Elizabeth Walker
21/5 Juniper Drive
BREAKFAST POINT 2137

26 Nov. 10

Department of Planning
Major Development Planning
GPO Box 39
SYDNEY 2001
Attn: Felicity Greenway

Kendall Bay Marina
MP 07_0006

I am writing to object to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347.

The proposal will have a major impact on Breakfast Point and surrounding areas of Mortlake, Cabarita and Concord.

A major concern relates to the non-remediation of the polluted sediment in the Bay, which contain chemicals, which pose significant risk of harm to human health. Remediation is not proposed despite a remediation order being issued by EPA. I am concerned that the proposal to place a "blanket" over part only of the area will not meet the declaration requirements and leave the site, and thus residents and water users, exposed to not only carcinogens but other pollutants.

My other concerns relate to the construction of a large commercial public marina operating 24/7 immediately adjacent to a residential area with the consequential intrusion into the lives of BP residents.

Such a large enterprise will bring with it inherent problems of traffic, parking, noise, pose safety issues for walkers along the waterfront and generally interfere with the ambience of what has been described as a peaceful waterside walk.

There has been little communication from the developer in regard to the proposal and in the absence of any consultation I find it impossible to support the proposal in any way.

My greatest personal concerns are:

- destroying the natural view of a peaceful waterway with a structure designed only for commercial gain.
- increased cost to the Community Association in regards to repair and maintenance of community property and therefore increased cost to the individual lot owners.
- increase in the volume of traffic directly past my home at any time of the day or night.
- increased demand for visitor parking (the proposed car park does not adequately cater for possible demand).
- increased disruption to the community caused by movement of goods and people between the carpark and the marina

I ask that the proposal be denied and that Kendall Bay, and its contaminants, be left undisturbed.

Yours faithfully

E. Walker.

Anna Bradley - Online Submission from Geoff Clark of Private Citizen (object)

From: Geoff Clark <geoffclark@hotmail.com>
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 26/11/2010 12:22 PM
Subject: Online Submission from Geoff Clark of Private Citizen (object)
CC: <assessments@planning.nsw.gov.au>

I object to the establishment of the Inner West Marina (Reference MP07_0006) proposed for Kendall Bay.
My reasons include:

? Jemena?s proposed (and totally inadequate) cleanup. It is planned that only shoreline hotspots (accessible at high tide) will be treated.

? The EPA states that the bed of Kendall Bay (falling within 200m of land) is a remediation site. This site is contaminated with polycyclic aromatic hydrocarbons (PAH?s) and total petroleum hydrocarbons (TPH?s). These substances pose a significant risk of harm and that development will increase that risk. Disturbance of sedimentation will mobilise contaminants and it is therefore critical that bed sediments are not further disturbed without appropriate investigation and / or remediation.

? The environmental scientist reporting and advising on this proposal is paid by the proponent.

? The placement of a geotextile blanket and rock ballast on the bay floor. A significant volume of PAH?s move into the water column each year. How much more will be expelled when a permeable geotextile blanket is laid and almost one half metre of rock armour is dumped on top?

? The lifespan of the geotextile material is said to be 100 years. How do we know that this is correct? Where has it been previously used? How is it to be replaced?

? Are piles to be driven before or after the geotextile material is laid? How much pollutant is expected to be released in the process?

? A geotextile blanket and rock ballast will not only serve to pollute the environment but further restrict natural marine growth.

? The proponent claims that access to the harbour is important. This presumably means for the 172 mostly 10-16m boat owners. The proposal is simply aimed at serving just a small, wealthy and influential section of the community. (95% of vessels will 10 metres or greater in length).

? Why, in an era of climate change (and post peak oil) is there an encouragement of massive fuel usage such as will be required by most of the proposed 172 vessels?

? Kendall Bay is not deep. In the area of proposed development depths appear to range between -2m and -4m (hydrographic datum ? zero at Fort Denison). It is further proposed that this depth be reduced by about 0.5m by the placement of a geotextile blanket and the dumping of rock ballast. Clearance under propellers or keels will be minimal. This situation will be exacerbated by strong winds causing waves.

? Sydney Ferries and the State Government predict and call for increased ferry patronage. Ferry commuters do not want a restriction on operations (as could be further imposed by the construction of yet another marina). It is critical that an effective and efficient public transport system be maintained.

? School rowing groups use this area. These young people should be allowed to exercise safely in an environment

free from the additional 172 mostly environmentally unfriendly craft.

? A social impact statement has not been prepared.

For all of the above reasons I oppose the construction of the proposed Inner West Marina.

A geotextile blanket and rock ballast serves only to move pollutants into the river (during placement), provide a foreign environment on the bay floor and (to the detriment of future generations) capture remaining pollutants.

Government State of the Environment Reports show the sediments of Sydney Harbour to be heavily contaminated by heavy metals. In fact sedimentation is amongst the most heavily contaminated, not only in Australia, but the world.

Let us set aside the construction of a marina and instead remediate the bay to a standard whereby sediments are no longer cause for concern.

Name: Geoff Clark
Organisation: Private Citizen

Address:
9/30 Fitzroy St Abbotsford NSW 2046

IP Address: 114.11.220.203.static.comindico.com.au - 203.220.11.114

Submission for Job: #1311 Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhiive.com/index.pl?action=view_site&id=865

Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
F: 02 9228 6466
E: Chris.Ritchie@planning.nsw.gov.au

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Anna Bradley - Online Submission from Ben Cosier of Invisible Communications (support)

From: Ben Cosier <ben@invisiblecommunications.com.au>
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 18/11/2010 6:50 PM
Subject: Online Submission from Ben Cosier of Invisible Communications (support)
CC: <assessments@planning.nsw.gov.au>

As a member of the Boating Industry Association, Invisible Communications is in support of this development. It will provide much-needed facilities for boat owners, and will enhance boating access for the growing western Sydney region, as well as public access to the foreshore.

The proposal for the marina incorporates a well accepted remediation system, and has also taken proper consideration of other environmental, safety and public concerns.

Sincerely,

Ben Cosier
Managing Director
Invisible Communications Pty Ltd
www.invisiblecommunications.com.au

Name: Ben Cosier
Organisation: Invisible Communications

Address:
Telopea St
Telopea NSW 2117

IP Address: 64.146.70.115.static.exetel.com.au - 115.70.146.64

Submission for Job: #1311 Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=1311

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Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
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E: Chris.Ritchie@planning.nsw.gov.au

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107/7 Admiralty Drive
Breakfast Point NSW 2137

18 November 2010

The Director
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Director

Re: Kendall Bay Marina DA (MP 07-0006)

My wife and I along with almost all residents within the Breakfast Point and surrounding communities are considerably concerned by the Development Application lodged by Breakfast Point Pty Limited for a 24/7 public marina complex of 172 berths within a pontoon style structure in Kendall Bay. It is also of great concern that any development plan would even be considered ahead of the proposed remediation of the severely contaminated river bed near the eastern shore and with the proposed use of an as yet unproven geotextile blanket over the polluted seabed under the marina area.

The process is clearly deficient and the following three issues should have been addressed before this DA was displayed for public comment and certainly before any approval of the DA by the NSW Department of Planning and our elected representatives:

1. No development proposal should have been accepted for lodgement **without the developer undertaking adequate community consultation. This we understand was a pre-condition from the Director-General Department of Planning but the developer's plans have been so far been shrouded in secrecy with no community consultation whatsoever.**

2. No development proposal should even be considered **without an independent Social Impact Assessment. There clearly are issues relating to the effect on quality of life for Canada Bay residents and other recreational users of the river as well as Breakfast Point/Kendall Inlet residents in relation to noise, traffic congestion, safety, inappropriate parking and financial costs of increased use of roads and facilities maintained solely by the community. In addition a number of the apartments in the Hunter's Wharf precinct are only 70 metres from the proposed marina and this is not the case with any other marina operating in NSW.**

3. No development proposal should be approved **before the Kendall Bay contamination clean-up is completed and shown to be successful and before there is sufficient evidence to support the long-term use of a geo-textile blanket under the marina area.**

We hereby request that the NSW Department of Planning oppose the proposed Kendall Bay Marina DA and support the argument to **defer any consideration of a marina DA in Kendall Bay until the remediation DA is determined and agreed and until all work stemming from this DA is completed successfully.**

Yours sincerely

Paul Nix

Anna Bradley - Inner West Marina Development at Kendall Bay MP 07_0006

From: "David Teo" <dteo@bigpond.net.au>
To: <plan_comment@planning.nsw.gov.au>
Date: 19/11/2010 2:43 PM
Subject: Inner West Marina Development at Kendall Bay MP 07_0006

NSW Dept. of Planning and To Whom It May Concern
Dear Sir/Madam

I write to you as a resident and as a member of the public to protest against the proposed development of Kendall Bay into a large commercial marina with more than 170 berths catering for large yachts. I am against this development because:-

1. The water in the bay which is part of the Parramatta River is polluted with toxic chemicals which have been churned up by water traffic, right down to Sydney Harbour. This had originated around the old Union Carbide factory in Rhodes (where remedial action had been attempted), and the contamination of the coal loading at the old wharf of the AGL site. The toxic contaminants, including Agent Orange, are in the sediments of the foreshore, and to allow any development, large or small, will disturb the toxic and cancer causing contaminants and spread them widely. At the moment, NO SWIMMING is allowed in the water for health reasons. The environmental impact of any development will be very severe.
A proposal to use a 'Geotextile' blanket to cover the surface of the sediment, limited to the proposed marina area, has NO PROVEN track record. It will not cover the southern end of the Bay where contaminant concentration is very high.
The construction of the wharf/pier whether before or after the 'Geotextile' blanket is laid will still disrupt the integrity of the covering sediments presently and expose the contaminants to be washed back into the mainstream.

2. The commercial development will impact on the environment in terms of discharge of human and other waste (accidental or purposeful), accidental leakage/discharge of fuel, noise pollution and visual impact.There is also fire risk and OHS issues, like the recent boat fire at a marina near Roseville Bridge.

3. At the moment, there is a walking path along the foreshore from Tennyson Road past Cabarita Wharf to Cabarita Park. This is well used by residents from the surrounding subsurbs at all times of the day and everyone enjoys the pleasant environment and the view across the river to the city landscape. A marina will obliterate and deprive the public of this pleasure, especially with the commercial activities in the midst.

4. At present, there are two commercial marinas already next to the proposed site, one in Mortlake (immediately around from Kendall Bay to the west) and the other in Cabarita (next to Kendall Bay). To have a third commercial marina will increase the crowding of the waterway, and may even impede the Rivercat Ferry services to Cabarita Wharf, other water traffic, and recreational users. Chances of accidents/collisions are increased, like that in Rydalmere recently.
Plan for public wharf and some public mooring will also increase congestion and risk of social disruption.

5. The commercial development will allow commercial vehicular traffic access to the marina through Breakfast Point which is a purely private residential environment. The surrounds

are maintained privately. The increased commercial traffic will increase risks for children, pedestrians and residents.
The proposed construction of a 58 vehicles carpark will also contribute to increases in 24/7 vehicular traffic.

In view of the above reasons, I would submit that the proposed commercial marina not be developed in the public's interest, approval for it be denied, and all steps should be taken to remediate the contaminations in Kendall Bay.

Yours faithfully

Dr David Teo
26/22 Admiralty Drive
Breakfast Poinr NSW 2137.
0419807888

Anna Bradley - Online Submission from Alan Blake of Blakes Marine (support)

From: Alan Blake <alan@blakesmarine.com.au>
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 19/11/2010 3:43 PM
Subject: Online Submission from Alan Blake of Blakes Marine (support)
CC: <assessments@planning.nsw.gov.au>

I believe that more Marina spaces are needed in Sydney harbour to accommodate the large amount of vessels that are being imported in to Australia

Name: Alan Blake
Organisation: Blakes Marine

Address:
130 Windsor Road,
McGraths Hill 2756

IP Address: blakes1.lnk.telstra.net - 203.45.133.195

Submission for Job: #1311 Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhiive.com/index.pl?action=view_site&id=865

Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
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E: Chris.Ritchie@planning.nsw.gov.au

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Geoff McEwen

2/68 Kings Rd Five dock 2046

Project application number: MP07_006

I wish to make it clear that I **object** to the proposal and **do not** support the proposal of a commercial marina at Kendal Bay

The reason why I object to the proposal

Our foreshore, waterways and harbour are the most precious assets that this city and state have.

