediments caused by the construction of piles for the marine work bays and construction of the concrete ramp, and activities including antifouling, sanding and painting once operational. Activities associated with marinas and slipways have traditionally had the potential to pollute waterways due to their close proximity to water and absence of pollution control measures.

The Proponent has indicated that their facility would operate in accordance with DEC's guidelines for *Best Management Practice for Marinas and Slipways*. The Proponent has proposed the following measures to mitigate the potential water pollution impacts:

1. a waste water treatment plant and reuse system would be provided on site. Wastewater containing sediment, particles and chemicals would be collected, removed, and disposed of at a licensed waste facility. No waste water would enter the waterway;
2. all stormwater, wash down water and runoff would be discharged to a grated drain and treated within the Humegard and Humeceptor. Treated water would then be reused or discharged.
3. creation of four catchment zones to filter runoff from the site;
4. use of membrane sheets beneath work areas to minimise suspended solids and pollutants entering the stormwater system;
5. use of ride a on vacuum cleaner to regularly clean work areas to prevent particles and waste water entering into stormwater or the Bay;
6. spray painting to be restricted to booths and housings to prevent drift of antifouling paints; and
7. all chemicals and paints to be stored in purpose built storage modules to prevent pollution of the ground and water.

The Department considers the proposed mitigation measures outlined by the Proponent, in conjunction with obtaining of an environment protection licence under the *Protection of the Environment Operations Act 1997* from DEC, would ensure that a high degree of environmental performance is maintained during operation to prevent detrimental impacts on the water quality of the Bay. The Department has recommended conditions of approval to ensure construction works carried out in the Bay do not give rise to water quality problems. It is considered these conditions adequately address and mitigate concerns raised. The recommended conditions include:

- preparation and implementation of a number of management plans prior to the construction of the facility including a water quality management plan, an erosion and sediment control plan and an acid sulfate soil management plan;
- monitoring of total suspended solids during construction;
- the requirement that all hazardous materials is stored in accordance with appropriate standards, codes and guidelines; and
- the requirement for spillage control equipment to be installed.

The Department is satisfied that water quality impacts associated with the proposal can be appropriately managed.

5.7 Marine Ecology / Flora and Fauna

The construction and operation of the marine maintenance facility has the potential to effect marine ecology due to the release of chemicals and toxins found in the underlying sediments of the Bay, resulting from the disturbance of the sea bed.

An aquatic ecology survey assessment was undertaken in the shallow in shore waters and sea bed fronting the subject site. The four main areas of habitat in the locality were identified as: mixed fill and rubble intertidal habitat; mixed sandy plus rock rubble sub tidal shallows; mixed insert waste sub tidal shallows; and silty sand grading to mud with depth. The survey found there were no mangroves, saltmarsh or seagrass along the existing foreshore or in the vicinity of the proposed facility. A review of threatened species listed under the Threatened Species Schedule of the *Fisheries Management Act 1994* indicated that the Black Rock Cod could potentially occur in the study area. A search of the study site found no Black Rock Cod. It was concluded the fill areas around the study site do not provide suitable habitat.

Samples of sediment at eight sites were taken to assess for sediment pollutants. The assessment was undertaken in accordance with ANZECC/ARMCANZ (2000) sediment quality criteria guidelines. It concluded the sediments at the site exhibit typical pollution loads for silty sand sediments of the inner Harbour and Parramatta River. The results of the study can be summarised as follows:

- all sites had concentrations below the Interim Sediment Quality Guideline – Low (ISQG-LOW) values for Arsenic, Cadmium, Chromium and Nickel;
- Site 8 concentrations were all below ISQG-Low values with the exception of lead;
- copper concentrations were elevated at all sites except at Site 8 but were below the ISQG-High values;
- lead concentrations were over the ISQG-Low value at all sites. Site 8 and 4 concentrations were below the ISQG-High value and the remainder were above the ISQG-High value;
- zinc concentrations were over the ISQG-Low value at all sites except at Site 8, with Sites 4,2 and 3 concentrations below the ISQG-High value;
- tributyl tin concentration at Site 5 was above the ISQG-Low level and was higher than the concentrations of Monobutyl and Dibutyl forms indicating that it is of relatively recent origin; and
- concentrations of long chain carbon forms of Total Petroleum Hydrocarbons (TPH) were slightly elevated whilst concentrations of short chain (more volatile) forms were below detection.

The proposed excavation of rubble and demolished fill material would not be expected to result in significant mobilisation of pollutants. The construction of the rock revetment wall and support piles would be undertaken behind a floating boom silt curtain to contain the mobilisation of suspended sediments. The construction of the concrete ramp would be undertaken in the dry by building a water retention structure, thus containing disturbed sediments. The Proponent has indicated that once these marine structures are in place the overall area of wetted hard stratum habitat would be increased thus enhancing fish habitat.