We have spent millions of tax payer money cleaning up the foreshore and rejuvenating the water so that we all can enjoy its beauty.

I find it unbelievable that this government would have even contemplated the thought of putting in a marina with the suggestion that it would have little to no impact on the environment, nor on the quality of life for those that use the foreshore area which includes all Sydneysiders not just the residents of the surrounding areas. I don't live in the area, but understand just what effect this project would have on the environment.

This project is not about the needs of the community or the needs of Sydneysiders in general, it is simply about a development company wishing to make a quick buck at the expense of our children's heritage of a pristine harbour.

We constantly complain about population density in the inner west, the traffic congestion on our roads and indeed the congestion on our harbour, yet we continue to give opportunities for others to create more congestion. If we don't want congestion, don't create opportunities for it to occur. This is exactly what will happen if this project goes ahead. I liken it to the removal of the M4 tolls. We were told this would not have an impact on traffic flow, how wrong they were. Traffic in both directions is now creating problems that never happened prior to the toll's removal. I never stopped on my journey from Greystanes to Five dock until I reached the end of the end of the M4, now the traffic bank up starts at Auburn and I am lucky to get out of 2nd gear. The point being, this project will create problems that will be long lasting and extremely detrimental to the environment that we at this point do not fully comprehend.

And unfortunately after reading quite a few articles regarding cash donations by the said developers to a political party, it makes me wonder just how this project was deemed as of "regional environmental planning significance"

Increased traffic and people to the area, breakdowns of boats requiring mechanical repairs on site, pollution caused by food scraps sewerage and other effluent etc being jettisoned from boats, oil and petrol spills, the kiosk itself creating rubbish. These situations will all occur given the opportunity. Lets not be naive and suggest that everyone will "do the right thing" with their rubbish or that that this project will not have an effect on the local environment.

How many projects will go ahead when we ALL know that they are wrong for the environment, wrong for the community and in general wrong for Sydney and Sydney Harbour?

I declare that I have not made any political donations.

A Submission Opposed to the Proposed Marina at Breakfast Point

Andrew and Katherine Strunk, residents of Breakfast Point, hereby state our objections to the proposed marina which would be built on the foreshore of Kendall Bay. We are of the strong opinion that such a marina would have a marked negative impact on our quality of life while residing at 12/4 Admiralty Drive, Breakfast Point, in the Sovereignty strata units.

We purchased our property through Rose Corp Pty Ltd. At the time we were most impressed by the work on the residential development to date. Since that time considerable additional units have been constructed well beyond the original intentions impacting on the overall crowdedness. We recall no mention throughout the sales process of any marina and are certain, as are all residents, that at the time there was no suggestion of the commercial marina now being proposed. Since this proposal has become public, the reaction of Breakfast Point residents has been almost completely consensual in opposition. We actually know no resident local to Breakfast Point who is in favour of the proposal going ahead with the possible exception of Rose Corp employees residing in the community. On the contrary, nearly all residents are vociferously opposed and active in their feelings about it, signing petitions, putting up "No Marina" signs on their properties, buying and wearing "No Marina" t-shirts, attending local community meetings in large numbers and giving of their personal time to ensure there is a committed and planned program making it clear the inordinately high level of opposition.

The response is not surprising to us. We considered two properties within the Sovereignty units and ultimately chose one that had a lovely river view across parkland. No building or units can be constructed between our residence and the river views, an important part of the intrinsic value of our property, both in terms of enjoyment and financial value. This brings up one of the critical problems of the proposed marina for local residents: visual pollution. Our front verandah has a beautiful view across the road through grassed parkland with well-landscaped trees and shrubs onto the whole of the bay and the Cabarita feery wharf and adjoining parkland within Cabarita Park. Our investment in the property was the security and amenity of the environment. We use the foreshore parkland to walk on an almost daily basis as well as using it for training runs. On these outings it is abundantly clear that the foreshore has substantial use by walkers, joggers, cyclists, fishermen and families enjoying the grassed areas and benches. This foreshore area has been carefully reclaimed by Rosecorp as a beautiful community asset that has helped to convince investors to join this community.

The visual pollution of an 172 berth marina (with an additional 5 berths for visiting boats) would be enormous and basically destroy the present sense of tranquility and beauty. The river traffic at present in front of the foreshore is an appropriate mixture of ferries, motorboats, rowing boats and sailboats. It is arguably one of the finest areas visually along the river. The final product of the marina (not to mention the lengthy construction period) would definitely leave us with this view from our units and adjacent units. As for all of the residents of Hunter's Wharf (as well as other residents with a similar view), the direct view of a 172 berth marina instead of an uninterrupted stretch of river would have a large impact on quality of life and financial value of residences. Clearly no one is really happy with this.

Upon construction, this area of the foreshore would totally lose its present ambience. It would be very crowded and I suspect many residents and visitors would not use this stretch of shore for walks and recreation.

The residents of Breakfast Point and other local residents of Canada Bay, as they realise the implications of the marina, have a host of generally unanswered questions about the practicalities and logistics of the proposed marina. These include:

- What would be the weekday and weekend impact of boat owners, guests, workers etc on the business, ambience of this stretch of foreshore?
- How was it proposed that it would be sensible to have such a massive development only tens of metres from the quite populous residential area of Hunter's Wharf?
- How will Breakfast Point handle the parking and traffic increase as the proposed parking additions are fairly minimal?

- How will the general marina/residential area handle such issues as garbage, noise, fishermen in the open marina area, pollution in the sea of sewage and litter and the overall scope of a large business that is inappropriately overscaled for the proposed area?
- What will be the cost borne by the Breakfast Point ratepayers of road damage, seawall damage, liability and other potential costs? How is there any insurance that the marina will bear anywhere near their proportionate costs?
- How will the boating safety issues be handled in terms of the many rowers, small boats and the continual ferries that will cut across the larger boats entering and leaving the marina?
- In the event that the impact/consequences of the development are much greater than was claimed or foreseen, what options do the Breakfast Point residents have of dealing with this?

In terms of the scope of the marina, the residents of Breakfast Point clearly feel they were misled. Most will concede that within the 2002 plans of the marina, there was clearly a reference to a marina and the Canada Bay Council approved plans that had a marina car park. Since that time, the council members have unanimously found the present proposal inappropriately large and have passed a motion of opposition supporting the position of the vast majority of Breakfast Point residents.

In determining whether the proposed marina should go ahead, the Planning Minister and others in the decision process need to consider the motivation behind it. There is clearly a need for additional berths where they can be found in Sydney Harbour. A proposal of this scale would be highly profitable. Does it serve the public interest? Clearly it doesn't come close to serving the interest of Breakfast Point owners and residents. Many will lose capital appreciation of their property in an occurrence that was never foreseen. They will also lose significant quality of life as the foreshore they can walk to would be spoiled in terms of the atmosphere they presently enjoy and utilise. For the nearby residents of Hunter's Wharf and adjacent residences including newly constructed ones, the impact will be all the greater. As well, assurances as to the scope of change will hardly matter after approval. If the expected impact turns out to be greater than estimated or anticipated, the residents who on the whole never wanted it will just have to cop it.

Beyond the listed disadvantages lies the overall environmental impact. It simply won't be good. Kendall Bay at present is one of the more highly polluted river areas of the Parramatta River. Further remediation is required by AGL. What is presently proposed is for remediation of three "hot spots" which is generally inadequate. However, in the case of a marina, Breakfast Point Pty Ltd proposes a type of environmental blanket or carpet of the riverbed with the addition of ballast. This means there will in fact be no remediation of the riverbed, just a coverup of the river "floor" of the marina. Opponents of the marina can find no evidence of this being a proven method of dealing with the type of environmental problem within Kendall Bay. In fact there are a number of areas of concern with the proposed strategy.

Breakfast Point residents have the strong desire to see Kendall Bay and the river in general treated with more environmental respect. Where possible, AGL should remediate by removal of contaminated sediment. Otherwise, the best environmental strategy is to leave the riverbed as quiet as possible where the surface beneath the water can establish a better level of cleanliness without being stirred up by the churn and traffic of a large marina.

For the two of us, there is absolutely no advantage to the proposed large scale marina. It is proposed in a highly inappropriate place, raises huge environmental questions, destroys the present amenities the Breakfast Point and wider community enjoys and is perceived as an unwanted threat that is ironically being fast tracked by the very company that seemed to have worked so hard to build the best modern riverfront community along the Parramatta in Western Sydney. We don't want it, we were led to believe it would never occur on this scale and it is totally against the greater public interest.

- Andrew and Katherine Strunk

Anna Bradley - Online Submission from Kar Yin Chan (other)

From: Kar Yin Chan <drkevinchan@yahoo.com.au>
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 21/11/2010 7:38 PM
Subject: Online Submission from Kar Yin Chan (other)
CC: <assessments@planning.nsw.gov.au>

As local residents of this address, we do cautiously welcome the concept of a marina. However we are most concerned with the increase in traffic along Admiralty Driver, which is a narrow passage and cars can only park on one side. The development plan must be revised so that the impact on traffic can be minimsed. For example, we may not be able to handle 172 berths. Hence we suggest:
- Less than 100 berths should be built.
- Local residents in the Breakfast Point Precinct must be given the first options for the purchase of these berths
- Clear street signs to divert traffic away from Admiralty Drive.

We do not have any political donations to declare.

We do not wish to have our names published. However, we welcome Rose to contact us directly to address our concerns.

Our view on this project is hence: support only if conditions are met.

Regards
Dr. Kar Yin Chan
Mrs. Ka Lok Chan
and family

Name: Kar Yin Chan

Address:
2 ADMIRALTY DRIVE
BREAKFAST POINT 2137

IP Address: cpe-120-146-131-102.static.nsw.bigpond.net.au - 120.146.131.102

Submission for Job: #1311 Project Application
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Site: #865 Kendall Bay Marina
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Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
F: 02 9228 6466
E: Chris.Ritchie@planning.nsw.gov.au

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Anna Bradley - Online Submission from Terrence Lawrence of Canada Bay Resident -- Concord (support)

From: Terrence Lawrence <seawench@optusnet.com.au>
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 21/11/2010 7:39 PM
Subject: Online Submission from Terrence Lawrence of Canada Bay Resident -- Concord (support)
CC: <assessments@planning.nsw.gov.au>
Attachments: We donate to no political party.pdf; We donate to no political party.pdf

I am a resident of this council area and have been since 1948.
As a user of our wonderful harbour by boating and recreational fishing our family has for years realised the need for more facilities for the use of the harbour foeshores by receational boat people.
When breakfast Point first started the Marina was to be the big selling point and we would have moved from Drummoyne to there if they could quanantee a berth on the proposed marina they could not and then pressure kept delayinf the development.
Well all these years latter "DO IT!" such a new facility is needed.

Name: Terrence Lawrence
Organisation: Canada Bay Resident -- Concord

Address:
9 Wordsworth Ave, Concord N.S.W 2137

IP Address: c122-106-62-180.rivrw1.nsw.optusnet.com.au - 122.106.62.180

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Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
F: 02 9228 6466
E: Chris.Ritchie@planning.nsw.gov.au

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We donate to no political party !.....We are simple rates/tax payer people

The Scots College
Sydney Australia

22 November 2010

Major Development Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam,

RE: Project Application MP07 0006 Kendall Bay Marina.

I write on behalf of The Scots College and wish to register the College's objection to the siting and scale of the proposed marina.

Scots conducts a seasonal rowing program of over 160 boys who access the river from the College's shed on the northern side of the river in the same reach as the proposed marina. This area is a traditional training ground and nursery for our juniors, in addition to being adjacent to the channel heavily used by rowing crews under training. The total number of all school-aged rowers on the river on a Saturday can be in excess of 1,000.

The College's concern is for the increased probability of collision.

This will arise from the large number of recreational craft which are proposed to be berthed there (172), their transit of the channel and movements in and around the Cabarita Ferry wharf.

I would expect that the same investigation and diligence which is sought, and expected, with a terrestrial development in regard to road traffic generation, would be applied to the on-water increase in boating transiting this area from this proposed development.

Yours Sincerely,

SW Adams
Property Manager

Victoria Road, Bellevue Hill NSW 2023 | p: (+61 2) 9391 7600 | Principal and Academic Fax: (+61 2) 9327 7584
Administration Fax: (+61 2) 9327 6947 | w: www.tsc.nsw.edu.au | abn: 86 438 712 994

Anna Bradley - Kendall Bay Marina Proposal

From: "Janet Griffin" <janeteg@tpg.com.au>
To: <information@planning.nsw.gov.au>
Date: 24/11/2010 1:32 PM
Subject: Kendall Bay Marina Proposal

Dear Director General of Planning,
I am writing to object to the proposal of a large commercial marina MP07_0006 to be constructed in Kendall Bay adjacent to a private residential area.
*Kendall Bay is heavily polluted, so that NO building should be permitted without a 100% guaranteed remediation. The developer has proposed placing a 'blanket' over the sediment - this is completely insufficient and unproven.
*This part of the Parramatta River is well used by rowers and kayakers, it would be unsafe for them with power boat movement.
*Breakfast Point is a quiet residential area - we all bought here for that reason - a 24/7 marina for 172 boats would disrupt the peaceful enjoyment of our homes. There would be noise, smells and rubbish associated with the marina. All the roads within Breakfast Point are privately owned by the residents, we do not want the extra traffic and parking problems which it would bring.
*The local residents, and the local Canada Bay Council do NOT want this marina. Only the developer wants it for his financial gain, he will then sell it and walk away. We, the residents would be stuck with a monstrosity and all it's problems forever.
For all these reasons I do not support the proposal, and hope that it is denied.

Yours faithfully
Janet Griffin
16/22 Admiralty Drive
Breakfast Point 2137

_____ Information from ESET NOD32 Antivirus, version of virus signature database 5643 (20101123) _____

The message was checked by ESET NOD32 Antivirus.

http://www.eset.com

Anna Bradley - Re: Marina in Kendall Bay

From: "Ray Brooker" <ray.maree@bigpond.com>
To: <chris.ritchie@planning.nsw.gov.au>
Date: 24/11/2010 3:09 PM
Subject: Re: Marina in Kendall Bay

R H Brooker
306/24 Kendall Inlet
Cabatita NSW 2137
8765-9667

Dear Chris, I was pleaqsed to meet you at our Massey park Golf Club meeting It was very clear to you & everyone at the meeting how apposed the local people were to this prroposal.I called at the Canada Bay Council Chambers to look at tjhe documentation of the pro[posal.When i saw the ten volumes. I promised myself that i was not going to spend the remainder of my life reading the tem volumes!!!
However i browsed through the first volume. The state gov has decided that there is a need for more marina berths in the harbor & Parramatta river .So the residents of Breahfast Point, & more particularly the Hunters Wharf precint were to pay the price of a huge impact on their lifestyle with a 172 berth marina on their doorstep.Your are no doubt aware about the marina at Cabarita Point that only has 135 berths & does not impact on residential homes.What justification is there for an additional forty berths in Kendall Bay?
There is a huge fraud being carried out on the residents of Breakfast Point, Kendall inlet, Cabarita, & Concord.
My reading stated that there had been much consultation done. There were many suburbs mentioned that had no connection with the proposed marina, but suprise suprise no mention of Breahfast Point , & surounding localities.
Rosecorp has not consulted with us on this matter or any other matter in the ten years i have been going to the meetings.This is another greedy money grab by Rosecorp. You will see if this proposal is successfull they will get it up & running & then sell it off the highest bidder.
Rosecorp reps at the Massey Park meeting could not answer questions relating to the maintenance of infrastrure. The residents are rightly concerned that they will be left with the bill.
Chris we are keen to have the desion making process defered till after the next election. We need your help This pro[posal if successful , will be desided on by a lame duck government.
Regards,
Ray BRooker

305/8 Village Drive

Breakfast Point NSW 2137

24 November 2010

Major Development Assessments

Department of Planning

GPO Box 39

Sydney 2001

Dear Sir/Madam,

Kendall Bay Commercial Marina Ref: MP 07- 0006

We are owner occupier residents recently moved into Breakfast Point precinct and wish to strongly object to the proposed Kendall Bay Commercial Marina Project based on the following concerns:

1. Change in character – the scale of the project with 179 berths will completely change the character of the whole Kendall Bay and adjoining precincts.
2. Scale of the marina – The commercial nature of the marina with 179 berths and the ancillary services supporting the marina and the 24 hours kiosk will not be compatible with residential precinct of Breakfast Point and adjoining precincts.
3. Potential impacts:
    - 3.1 Views – the large scale commercial marina will impact on the views of residents who have paid lot of money to purchase houses and apartments in the area.
    - 3.2 Dwellings – value of dwellings in this precinct will fall causing financial implication with banks.
    - 3.3 Amenity – The facilities currently available to residents such as the walking tracks along the bay will be permanently affected due to the walk ways being used for commercial supplies for the kiosk and the berths.
    - 3.4 Contamination – The method proposed in the plan to install a blanket in not a tested method and the contamination will not be contained and there is potential harm to boat users and recreational users such as kayakers due to increased traffic caused by the 179 berth marina.
    - 3.5 Increased boat traffic in the river – quoting an example of an accident in the river between river cat and speed boat recently, there is a potential for accidents to increase between river cats, commercial boats and recreational boats and kayaks due the traffic caused by 179 berth marina.
    - 3.6 Noise: The quiet nature of the precinct enjoyed by the residents will be affected by the 24 hour operation of the marina, the kiosk, party goers and the sails of the boats.

4. Traffic, parking and access: The 53 car park proposed in this plan will increase the traffic flow in the Breakfast Point precinct. There will be commercial vehicles servicing the boats and kiosk will share the already congested roads in this precinct.
5. Public interest – This large scale commercial marina will not in the public interest of the residents living in Breakfast Point and other precincts.

Yours sincerely,

W.Wijeyamohan

V. Wijeyamohan

Vasuky Wijeyamohan

Major Development Assessment

Department of Planning

GPO Box 39

Sydney 2001

41/67Peninsula Dr

Breakfast Point

NSW 2137

RE: MP 07_0006

Dear Sir/Madam

I would like to protest against the proposed marina development in Kendall Bay for a number of reasons:

1) Selling/ leasing of community's property. Kendall Bay belongs to all the residents of NSW. It is a recreational area that all should enjoy. **It should not be sold off or leased to a big developer so that he can sell or lease births to wealthy boat owners.** This will amount to the alienation of public space to these wealthy boat owners.
2) Kendall Bay is an important part of Cabarita Park. Many local residents of Canada Bay come down and enjoy sitting and looking out over the water.
3) Social impact on the residents of Breakfast Point will be great as there is not enough parking. The development only allows for about 58 car spaces. **This will be just enough spaces for the boat owners on a normal weekend and does no allow for any parking for the 55 seat restaurant on the Marina**. It will not be enough for New Years Eve or other major event.
4) The residents of Breakfast Point will have to pay for the upkeep of the sea wall which will be damaged by the increased traffic driving along the walk way to supply the marina.
5) Remediation of the Bay. Jemena P/L has committed to DECC to remediate Kendall Bay but the applicant makes no reference to how the marine blanket will meet DECC requirements.
6) Known pollutants (HC,PCA, dioxins and heavy metals) already exceed safety standards and **must be removed before development of the bay.**
7) The existing Biota will be disturbed and probably killed, by the re-suspension of sediments, the increase in turbidity and the under water noise and vibrations by pile driving and construction vessels.
8) **Spillages of sewage, fuels, motor and other oils and release of toxic antifoul paints** will occur as is the case in all marinas and this will have adverse impacts on the aquatic environment. Note: Copper (a constituent of antifoul paints) is already above safety levels in the water.
9) There is already an existing marina at Cabarita 200m to the east and another 400 m west at River Quays. Is there really a need for another?
10) There is also a $300 million proposed super marina at Homebush Bay which should start construction in 2012.

For all these reasons there should no be a Marina built in Kendall Bay the last bay that has little or no development already in it.

Merrick Plater 0419236678 41/67 Peninsula Drive Breakfast Point

Anna Bradley - MP 07_0006 Marina application

From: Meaghan Matar <meaghanmatar@yahoo.com.au>
To: <plan_comment@planning.nsw.gov.au>
Date: 28/11/2010 6:05 PM
Subject: MP 07_0006 Marina application

Hi

I am a resident of Breakfast Point and i would like to show my support for the proposed Marina. Like all residents i was told there was a proposed marina and its details where explained in my contract. Although the waterfront is nice i look forward to enjoying to new kiosk and taking my kids for walks along the jetty and showing them the boats. Overall i think the marina will add some much needed vitality to the waterfront.

Regards

Meaghan Matar
202/6 Peninsula Drive
Breakfast Point NSW 2137

Anna Bradley - MP 07_0006 Inner West Marina

From: Katherine Perrin <kathperrin@hotmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 28/11/2010 5:55 PM
Subject: MP 07_0006 Inner West Marina

I write to express my support for the above Marina application in Kendall Bay. As a regular visitor to the area on my boat i look forward to being able to use the proposed 'day tripper' berths which are so hard to find anywhere in Sydney. The kiosk over the water also appeals to me.

Thankyou

Kath Perrin
2 Radford Avenue
Bondi Junction NSW 2022

41/67 Peninsula Drive

Breakfast Point NSW 2137

Major Development Assessment,

Department of Planning,

GPO Box 39,

Sydney 2001

RE: MP 07_0006

Dear Sir/Madam

I have been a resident of 41/67 Peninsula Drive, Breakfast Point for over three years. My husband and I lived in the Inner West for many years prior to this and our dream had been to move into an apartment which meant that we would no longer be burdened with the responsibilities that a free standing house and garden has, especially since our children are now grown up and we are approaching the end of our working lives. The development at Breakfast Point met the criteria we had for the next stage or our lives. However, we are now faced with the prospect of having to live with a 177 berth commercial marina on our doorstep in Kendall Bay.

I have several reasons to strongly object to this proposal:

1. There has been very little consultation about this development on the part of the developer and the residents regarding the social impact of such a large proposal. **The houses that front the shared walkway are a mere 50 metres from the proposed marina.** Why would there be any consideration given to building such a huge complex so close to residences? Such a large marina will reduce significantly the amenity of the area as there will be a significantly increased number of people traversing the area to get to and from their boats and these people will use the private access ways that currently exist and that are funded and maintained by the residents and the community. These people will create noise at all hours of the day and night and rubbish that will need to be collected and disposed of.

2. They will overburden the already limited parking that is available. Assuming that people will have guests on their boats and assuming 2 cars per boat, then at peak usage times there could potentially be 300 cars that will require parking spaces. The allocated parking for this proposed marina is 55 car spaces, far short of the 300 allocated and is on the western side of the residences so that in effect the residences will be sandwiched between the parking facility and the marina.

3. There is the significant issue of safety. At present the walking path along the foreshore is shared by men, women and children walking and riding bikes and enjoying the pleasures of the inlet. With a commercial marina this path will have to be shared with heavy vehicles that will need to make deliveries, clear rubbish, service boats etc. This is a recipe for accidents to occur.

4. There have been several accidents involving boats at marinas and in one case fire spread from a boat and destroyed six other boats before it could be contained. There is often a strong North Easterly wind blowing at Kendall Bay and should there be a fire then in all likelihood it will spread to the nearby residences where the potential for injury and loss of life will be significantly greater than if a marina was not in the vicinity of houses.

5. At present the river cats use Kendall Bay as they arrive at and leave Cabarita Wharf. A marina of the size that is proposed will mean that the approach to and from the wharf will have to be changed significantly putting the river cat and boats entering and leaving the marina at increased risk of having accidents given that they will be approaching each other at a 90 degree angle.