The Department considers that potential disturbance to sediments during construction would be temporary and localised. The Proponent would be required to prepare a Water Quality Management Plan and Erosion and Sediment Control Plan prior to the commencement of construction to mitigate detrimental impacts on aquatic ecology. These plans are to be prepared in consultation with NSW Maritime Authority.

The Proponent has advised that, during operation, there would be adequate clearance depth (-6m to -6.5m) to prevent significant mobilisation of sediments. Aquatic ecology impacts associated with vessel movements would therefore be limited.

The Department considers the site is highly disturbed with low ecological value. The site has been traditionally used for maritime industrial purposes, often with few environmental safeguards. The Department considers the proposed facility would improve the site and will have a neutral or beneficial impact on aquatic ecology. Marine structures would increase habitat surface area opportunities for biota. Improved stormwater management would manage and treat runoff which currently runs untreated and unimpeded into the Bay. Accordingly, the Department considers potential temporary impacts can be managed on site through conditions of approval, and operational practices geared

towards best practice through the preparation and implementation of appropriate Operational Environmental Management Plan, and other relevant Plans, where appropriate.

5.8 Public Access

The Master Plan, *Sydney Regional Environmental Plan No 26 – City West*, and *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* contain principles and objectives that relate to increasing foreshore public access. The Master Plan does not require foreshore public access to this site, and the proposed project does not include any provisions for public access to the foreshore.

The provisions in these planning instruments also recognise that public access to the foreshores should be contingent upon the safety and security of the public, and that public access to the foreshore should be provided where such access does not interfere with the use of the land for maritime activities.

The use of the site for repairs and maintenance activities would mean that restricted access is warranted. The design and location of the marine work bays and straddle lift bays would prevent public access along the foreshore. Straddle lift bays would require a large hard stand area immediately adjacent to the water in which to transport vessels and the lifts would be stored on the foreshore when not in use. Work bays could only be accessed via a narrow strip of land between the water and Anzac Bridge column, which would constrain any potential for public access.

The Glebe Island Bridge abutment located immediately to the north of the site forms a physical barrier, hampering any potential to provide connectivity to the north. Foreshore access to the south of the site cannot be provided due to the location of the Anzac Bridge supporting column. Continuous foreshore access is therefore unable to be provided.

Given the physical and operational constraints on the facility, the Department believes that it would be unreasonable to impose a requirement that public access be provided. While in principle, increasing foreshore public access is an important consideration, in this case it is not feasible or desirable.

5.9 Site Contamination

The Department's consideration of the project in accordance with *State Environmental Planning Policy No.55 – Remediation of Land* is provided in Appendix E. The site has been used previously for industrial uses, including timber storage, boat repairs and maintenance, marine contractors etc. Investigations of subsurface conditions reveal the site has been reclaimed. Surface fill on the site is predominantly crushed sandstone and sand.

The site was assessed for continuing use for commercial/industrial purposes. Levels of contaminants were assessed against the Site Assessment Criteria (SAC), with particular reference to *Guidelines for the NSW Site Auditor Scheme (2006)*. The adopted assessment criteria included the *NSW EPA Contaminated Sites Guidelines for the NSW Site Auditor Scheme* (1998) Health Investigation Levels Column 4 for Commercial/Industrial Developments, and *NSW EPA Guidelines for Assessing Service Station Sites,* 1994.

Sediment analysis involved drilling 6 boreholes across the site to depths of 0.5m to 2.5m. The soil samples were analysed for a variety of contaminants including heavy metals, total petroleum hydrocarbons, Monocyclic and Polycyclic Aromatic Hydrocarbons, Organochlorine pesticides and asbestos. Based on the results of the investigation, the analysed samples were all within the site assessment criteria for all contaminants tested.

An earlier study prepared by Sinclair Knight Mertz site commissioned by the Ministry for Forests and Marine Administration in 1998 drilled two boreholes across the site. Analytical results compared to Human Health and ANZECC criteria revealed that the sediments did not exceed the human health criteria.

The Department believes that the proposed commercial/industrial use of the site is consistent with its current use and is satisfied the land in its current state is suitable for the purpose for which the development is proposed to be carried out. Further, the nature and extent of contaminants do not warrant remediation of the site.

5.10 Other Issues

Other issues raised in the EA, by government agencies or in public submissions are considered to be minor issues, components of key issues or of minor environmental impact. The Department is satisfied that they can be controlled, mitigated or managed through appropriate conditions of approval.

6. CONCLUSION

The Department has assessed the EA, submissions on the proposal, and Sydney Slipways' response to submissions in accordance with the requirements of Clause 8B of the *Environmental Planning and Assessment Regulation 2000*.

In light of the proposed mitigation measures, the Department is satisfied that the noise, air quality, traffic, visual amenity and all other impacts associated with the development would be within acceptable limits. A number of conditions have also been recommended to ensure that the proposed project would not result in any significant impacts to the surrounding environment.

The proposal is located within an established port area that has been designated as the location for a marine maintenance facility under the *Rozelle and Blackwattle Bays Maritime Precincts Master Plan*. Traffic would access the facility via main roads, and increases in vehicle movements would represent an insignificant portion of the total volume of these roads. The Department is therefore satisfied that the site is suitable for the proposed development.

The Department believes that the proposed project would meet its key objective to meet demand for a maintenance facility for large recreational vessels in a central, accessible location. The project would provide for the employment of up to 140 people and generate significant economic benefits for the Rozelle Bay region. The Department is therefore satisfied that the proposal is in the public interest.

7. RECOMMENDATION

The Department recommends that the Minister for Planning consider the findings and recommendations of the Departments report and approve the proposal, subject to the recommended conditions of approval (refer to Appendix A).

APPENDIX A – RECOMMENDED CONDITIONS OF APPROVAL

APPENDIX B – STATEMENT OF COMMITMENTS AND PREFERRED PROJECT REPORT

APPENDIX C – SUBMISSIONS

APPENDIX D – ENVIRONMENTAL ASSESSMENT

APPENDIX E – ENVIRONMENTAL PLANNING INSTRUMENTS CONSIDERATION

State Environmental Planning Policy No. 11
State Environmental Planning Policy No. 11 – Traffic Generating Developments applies to the site. SEPP 11 aims to ensure that the RTA is made aware of and allowed to comment on proposals for developments listed in Schedules 1 and 2 of SEPP 11. The proposed development is a development listed under Schedule 2 of SEPP 11. SEPP 11 requires the Department to forward a copy of the development application to the RTA within 7 days of receipt. A copy of the development application was provided to the RTA on 19 April 2006. Pursuant to clause 7(5) of SEPP 11, the Minister is able to determine the application.

State Environmental Planning Policy No. 33
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development applies to the site. SEPP 33 aims to identify proposed developments with the potential for significant off-site impacts, in terms of risk and/ or offence (odour, noise etc). A development is defined as potentially hazardous and/ or potentially offensive if, without mitigating measures in place, the development would have a significant risk and/ or offence impact on off-site receptors. The proposal does not constitute "potentially hazardous development" or "potentially offensive development" as defined in SEPP 33.

State Environmental Planning Policy No. 55
State Environmental Planning Policy No. 55 – Remediation of Land applies to the site. SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. Clause 7 of SEPP 55 states that:

7(1) A consent authority must not consent to the carrying out of any development on land unless:
- *(a) it has considered whether the land is contaminated, and*
- *(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- *(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The Department is satisfied with the consideration of SEPP 55 contained in the Environmental Assessment.

Sydney Regional Environmental Plan No.26 – City West
SREP 26 applies to the site. The site is zoned 'Water Front Use' and 'Ports and Employment' and the proposed project is permissible in these zones. SREP 26 requires the consent authority to take into consideration the aim of the SREP that development within the City West area should be consistent with the planning principles for City West, which are:

Regional Role
- *Development in City West is to promote urban consolidation in the Sydney Region and consequently contribute to Sydney's status as a financial, commercial, residential and tourist city of world standing.*
- *Development in City West is to provide benefits to the people of the Sydney Region and New South Wales.*
- *The types and intensities of development in City West are to reflect its central location and accessibility to public transport and are to support and to complement development in the city centre.*

Land Use Activities

- *Development in City West is to contribute to an integrated mixed-use development pattern containing a wide range of housing and employment opportunities, and educational, recreation and cultural activities.*

Mixed Living and Working Environment

- *Development in City West is to house an increased population and to provide an increased quantity and range of employment opportunities which are compatible with the achievement of a high-quality mixed living and working environment.*
- *Development in City West is to promote and retain close to the city centre a socially diverse residential population representative of all income groups.*
- *Development in City West is to provide different kinds of housing, including affordable housing, to ensure that low to moderate income households may continue to be able to live in City West.*
- *Development in City West is to provide opportunities for people to live and work at places in close proximity.*

Education

- *Development relating to educational establishments should be based on strategies for their growth and response to technological and other changes, and their integration with surrounding development.*

Leisure and Recreation

- *Full advantage is to be taken of the leisure and recreation facilities and the public open space in the city centre and in surrounding areas (particularly in City West) and the use of Sydney Harbour for leisure and recreation.*
- *Public access to the entire foreshore in City West is to be provided. Opportunities for waterfront and water-based recreation and tourism activities, compatible with adjoining land uses, are to be provided.*