6. There are many rowers (especially schoolchildren) and kayakers who use this waterway at present. With such an increased number of boats in the area the likelihood of accidents will be significantly increased and does not bear thinking about.

7. Kendall Bay is the subject of remediation work necessary as a result of previous environmental damage caused by the operation of AGL at this site. How can it be that any consideration of the building of a marina in this bay be made prior to the satisfactory completion of the remediation? Also, what guarantee would there be that the building of a marina will not disturb or damage any remediation work?

8. There is currently a marina at Cabarita – a mere 200 metres away and a facility at River Quays – a mere 400 metres in the opposite direction. What is the justification and in fact need, for having so many marinas in such a small area given the announcement by the State government of a 300 berth commercial marina at Homebush where construction is due to start in 2012?

I would propose that the most appropriate course of action be to increase the size of the D'Albora Marina at Cabarita and build the proposed $300 million marina at Homebush Bay.

Please feel free to contact me regarding any of these issues on 0422069764.

Regards,

Maria Plater

Anna Bradley - Submission response: MP 07_0006

From: "Pamela Collins" <duches42@bigpond.net.au>
To: <plan_comment@planning.nsw.gov.au>
Date: 28/11/2010 4:08 PM
Subject: Submission response: MP 07_0006

Herewith my submission to project application MP 07_0006 (Kendall Bay Marina).

I STRONGLY OBJECT to the proposal, as follows :

1) Kendall Bay (Breakfast Point) has one road in and the same one road out, namely Tennyson Road. This road is already overused six days a week by large, heavy trucks for the ongoing construction of further buildings within Breakfast Point, causing problems for residents, be they pedestrians or drivers.

The proposed marina will bring cars, trailers and boats to further congest this one and only access road. This alone could be the cause of unimaginable tragedy should an accident occur. Ambulances, fire engines and other service vehicles would encounter great difficulty with only one way in and out of the area.

2)The river is a known toxic mess and yet it is proposed to lay a geotextile blanket over the bed of the river to hold back the deadly waste. This blanket has not been tested so why would any resident have confidence in its assured success.

3)The majority of residents in Breakfast Point and surrounding areas are clearly anti the proposal of a marina.

I hope my comments and those of others living here are taken seriously and the proposal is rejected forthwith.

sincerely,

Pamela Collins (resident of Breakfast Point)

58/17 Orchards Avenue,
Breakfast Point. NSW. Breakfast Point.

From: John Crevani <john_crevani@yahoo.com.au>
To: <plan_comment@planning.nsw.gov.au>
Date: 28/11/2010 1:08 pm
Subject: Breakfast Point Marina "Inner West Marina Sydney project application number MP 07_0006

Dear Sir or Madam I would like to support the development of the Marina as I believe it will enhance the region.

Name John Crevani 10 Medora Street Breakfast Point and my email address is john_crevani@yahoo.com.au

Anna Bradley - Submission Response: MP 07_0006

From: "Andrew, Wendy & Karina Davis" <davis_family3@bigpond.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 27/11/2010 2:59 PM
Subject: Submission Response: MP 07_0006

I wish to make a submission in regard to project application MP 07+0006 (Kendall Bay Marina).

I OBJECT to the proposal for the following reasons:

- The Cabarita area is serviced by an existing commercial marina, less than a 3 minute drive from the proposed site. Why, therefore, does the project propose the need for a new commercial marina and one with such a large number of berths? In addition, there is already a reasonable degree of boat movements within and around Kendall Bay due to the location of the Cabarita wharf as well the as the private boat ramp. Having a marina located close to both of these facilities will increase the likelihood collision, which could even result in death.
- The amount of car parking set aside for the marina is inadequate, even though it may meet the Australian standards. A visual check of the streets adjacent to the proposed site will reveal that the street parking is already unable to cope with the resident and visitor demand of the area and having a greater number of cars attracted to that precinct will make it worse. It cannot be expected that 100% of people coming to the marina by car will make use of the designated marina car park, thus the cause for this concern.
- Construction of the marina will cause loss of the pristine outlook of the bay, which is one of the few bays left in this part of Sydney harbour where there are no permanent moorings. This factor should be a critical consideration in determining the outcome of the project, as once the marina is installed, no matter what the size, it is unlikely to ever be removed.
- The proposal to lay a geotextile blanket over the sea bed in the vicinity of the marina is unproven and therefore cannot be known with 100% certainty to achieve the containment of existing pollution. Who will have responsibility if the blanket fails at some future point and what will be the process to regularly inspect all parts of the blanket to be able to ensure early detection of any problems? Will the NSW Government carry a potential future liability for issues associated with the sea bed pollution if this proposal is approved?
- Finally, it is quite evident that the overwhelming majority of the existing residents of Breakfast Point and surrounding areas are against the proposed marina. Irrespective of the marina being part of the master plan, it is clear that the mood of the community is not to have a marina and that this view continues to gain momentum. Has there been any attempt by NSW Department of Planning to poll the local residents and get feedback first-hand?

Canada Bay Council, based on community feedback, has already declared it's objection to the marina and now is the time for the NSW Government to do the same. Please let me know if you need any more information and I look forward to seeing the project application rejected.

Regards,
Andrew Davis (Breakfast Point resident)

80/68 Village Drive
Breakfast Point, NSW, 2137

Elizabeth M Oliver
37 Peninsula Drive
BREAKFAST POINT 2137

Kendall Bay Marina Project, Breakfast Point
Project Application No MP07-0006

I object to the construction of the above marina for the following reasons:

The proposed marina would jeopardise the safety, amenity and quality of life of the Breakfast Point and Mortlake communities.

Before this development should proceed any further, AGL/Jemena should be compelled to properly remediate Kendall Bay. A geotextile blanket is an unknown quantity, could be damaged during construction of the marina and 172 boats would cause a lot of disturbance and dispersal of sediment. AGL/Jemena should be compelled to do a proper clean up ... not a cover up.

The marina would attract extra traffic to this already crowded area. It would be accessed via Tennyson Rd, Mortlake. The very narrow streets are lined with retail, commercial and light industrial businesses and carry a heavy load of cars, trucks and buses. All the streets in the area are already congested, with insufficient available parking space.

The open car park for Marina clients provides 58 spaces. This is totally inadequate for a 172 boat facility. Once the 58 spaces are taken, overflow patrons and friends would use residents' parking spaces. With many more apartments still to be built, parking for residents is already at a premium.

'Kiosk' patrons would also require parking spaces.

The marina car park would sandwich Hunters Wharf buildings between the marina on the eastern side and the car park on the west. Patrons taking provisions and tools to and from their boats, all deliveries to the marina, all the garbage from the marina and kiosk, would pass around our homes.

New apartments are currently under construction on the south side and at the rear (west) of the car park. With a proposed apartment block on the northern side and Hunters Wharf on the east, the car park will be completely surrounding by residents' homes. Because it's an open car park, all these buildings would be severely affected by the noise, fumes and odours that would be generated by the daily traffic accessing it.

All the nearby homes, but particularly the homes between the marina and the car park would be extremely vulnerable. They would be easily accessible to anyone who wants to break in or vandalise and be at the mercy of marina users, particularly when they return, possibly inebriated, after a day on the water. We have every reason to be frightened.

I am aware of no large commercial marina in the Sydney Harbour area which is accessed through a privately owned and maintained residential property. They are all accessed via public land of some kind ... a park, shopping complex, public street, etc.

Of great concern is the fact that the marina will be open 24/7, but unsupervised between 6pm and 8am in summer and even longer in winter. Most bad behaviour occurs under the cover of darkness. The marina will only be supervised by a maximum of 3 people.

Fire is the most serious risk. There have been several serious fires at marinas recently. 172 large boats store a very large quantity of fuel. They would be berthed less than 100 meters from our homes and the prevailing winds would blow the flames directly toward us.

The developer states that 'Selected marina staff will attend a fire if it occurs'. The fire fighting procedures detailed in Vol. 10 are very complex and, with the benefit of daylight, would require well-trained, experienced staff . Three staff would seem totally inadequate.

Who would attend between 6pm and 8am?

A fire at night, when the marina is unattended, would be extremely dangerous. All hell could break loose before the fire brigade could arrive.

This risk alone should prove that this large marina would be the totally wrong facility in the totally wrong place.

Vol. 10 of the Proposal also indicates that there would be signs asking users of the marina to refrain from:

Loud music
Drinking on vessels
Overnight stays on vessels
Parties on vessels.

These are all activities most likely to occur after dark ... when there will be no one on duty to supervise unacceptable behaviour. Since when did signs prevent bad behaviour? Especially when there is no one to enforce it. Drunks are particularly oblivious of signs. With no one on duty, we would be forced to try to contact the Manager ... when we should be asleep in our beds.

There's every possibility that people returning from a day on the water could cause problems which would need to be handled by police. It's a very long way from the waterfront of Kendall Bay to the nearest Police Station and a lot of harm could be done in that time.

The residents should not be put at such risk.

The jetty would also be a magnet for fishermen at night. They already turn every harbour ferry wharf into a mess of old bait, plastic bags, empty drink cans, cigarette butts, hooks and lines. No doubt the staff would clean up when they arrive, but the mess would attract all kinds of vermin during the night. Once again, on our doorsteps.

Because of it's situation so close to homes, the marina should be only open while it is supervised.

The large number of large boats berthed would mean that we would be assailed with the noise of

power boat motors, generators, power tools used for boat maintenance, water blasters, cooling water from refrigerators and freezers gushing out of hulls.

As well, yacht rigging could clang every time it's windy, every time a Rivercat passes, which is approx 80 times daily, from 6.13 am until 11.20 pm, and with the passing of working and pleasure craft which regularly cross the opening to Kendall Bay. Since there is nothing to break up the sound between the marina and Breakfast Point homes, it would be very noisy ... 24 hours/day. While the developer states that all rigging would be secured and silent, there would be no one to check it during the night.

The marina would include a managers office, a 55 seat 'kiosk', public toilets, garbage bins, sewage pump-out, marine repairs, all of which would require some type of advertising matter. All this clutter would ruin the appearance of our beautiful the waterfront walkway and residential precinct.

The 'kiosk' would sell 'take-away' items such as food, ice creams, drinks, sweets, etc, the wrappings and containers of which would, likely, litter the walkway or find their way into the water. The rubbish generated would also attract vermin.

The residents of Breakfast Point employ a litter collector, but shouldn't have to pay to collect litter arising from the marina.

Vol. 10 also refers to 'accidental' spills of fuel, sewage, bilge water, toxic waste, debris, oil slicks, coloured dye. They don't mention contamination from anti-fouling paints.

The smells, fumes, and rubbish this marina would create should not be inflicted on any residential population.

The marina would become a major pollutant of the bay.

Breakfast Point's gardens and the foreshore walkway along Kendall Bay are a godsend to the people of neighbouring Mortlake and are visited by folk from as far away as Burwood. They use it to walk, jog, play with their children, exercise their dogs, cycle or just sit and enjoy the view across the peaceful bay. When the Breakfast Point development is completed, more than 5,000 people would be living in this complex alone, overwhelmingly in apartments. So the walkway is an essential escape and breathing space for these large communities.

If the marina is allowed to be built, these people would have to pick their way through all the clutter and traffic the marina would attract, contend with the noise and fumes it would create. They would also have to give way to the vehicles which would use it to service the marina, the 'kiosk' and boats. Trolleys used to take gear from the car park to the marina and back could be left around the marina rather than being returned to the car park, thus adding to the clutter.

And instead of looking at a serene water vista, as they do now, they would see only a wall of boats.

The proposed marina to cater for 172 boats, up to 25m, would cover an area of Kendall Bay equivalent to 4 football fields. That would create an overwhelming and ugly footprint on the bay. It would directly contradict the NSW Government's "Sharing Sydney Harbour" policy by denying the

public the peaceful and passive use of this beautiful part of Sydney Harbour.

The developer wants Kendall Bay 'revitalised'. That's just another word for 'vandalised'. It's just lovely as it is.

The Parramatta river now flows past crowded residential complexes and bays filled with large boats. Surely there must be room on our wonderful waterways for one untouched bay.

We invested our life savings to buy at Breakfast Point BECAUSE the bay was empty and the area so quiet and peaceful. We shouldn't be forced to live in fear.

The residents of Breakfast point are financially responsible for the maintenance of all the Community property. This includes the roads, the riverside walk/cycleway, the sea wall, the parks and gardens. The amount of extra traffic the marina would attract would greatly increase our costs.

While the developer proposes to put a maintenance levy on the 58 car park spaces, a further 114+ cars would have access to roads the community maintains. We have been given no indication of how much of the actual costs this levy might cover.

The residents should not be put under financial stress because the developer wants to make even more money from the Breakfast Point site.

The residents also pay for a security service and, with the extra activity around the marina, that would need to be upgraded at our expense.

We may even be forced to erect fences and hedges in an attempt to keep our homes secure. We should not be put in this position.

A fixed jetty capable of becoming a ferry stop would make it possible at some time in the future for party boats to pick up passengers and set down drunken revellers who would then be let loose in our gardens and around our homes. A group of partygoers alighting at Darling Harbour were so out of control that the police were forced to use a taser to quell them. That could occur around our homes, and we don't have the police cover of Darling Harbour.

There is no prospect of this wharf being a Rivercat stop, as has been suggested. Sydney Ferries never use private wharves.

Since every marina along the Parramatta River has many empty berths and existing marinas could be extended, there doesn't appear to be a need for this extra facility. River Quays and d'Albora Marina are nearby, accessed via public land and remote from domestic residences. They should be extended before any marina in Kendall Bay is considered.

There would be risk of collision with Rivercats. Boats approaching and departing the marina would cross the ferry path at right angles. This would be especially dangerous in in the dark. As mentioned below, this will be happening much more often.

The Parramatta River ferry timetable shown in Vol. 10 of the Proposal is now out of date. The latest

timetable, issued in October 2010, shows that the first ferry will call at Cabarita wharf at 6.21am and the last at 11.19pm. 17 ferries will now arrive after 6pm, not 8.

If constructed, the only beneficiaries of the marina would be the developer, the proprietor, the overwhelmingly non-resident boat owners and 3 permanent employees.

Compare that to the thousands of local and surrounding residents who would have their quality of life so adversely affected.

The Director-General's requirements of the developer include consulting with community groups or affected landowners.

However, the project has reached this late stage with no direct community consultation between the developer and the residents most affected, those of Breakfast Point. I see in Vol. 10 of the Proposal that the proposed commercial marina has been advertised far and wide in the Inner West Courier and perhaps elsewhere under the title of 'Inner West Marina' with an email address of 'bangthetable.com. Local papers are not 'letterboxed' in Breakfast Point, so I've missed out on that advertising. However, since neither 'Inner West Marina' nor 'bangthetable' meant a thing to me, I wouldn't have taken any notice. I had been looking for 'Breakfast Point' or 'Kendall Bay'. Breakfast Point P/L employees are on site every day and, if the developer had wanted to inform the people who have purchased his properties, he could have organised letterbox drops to ensure that the people most affected by a marina, his 'customers', knew of his plans. About 2 years ago Mr and Mrs Rose attended a function at Breakfast Point Country Club. Mrs Rose made a speech reminding us all how fortunate we were to have such a beautiful place to call home. We agreed at the time, totally unaware that they planned to desecrate our wonderful quality of life by putting a massive commercial marina on our doorstep. That is the last we saw of Mr Rose.

Quite recently, when prospective buyers asked Breakfast Point salesmen about our 'No Marina' signs, they were told that 'It won't go ahead'.

Breakfast Point P/L are building new apartment blocks on all the envelopes which are close to or look toward the bay. None of their advertising mentions a marina and the billboard advertising shows a view of Kendall Bay as it is now ... not a boat in sight ... with the words 'Imagine waking up to this'. They obviously want these apartments sold before the marina is common knowledge.

So much for consultation.

In Vol. 10 of the Proposal, the developer lists, as a 'benefit', an 'enhanced experience of the foreshore'.

If anyone with the authority to approve this marina believes that putting a wall of boats between the walkway and the bay is an 'enhancement', I would ask them to come and have a look at the d'Albora Marina in Cabarita Park and then walk along the Breakfast Point foreshore path. To call a wall of boats an 'enhancement' is insulting.

R E Oliver
32/67 Peninsula Drive
BREAKFAST POINT 2137

Kendall Bay Marina Project, Breakfast Point
Project Application No MP07_0006

I object to the installation of this commercial marina and support the objection with the following reasons.

The 2002 Breakfast Point Master Plan, adopted by Council as a development consent, has never been adhered to with respect to the Hunters Wharf area. This area was to be used for shops, cafes, boutique hotel, conference centre, etc, as a commercial buffer zone between the waterfront and the residential areas. These commercial enterprises never eventuated and the residential development of Hunters Wharf was built.

Quoting from the brochure provided by the developer when I purchased my Hunters Wharf property, "Hunters Wharf was named after Captain John Hunter" and goes on to describe "the magnificent views across Kendall Bay where the water still laps softly against the shore, exuding a calmness to this setting".

This will be lost forever, replaced by the noise and pollution, visual and actual. Some Hunters Wharf apartments will be approx. 70 metres from the nearest vessels.

The noise of people, early morning and late night, arriving and/or embarking, the high likelihood of fire and explosion, as experienced recently, suggests this location to be totally inappropriate.

Car parking near Hunters Wharf is currently totally inadequate and, with neighbouring apartment blocks still under construction, the provision of 58 dedicated spaces for marina clients, does not take account of the vehicles of friends and family which are not entitled to access the car park. They, as well as customers of the 'kiosk', will park in spaces which are the reserve of Breakfast Point residents and their visitors. Users of the skid will have trailers and take up even more space.

Hunters Wharf residential complex will be sandwiched between a commercial car park and a vast commercial marina. This is probably an unknown situation on Sydney waterways and would be intolerable.

The remediation of Kendall Bay must be achieved before any water-based construction can be approved.

Cabarita wharf is one of the busiest on the Parramatta River. There are approximately 80 ferry movements/day, commencing early morning and finishing late at night. In winter, many ferry movements are in darkness and a 24/7 marina operation, with boats entering and departing the marina and crossing the ferry path would add to the already stressful role of ferry masters and crew. There have been accidents and fatalities in the recent past and ferries have the added burden of maintaining a timetable.

It is inconceivable that ferry paths would have to be altered to support a commercial operation.

The necessity of additional berths must be questioned in view of the recent applications and approvals for building/extending viz Rozelle Bay, Birkenhead Point, Drummoyne 16ft Sailing Club ,Gladesville Bridge and Westport Marinas.

The Sydney waterway is a finite resource and must not be over developed.

In view of the need for remediation (not hiding the problem under a carpet) , the dangers of fire and explosion, the probability of vessel collision, the closeness of boats to the sleeping and living quarters of apartments, the multiple additional pollution problems, clearly demonstrates that the building and servicing of any marina in this location would be geographically and totally unsound.

Protection of the natural assets of Sydney Harbour has precedence over all other interests.

Linda Dewberry
12/16 Admiralty Drive
Breakfast Point
NSW 2137

26 November 2010

Major Development Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Sir

Re: Kendall Bay Marina Project, Breakfast Point
MP 07_0006

I oppose the above proposed project and these are my reasons listed below.

I request that these objections below are noted and I also request a two or three month extension in order to make a more complete submission. My request for an extension of time is based on the following:

- The Environment Assessment (EA) to be commented upon has been prepared by numerous people who are presumably trained in preparing such documentation. I find it difficult to absorb the large amount of documentation provided in this time. I need more time to get a full understanding of the EA in order to provide an adequate submission.

- Two months is too short a period to adequately examine the environment assessment (EA) of this project which will affect us, the residents for the duration of the estate's lifetime.

Please advise if my request for more time is granted or denied.

My objection to the above project is based on the following points:

POLLUTION & RESIDENT HEALTH

Kendall Bay has been known to be polluted for years and nothing done to rectify this situation. The health of the local people who use the Kendall Bay is already at risk and should have the area cleaned up urgently.

The 'blanket' proposed by Breakfast Point Pty Ltd is untried in this type of situation and considering the number of residents in the area an unacceptable solution as it only partially covers the problem area and could result in toxins being disturbed. This could then incur some very costly litigation for those involved, including the Approval Authorities.

FIXED JETTY & PONTOON

The proposed (ferry) jetty should be deleted from the proposed development on the grounds:

- Cabarita ferry wharf is nearby and more suitable for the entire area.

- A Sydney Ferry's executive said (at a public meeting at Massey Park Golf club on 1 November 2010) that there was no need for the proposed new wharf as they never use private facilities.

- In fact parking is already in limited supply due to the Developer building apartments with inadequate garaging and the inadequate allocation proposed for marina berth owners which could result in these owners having to park some distance away.

- The proposed jetty wharf, if therefore unnecessary for Sydney Ferry use and not deleted from the proposal should have a detailed description of its intended use as it could be detrimental to the river users and residents environment. For example private party boats as mentioned at the aforementioned meeting on 1 November 2010.

CAR PARK

The proposed 58 space car park is too small to accommodate vehicles for:

- a 172 berth marina – a fact proven at Rushcutters Bay and Palm Beach
- a kiosk with seating for 50 people,
- a manager's office, and
- a ferry wharf – no buses routes are allowed on the private roads in the area.

A new study should be undertaken to determine what is, in fact, reasonable.

The proposed marina, kiosk, ferry wharf and managers office should be rejected on the grounds that:

- insufficient parking is planned and
- local residents will be adversely affected in terms of parking and noise.

FIRE HAZARD

A detailed study should be undertaken as there have been a few boat fires in Sydney in recent years.
With the close proximity of these berths and flammable liquids involved, the risk of a fire spreading quickly would be disastrous.
Access is already a big problem but would prove even more difficult with the extra number of parked cars.
Fire boats take time to arrive at emergencies.

It should also be considered that a large fire by an explosion could potentially risk residential homes very close by if the wind is in the wrong direction.

The marina proposal should be considered from a risk management perspective furthering the need to delay approval.

SOCIAL IMPACT STUDY

Without question a social impact study is required in order to determine the full impact that the proposed marina will have on the community.

EXPENSE REIMBURSEMENT

The owners of Breakfast Point properties were unaware of the facts relating to this proposed Marina and are now expected to fund the extra expenditure this incurs. For example, insurances, extra wear and tear on our private roads and sea walls, garbage and litter collections, security, etc.

This extra expenditure (caused by non-resident marina patrons) will be paid for by Breakfast Point residents. The developers (Breakfast Point Pty Ltd) have no intention of making any (or adequate) compensation to the Breakfast Point community in this regard. This was confirmed by the non-response of the Project Development Manager (Breakfast Point Pty Ltd) at the public meeting held at Massey Park Golf Club on 1 Nov 2010.

WATER USE & SAFETY

- The large number of craft will increase the risk of accidents.
- Affect people getting to and from work by ferry and may drive them back onto the roads
- Ruin the enjoyment of the young rowers who regularly use Kendall Bay

Safety is a huge issue with boat owner training and responsibility seemingly lacking in this extremely busy waterway.

We at Breakfast Point have fought to have the ferry timetables increased enabling the community to enjoy a very environmentally friendly, pleasant trip to and from the City only to find the Developer has again put profit before the environment and the health and safety of those of us who bought the dream they sold us and continue to sell others. Examples of the lifestyle we were sold through Rose Corp's vision can be found in the attached PDF documents. I wonder if Prince Charles would continue to endorse this developer should he appear here in today's environment of distrust.

RIGHTS OF BOAT OWNERS

The boat owners who berth their boats on the proposed marina will have some rights. It is unclear as to the extent of those rights. Will boat owners have a right to use the Breakfast Point Country club, for example?

The Project Development Manager (Breakfast Point Pty Ltd) at the public meeting held at Massey Park Golf Club on 1 Nov 2010 refused to answer that question.

The benefits the boat owners are entitled to needs to be outlined. Who is to bear the cost of these benefits (residents or boat owners) needs to be ascertained before (not after) the proposed marina is approved or rejected.

Please acknowledge receipt of this objection to the proposed marina in Kendall Bay at Breakfast Point.