Port Functions

- *The operation, concentration and rationalisation of commercial shipping facilities is to be supported to meet the changing needs of Sydney Harbour as a commercial port.*

Social Issues

- *The needs of existing and future communities, including needs for social facilities and services are to be accommodated.*

Environmental Issues

- *Development in City West is to ensure a high level of environmental quality by addressing issues of air quality, noise levels, wind conditions, access to light and sunshine, privacy, soil conditions and water quality.*
- *Development in City West is to have regard to the principles of ecologically sustainable development (namely, the precautionary principle, inter-generational equity, conservation of biological diversity and ecological integrity, and improved valuation, pricing and incentive mechanisms).*
- *Development in City West is to:*
    - *incorporate measures to minimise waste, including (where practicable) utilising recycled materials and renewable building resources, recycling building and demolition wastes, and providing facilities for recycling and composting, and*
    - *implement total water cycle management, including (where practicable) reducing consumption of potable water, treating and recycling waste water for re-use, minimising site run-off and stormwater generation, and reusing stormwater, and*
    - *incorporate measures to conserve energy, including (where practicable) reducing energy consumption, and increasing inherent energy efficiency through design and materials selection, and*

- *promote biological diversity by measures that include (where practicable) increasing habitat through appropriate retention, planting and maintenance of native flora considered representative of the locality, and*
- *complement and reinforce the development and use of the existing and planned integrated public transport, pedestrian and cycling networks in City West.*

Urban Design and the Public Domain

- *Development in City West is to enhance, complement and contribute to the development of the public domain in order to create a high-quality physical environment for access, enjoyment and recreation for residents and workers.*
- *Development in City West is to contribute to a high level of residential amenity and convenience.*

Heritage

- *The items and areas of heritage significance in City West are to be conserved and enhanced. New development is to respect the character of heritage items and conservation areas. The re-use of heritage buildings through adaptation and modification is to be encouraged.*

Movement and Parking

- *A range of housing and work, leisure and service facilities is to be provided in City West so that the need for travel is minimised.*
- *A high degree of accessibility is to be provided to places in and outside City West for both able and disabled persons. Walking, cycling and use of public transport are to be encouraged as the means of movement.*
- *Development in City West is to facilitate the provision and operation of a comprehensive regional public transport network.*
- *Development, particularly that which is employment related, is to be within the capacities of existing and proposed public transport and arterial road systems.*
- *The provision for vehicular movement is to be consistent with the development of a high-quality pedestrian environment within the street system.*
- *Parking controls are to support public transport strategies of the Government and to reflect road network capacities.*

Implementation and Phasing

- *Development is to contribute towards the efficient use of City West's existing infrastructure and towards the provision of physical and social infrastructure as part of the development process, in accordance with the provisions of the Act.*

The Department is satisfied with the consideration of SREP 26 contained in the EA.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the site. The SREP has the following aims with respect to the Sydney Harbour Catchment:

(a) to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained:
  (i) as an outstanding natural asset, and
  (ii) as a public asset of national and heritage significance, for existing and future generations,
(b) to ensure a healthy, sustainable environment on land and water,
(c) to achieve a high quality and ecologically sustainable urban environment,
(d) to ensure a prosperous working harbour and an effective transport corridor,
(e) to encourage a culturally rich and vibrant place for people,
(f) to ensure accessibility to and along Sydney Harbour and its foreshores,
(g) to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity,
(h) to provide a consolidated, simplified and updated legislative framework for future planning.

The Department is satisfied that the proposal is not inconsistent with the aims of SREP (Sydney Harbour Catchments) 2005.

Master Plan – Rozelle and Blackwattle Bays
SREP 26 requires that any Master Plan prepared for the land to which SREP 26 applies must be considered by a consent authority. The Rozelle and Blackwattle Bays Master Plan applies to the site. The objectives of the Master Plan are to:

- *Protect and reinforce the precinct as a cental location where maritime industries essential to the economic life of the Harbour are based.*
- *Sensitively upgrade and redevelop the area to optimise its viability and flexibility for a range of maritime operations.*
- *Increase public access within the maritime precinct to link with existing and planned pedestrian and cycle networks that has appropriate regard to the working nature of the maritime precinct.*
- *Conserve and interpret the significant maritime industrial heritage features of the sites.*
- *Encourage ecologically sustainable development.*
- *Safeguard the continued use of Rozelle and Blackwattle Bays for non-motorised water-based recreational activities such as rowing and canoeing.*

The Department is satisfied that the proposed development is not inconsistent with these objectives and is satisfied with the consideration of the Master Plan as contained in the EA.