Yours faithfully,

Linda Dewberry

the BREAKFAST POINTER

Autumn 2005 News from your Community Priceless

Admired by Royalty

His Royal Highness showed much interest in the design and planning principles of Breakfast Point and commented on the Crepe Myrtle trees that beautifully line Breakfast Point Boulevarde.

Why His Royal Highness visited and loved our community

Friday, March 4, 2005 was a special day at Breakfast Point. We were highly privileged to have His Royal Highness, the Prince of Wales visit and meet members of our community, do a tour of the village, then attend a small reception at the newest Breakfast Point milestone – the Community Hall.

"Many have been asking us why His Royal Highness chose to visit Breakfast Point. We're pleased to let you know there are quite a few reasons!" said Bob Rose, CEO and Founder, Rosecorp, "Breakfast Point embodies friendship, community and a wonderful quality of life – all attributes that His Royal Highness recognises and encourages – particularly when combined with leading international design and planning principles."

Further to Bob Rose's comments, the Prince of Wales is a keen advocate of encouraging the continuation of tradition in architecture and building whilst contributing to traditional environments. Accordingly, the Prince is the patron for INTBAU – the International Network for Traditional Building Architecture and Urbanism. This worldwide organisation is dedicated to the support of traditional building, the maintenance of local character and the creation of better places to live.

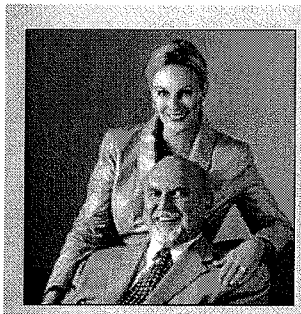
Breakfast Point's developer, Rosecorp, is part of this network and is actively incorporating INTBAU's core philosophies and design principles in Breakfast Point. On this note, Breakfast Point is setting international standards with its new urban planning and design. This is evident through innovative design and building principles, planning, architecture, choice of building materials, landscaping and proportion of open space.

The Royal Tour of Breakfast Point

The Prince's time with us started at Circular Quay, where he was met by Bob and Margaret Rose. It was a beautiful, clear afternoon to be sailing across the harbour and a unique opportunity to discuss with the Prince the award-winning design and planning principles evident within all current and future Breakfast Point homes.

The Prince was particularly interested in the Breakfast Point cornerstone philosophies of celebrating community, village life and supporting infrastructure. In particular he was impressed with the way Breakfast Point creates the character of a waterfront village through ageless designs, traditional materials and integration of these homes with impressive community facilities - particularly the Country Club.

INSIDE ...

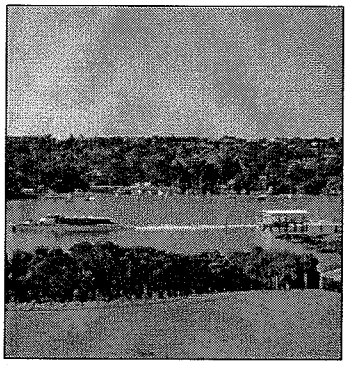


From the Founders

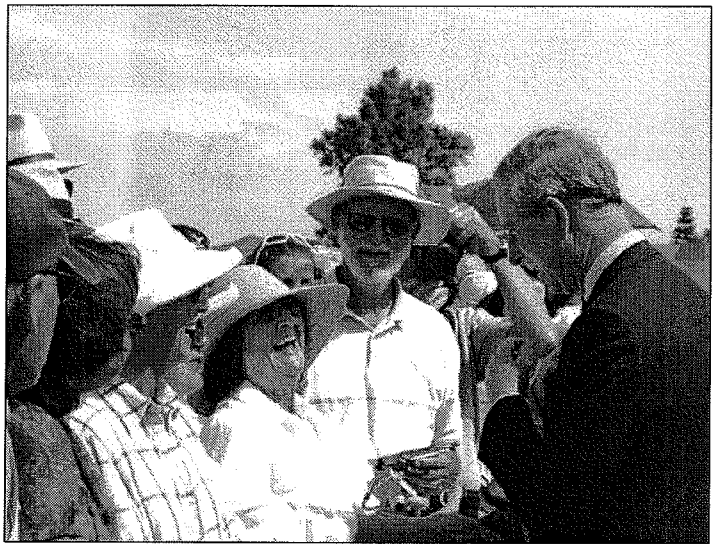
In the hectic world we live in, we often forget how important tradition is in keeping us connected on a deeper level. Traditions promote strength and purpose as well as a keen sense of unity. Songs and stories help pass traditional messages on from generation to generation and help create strong communities. Strong communities promote a sense of trust and a sense of belonging, particularly for children. A great development like Breakfast Point requires a true community with a strong sense of place and long term appeal and value.

The Breakfast Point Master Plan has won multiple awards and recently secured a national award above all other developments in Australia. It has been designed to physically unify the community and give its central area a strong, close-knit pedestrian orientation with landscaped walkways and cycle ways for residents and visitors to enjoy without relying on the automobile. On this note, "surroundings dictate behaviour" is a concept that we believe has a lot of merit. We are conscious of the appeal to the residents of the Breakfast Point community that the car is not master of the domain and that Breakfast Point is predominantly a walkable, landscaped space. At Breakfast Point this is a true expression when you observe so many people enjoying the benefits of such wide open spaces. It is no wonder people are keen to experience the Breakfast Point lifestyle.

Margaret Rose



Picturesque Cabarita Wharf.



His Royal Highness meets Breakfast Point residents, friends and family.

Within no time, the picturesque Breakfast Point village came closer into view and offered a spectacular vantage point of the community. The yacht then docked at Cabarita Wharf where the party was escorted by some 20 State and British police and security members with an impressive 5 motorbike and 3 police car motorcade making its way to Breakfast Point Boulevarde, on the corner of Bishop, Medora and Kendall Streets.

At this point, the Prince was met by Rosecorp's Joint Managing Directors, Bryan Rose and Stuart Rose. The Rose brothers then strolled leisurely up Breakfast Point Boulevarde, chatting to the Prince about the design standards within the scenic, wide tree-lined street. The Prince commented on the beauty of the landscaping and avenues of London Plane trees. The environmentally sustainable development principles behind the choice were explained to the Prince - that the trees were selected to provide shade in the summer and sunlight in the winter. This subsequently reduces the amount of electricity required due to the trees' cooling role in summer and allowing maximum sunlight and warmth in the winter. The Prince said that these principles were "remarkable," and further stated "that's very clever and very interesting."

The Prince was then greeted by residents and members of the wider Canada Bay community who vied to get his attention as he moved up Breakfast Point Boulevarde. To the delight of the crowd, the Prince shook hands with and met many of the enamoured community members, family and friends in person.

Watching the Prince's progress were the anxiously awaiting Breakfast Point residents, John and Lama Perin. The Perins could hardly contain their excitement as the Prince drew closer – not because they were hoping to have a glimpse of the Prince – or even better, the brief opportunity to meet him, but because the Prince had been invited into their home.

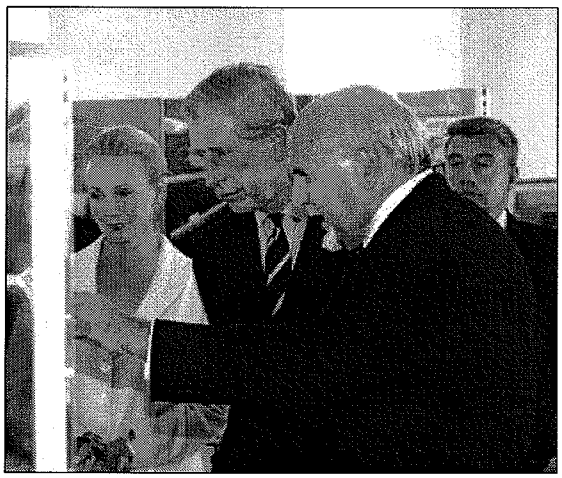
The Prince warmly greeted the Perins, who responded with huge smiles and welcomed the Prince into their Boulevarde home. The Prince was taken throughout the ground floor consisting of a beautifully furnished formal dining room, kitchen, lounge room and spacious outdoor entertaining area. The Prince commented on the photos of the Perins' 3 1/2 year old daughter, Paris and was impressed with the emphasis on outdoor living and entertaining fused with community facilities and the Fairwater precinct pools that encourage neighbourhood interaction.

Although it was a once in a lifetime experience for the whole Perin family, nothing could awaken little Paris. Clearly exhausted from all the excitement, Paris was asleep throughout the entire visit!

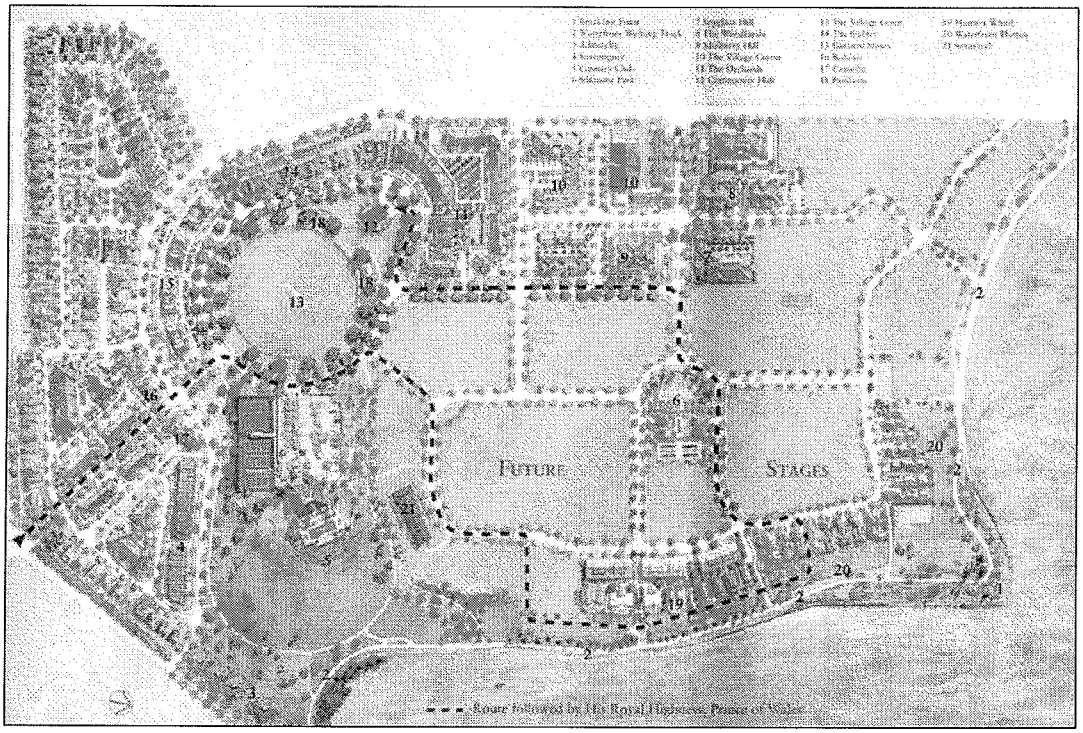
Following the visit with the Perins, the Prince undertook the royal tour of the Breakfast Point community with Bryan and Stuart Rose. The motorcade travelled from Breakfast Point Boulevarde, around the Village Drive, down past the recently released Savannah apartments and along the foreshore where Hunters Wharf and the Harbour Homes are under construction, where he said "I like very much the vast open spaces, landscaped grounds and the focus on the harbourfront and water activities." The motorcade took the Prince past the formal Silkstone Park, where he showed great interest, commenting that the use of plants in the park to create privacy through "outdoor rooms" was "very clever" and "what a remarkable idea." The motorcade then travelled down Juniper Drive past Mulberry Hill and The Orchards precinct, then on to the new Community Hall where the Prince was the guest of honour at a small reception.

"It's been a pleasure and a privilege to have the Prince show this much interest in Breakfast Point. We are extremely proud of the Prince's positive reaction to our designing and planning, our emphasis on community and outdoor living and the time he created in his schedule to spend with the residents, family and friends of Breakfast Point," said Bryan Rose of the Prince's visit.

The Perin family wait with anticipation as His Royal Highness approaches their home.



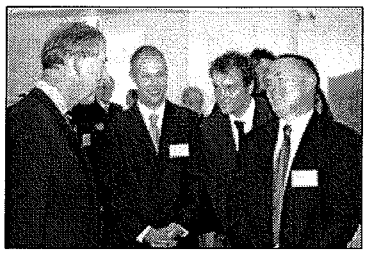
His Royal Highness was very impressed by the Breakfast Point Master Plan as shown by Bob and Margaret Rose at the Community Hall reception.



At the Community Hall reception, canapés and cool summer drinks were served. Amidst reviewing paintings of award-winning Breakfast Point landscapes by local artist Jane Bennett, the Prince reviewed the proposed plans for Breakfast Point in a 1:500 scale model and provided guests the unique opportunity to meet with him in person.

Guests included Chris Johnson, NSW Government Architect; John Murphy, Federal MP; Angela D'Amore, State MP; City of Canada Bay Council members including Michael Megna, Helen McCaffrey, Marian O'Connell and Jeanette O'Hara; Sydney University and Newcastle University professors and students and delegates from The Prince's Foundation Alumni.

The Prince moved from the reception to the tree planting ceremony outside the Community Hall, where he was greeted by a lively crowd on his way to planting a Bunya Pine. This type of tree has been used for centuries by Aboriginals to signify a meeting place - an appropriate choice for the principal tree outside the meeting place of the Community Hall. Having planted the Bunya Pine, the Prince was presented with a one-of-a-kind, custom made and designed, leather-bound book that told the story and the history of Breakfast Point. Delighted with the gift, the Prince spent a moment to review it then walked over to the Village Green where more members of our community met him enthusiastically before being whisked away from Breakfast Point – perhaps until next time.



His Royal Highness talks to Newcastle University students, and Hunters Wharf architect, Barney Collins of EJE Architecture about the upcoming community plans.

His Royal Highness plants the commemorative Bunya Pine tree outside the Community Hall.

His Royal Highness delights the crowd by taking the time to chat with individuals from the local community.

State MP Angela D'Amore and Federal MP John Murphy enthusiastically meet His Royal Highness.

BREAKFAST POINT

Construction Progress Report

It's an exciting time at Breakfast Point with many apartments, town homes and houses nearing completion and new homes and community facilities about to commence. We had a good chat with Nathan Grice, the Breakfast Point Project Manager who's been working exclusively with Breakfast Point for the last 3 years about what's been keeping him and our team of architects, interior designers, builders and landcapers so busy:

Harbour Homes

The spectacular Harbour Homes are well underway with 3 of the 8 homes having their final touches completed as we speak. These impressive homes will be free-standing and situated right on the harbourfront with uninterrupted harbour views – the Harbour Bridge and city skyline make an amazing backdrop for entertaining or enjoying a quiet moment.

The Harbour Homes will be the first at Breakfast Point to have full home automation – where anything from the garage, entertainment system or lighting can be programmed to individually suit the residents' wishes. Just imagine pressing the control to open the garage door and simultaneously have your custom program set in with selected lights coming on, music starting to play, blinds opening and fully-ducted air conditioning starting as you move from your car into your home!

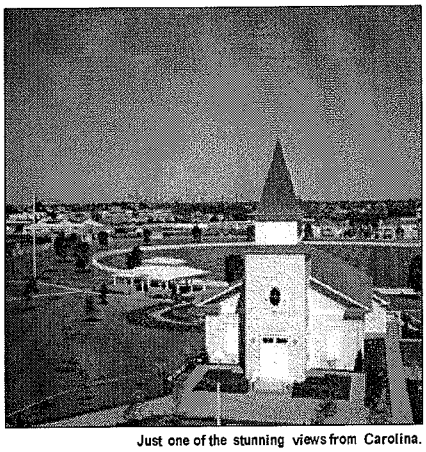
Each Harbour Home will have plenty of space for work, rest and play with at least 4 or 5 bedrooms, 3 bathrooms, double or triple garages. The 3 display homes are on schedule to be available for inspection from May 2005. The other 5 homes will commence development as they're sold.

Hunters Wharf

The ever elegant Hunters Wharf is currently in the final stages of construction with roofing almost complete and our interior designers lined up to commence their fit-outs. These luxury apartments and town homes have been selling quickly with only a limited number left for those who are looking for water proximity, harbour views, an easterly aspect and premium finishes. Hunters Wharf is on track for completion by October 2005.

Celeste, Carolina and Ascot

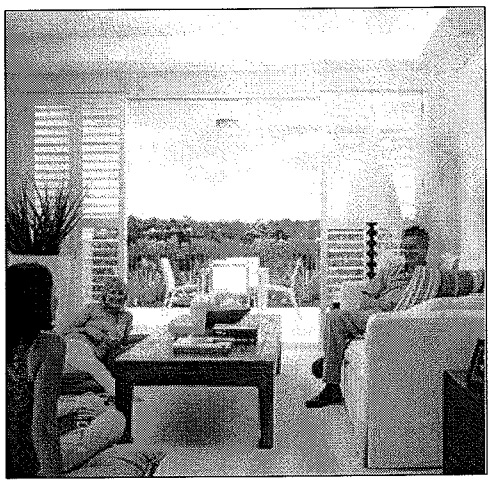
The south-easterly apartments Celeste, Carolina and Ascot that enjoy prime proximity and views over the Village Green, newly finished Community Hall and commemorative tree planted by His Royal Highness, the Prince of Wales, are also nearing completion with the final touches scheduled to be finished by May 2005.



Just one of the stunning views from Carolina.

Spyglass Hill

Spyglass Hill is set to commence in April 2005, with Baulderstone Hornibrook contracted as the builders. This contemporary development will offer the option of a range of stunning water views from its high vantage point toward the Sydney CBD, Harbour Bridge, over Major Bays, Olympic Park or Blue Mountains. Spyglass Hill will offer a wide variety of homes to upcoming Breakfast Point residents including a selection of courtyard apartments and low-rise mews and terrace homes, with apartments and penthouses also available in the higher levels of the 9-storey building.

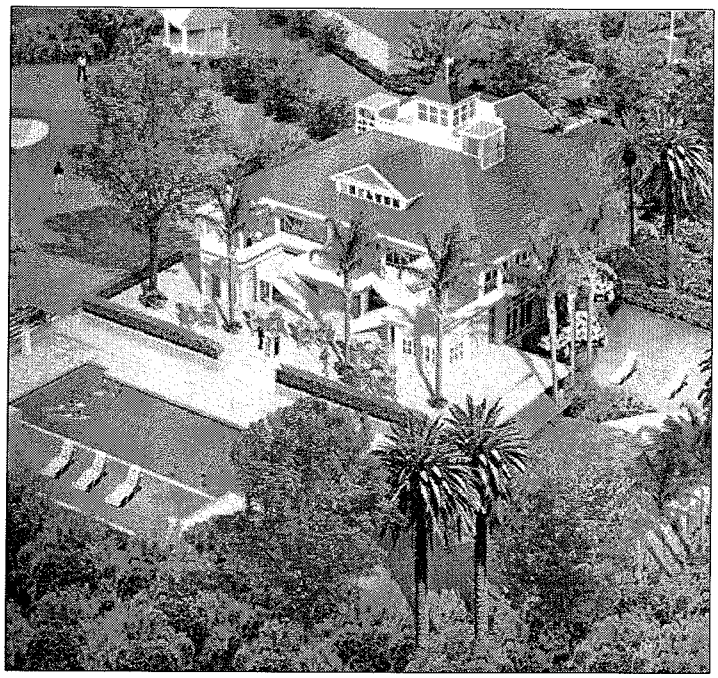


The homes of Spyglass Hill will offer spacious interiors flowing effortlessly into courtyards and balconies.

The spectacular Harbour Homes currently under construction will provide the ultimate in harbourfront living.

Country Club
The much anticipated Country Club has commenced building works with the foundations currently being laid! Breakfast Point residents will soon have access to the facilities of 5 tennis courts, lap pool, leisure pool, putting green, full gymnasium, spa and sauna as well as a library and function rooms. Completion is expected between the end of 2005 and the first quarter of 2006.

Village Centre
The commercial hub of Breakfast Point is well under construction with all structural elements near completion and the fit out almost ready to commence in full force. A range of specialty stores are lining up to be part of the Village Centre. The exact stores will be confirmed within the next few months. Stay tuned – we also hope to make an exciting announcement about the Childcare Centre soon!



An artist's impression of the completed Country Club.

Breakfast Point Triumphs at UDIA Awards

Breakfast Point was honoured recently at the Urban Development Institute of Australia's (UDIA) 2005 National Awards for Excellence in Urban Development with the win of the prestigious National President's Award against more than 50 other developments who competed for the highly sought after title. Furthermore, this win qualifies Breakfast Point to be placed in the international competition that judges the best of the best, which is set to be drawn later this year.

The 2005 UDIA win follows successes in 2004, where Breakfast Point won the UDIA NSW award for the best Masterplanned Residential Lifestyle Development and the coveted Residential Development Master Planned Community Award presented by the NSW Urban Taskforce.

Breakfast Point was awarded the National President's Award for demonstrating an early commitment to community facilities. The UDIA Judges stated this has resulted in "an exceptional project," whereby "the developer has overcome a number of complex engineering and planning issues associated with this former industrial riverfront site to create an outstanding community title project."

The UDIA Judges further recognised Rosecorp's "real commitment to detail and a unique architectural style created by a team of architects who responded to changing market conditions during the life of the project make Breakfast Point an outstanding success."

Breakfast Point was also the winner of the 2004 NSW Masterplanned Residential Lifestyle Development with Judges commenting that the Breakfast Point community is "masterplanned to embrace the unique assets of its peninsular site on the upper reaches of Sydney Harbour...[of] extensive water frontage, harbour and city views and an ideal north eastern aspect. It has bountiful nearby parkland, golf courses and local facilities and is within an established active community."

Bryan Rose accepts the 2005 National Awards for Excellence in Urban Development prestigious National President's Award, presented by Brian Kerr from Suncorp.

The Breakfast Point features that the UDIA drew particular attention to, were:

- focus on traditional village living environment;
- homes designed to capitalise on extensive water views;
- unique identity of the architecture and landscape design; and
- neo-traditionalism and new-urbanism design and planning principles.

All in all offering the best of harbourside living, with generous open spaces and a sense of community.

Mr. Bryan Rose, Joint Managing Director of Rosecorp, said "Rosecorp is honoured to receive both awards, as they are recognition of our commitment to create an inspired urban development that exceeds expectations and engenders strong community values and lifestyle."

The UDIA recognises developments that achieve the best outcomes for all stakeholders in terms of environment and business, have community and economic considerations and ultimately have end-user satisfaction. First established in 1963, the UDIA initiated the annual awards as part of their commitment to advancing excellence in the field and the annual event recognizes and brings together the industry's best creative ideas and outcomes.

Your Home

A Home Fit for a King

For many, Friday March 4 was like any other day. But for the Perin family it was a day they would remember for the rest of their lives, as it's not every day one has the privilege of His Royal Highness, the Prince of Wales planning an afternoon visit to ones' home!

John and Lama Perin have lived at Breakfast Point Boulevarde for the last 2 ½ years with their 3 ½ year old daughter Paris and were delighted to welcome the Prince into their home. Throughout the time the Prince spent in the Perins' home, he remarked on several design aspects stating "I very much like the traditional cornices, skirting and architraves." The Prince also commented that he was impressed by the use of gas "because of its environmental sustainability," the flow-through design allowing optimal breezes to come through the home and the traditional design principles.

We spoke to one of our leading architects, Tony Tribe of Giles Tribe Architects for some further insight on the planning and design principles of the Boulevarde homes that caught the Prince's interest:

"The Perins' home is one of the Boulevarde Homes flanking the southern gateway to Breakfast Point. The planning and design of these homes incorporate many of the principles which contribute to the unique Breakfast Point lifestyle, character and sense of community," said Tony.

Tony went on to comment that the Perins' home has a large outdoor terrace that flows out from its spacious entertaining areas - typical of the Breakfast Point focus on outdoor living. The Prince noted the relationship between the terrace that overlooks and encourages interaction within the neighbourhood and with the Fairwater community facilities including a pool, barbeque and landscaped setting - all of which have become such an important part of the Perins' and other Breakfast Point residents' lifestyles.

We were further informed by Tony that light and space are integral architectural principles adopted with Breakfast Point homes, stating "the home's design with its generous flowing spaces, high ceilings, plentiful sun, natural light and cross ventilation and traditional detailing typifies Breakfast Point living. As in all Breakfast Point homes, the interior design is orchestrated to provide an elegant background for individual creativity and inspiration."

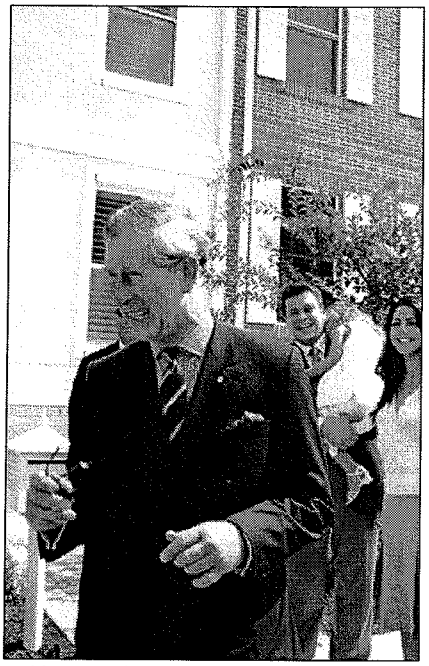
And that's exactly what the Perins have done. Inspired by classic neutrals and warm coffee tones, the Perins' home has been beautifully decorated in a "classic-modern" style. When describing this paradox, Lama spoke of the elegant gilded mirrors in her formal dining room fused with selected modern pieces, such as the stunning 8-person wood dining table – with a bit of Persian (and a bit of Paris' influence!) mixed throughout the house. These deep textures are gracefully offset by a classic neutral colour palette - "I love the rich colour schemes that complement backdrops of warm neutrals," said Lama.

The Prince also remarked that even though access to and involvement with the community was pivotal, privacy hadn't been compromised. Tony elaborated that "a key principle in every Breakfast Point home is to optimise outlook, security and privacy. This triple design challenge is addressed by architectural and landscape design in a variety of ways. For example, the ground floor of the Perins' home is raised above the street sufficiently to enable shutters to be open whilst maintaining privacy to the interior and the terrace."

When asked how the Boulevarde homes sat within the design principles of the greater Breakfast Point community, Tony commented that "the coordinating architects and urban designers have provided Breakfast Point with a unifying architectural theme but with orchestrated variety and uniqueness. Traditional proportions and details – the eave, the verandah, the pergola with pitched roof – form, together with the use of warm colours and contrasting white detail in a landscaped setting, the essence of Breakfast Point."

When asked why they love their home, the Perins commented on several aspects, including the use of traditional architecture, which they thought would not date, but "age gracefully." They also described the benefits of a landscaped garden and living in a landscaped environment - without any of the worries of maintenance. All in all – "a great lifestyle for a family-oriented working couple."

Both John and Lama Perin are self-employed, with Lama recently launching a new company and children's invitation brand – Paper Eskimo. Having researched the Australian market and found a niche for creative children's invitations, she is now rapidly growing the business to include 21 retailers nationwide and looking to launch in department stores later this year. John is a co-partner of commercial interior fit-out and project management company B&B Interiors, located in Clyde, near Parramatta.



John, Lama and Paris Perin just prior to welcoming His Royal Highness into their Breakfast Point Boulevarde home.

The Perins' formal dining room.

Community Hall Embodies Fun and Friendship

Breakfast Point has just celebrated another key milestone with the official opening of the Community Hall.

Celebrating community and village life, the cornerstone philosophies at Breakfast Point, the picturesque Community Hall will be the centre of attention as residents are invited to gather and enjoy many festivities including the exhibition of award-winning Breakfast Point landscapes by local artist Jane Bennett.

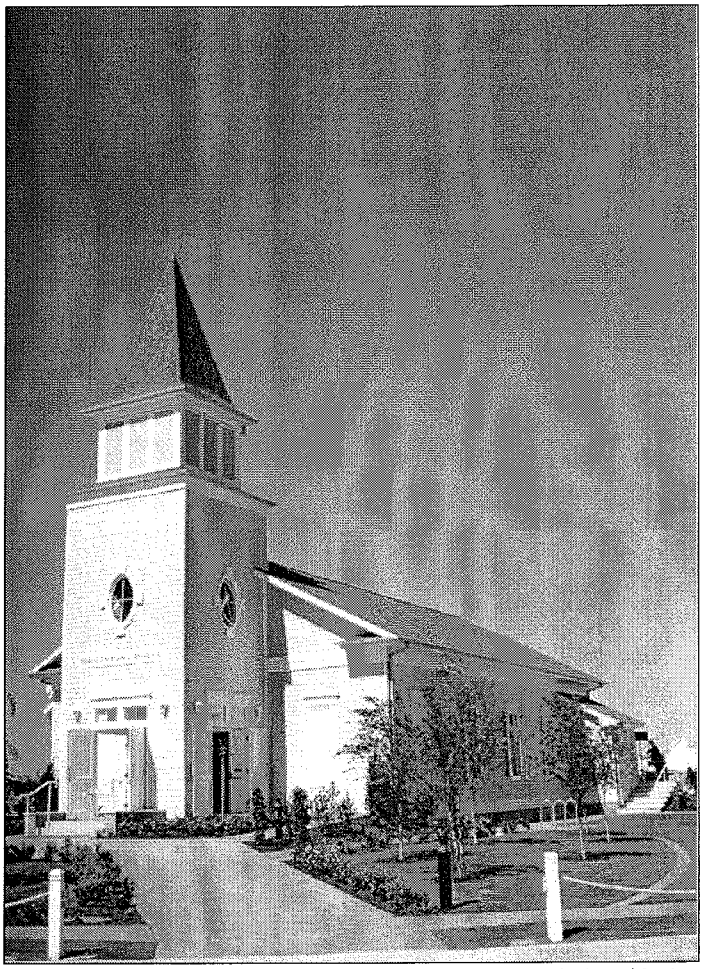
Rosecorp Joint Managing Director, Bryan Rose said, "Rosecorp is very proud of the Community Hall at Breakfast Point as it represents what Rosecorp hopes to bring to Breakfast Point - friendship, community, fun and a wonderful quality of life."

The Breakfast Point Community Hall was born out of a shared vision of Margaret and Bob Rose, who have long admired the distinctive and simple architecture of Community Halls and small country churches around Australia. The final design of the Community Hall emulates many of these iconic architectural features and also combines design elements from a number of churches in the Concord and local Inner West area.

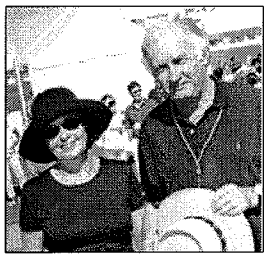
In keeping with the locally-inspired architecture, the Community Hall has a timber frame with white shutters to the windows and spire and the use of shingles on the roof, providing the finishing touches to this picture postcard building.

Internally, the Community Hall's open design, lofty ceilings and professional stage lighting ensures the Community Hall is a multi-functional venue for the use of Breakfast Point residents.

While the Breakfast Point Community Hall will not be consecrated as a church, it is a central community focal point for almost every celebration and function, including wedding ceremonies and parties.



The Community Hall, opened March 6, will be a focal point for almost every celebration and function, including wedding ceremonies, exhibitions and parties to name a few.

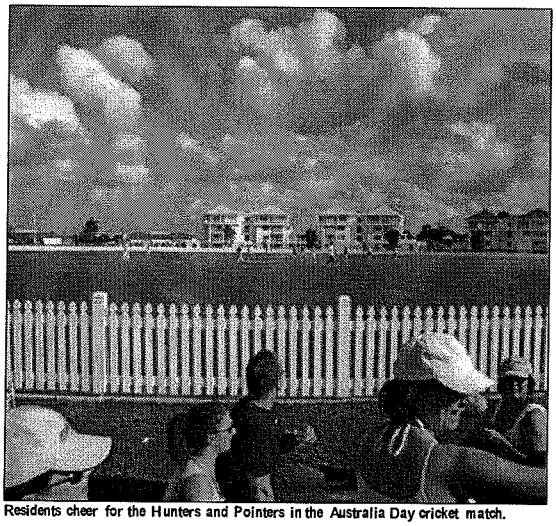


Breakfast Point's first residents, Sue and Chris Dent had the honour of officially opening the Community Hall.

Clown stories in the shade were a popular choice on the sunny early March afternoon.

Breakfast Point residents take time out from the day's festivities to enjoy a cool drink and a bite to eat.

Social Events



Residents cheer for the Hunters and Pointers in the Australia Day cricket match.

Australia Day at Breakfast Point

Australia Day has become a traditional community day of celebration at Breakfast Point. This year it was commemorated with family boules (petanque) and a twilight cricket match.

The twilight cricket match saw the young, not so young, good, would be, and used to be cricket players, come together in two teams - the Pointers and the Hunters, playing to special rules. In a close, and still contested, match the Pointers took home the Silver Cup. While the result remains under challenge, there is some concern that the umpire and scorers, Greg and Maria McGrath, were seen in close discussion with the Pointers skipper prior to the toss and are now holidaying in luxury on the South Coast!

Award winners were: longest hit David Evans, best catch Bob Mayor and looking the part Rod Jeffrey. Younger players received special awards for their efforts.

It was a great family and community evening and the Village Green facilities passed with flying colours with the last group leaving well after dark. The crowd of over 150 can wait for the next match, a chance at the trophy or perhaps even the prize for catch of the day, which this year was a fish!

Well done to everyone who participated – particularly Greg, Maria, Lindsay, Rod and Jim. We look forward to seeing you all at our next event.

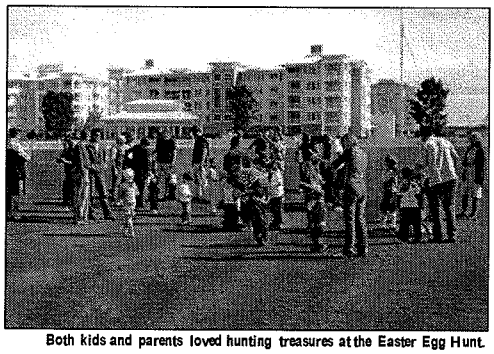
From the Breakfast Point Social Committee.

BREAKFAST POINT

2005 QUARTER TWO & THREE CALENDAR OF EVENTS

The walking group take a stroll every fourth Sunday to interesting and exotic places. Check your notice board for locations or phone Laurel 9743 6938.

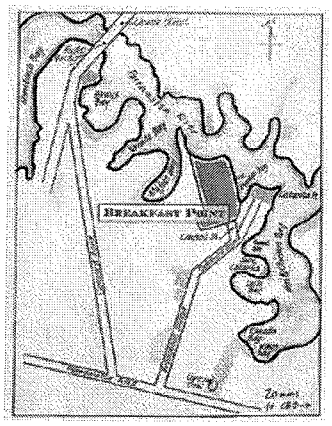
June 12th	Golf Day
July 23rd	Christmas in July dinner
August 21st	Annual Breakfast Point Cup golf day



Both kids and parents loved hunting treasures at the Easter Egg Hunt.

Visit from the Easter Bunny

The Easter Bunny came to visit us this Easter and provided much entertainment for residents, family and friends who enjoyed the Easter Egg Hunt and other festivities held throughout the warm autumn day at the Village Green. The Pavilions provided a good resting point after the hunt and a place for families to gather for a leisurely champagne breakfast. A great time was had by all.



BREAKFAST POINT

Visit the information centre on the corner of Bishop, Medora and Kendall Street, Cabarita, NSW.
phone 1800 888 325

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26 November

Major Development assessment,
Department of Planning NSW
plan_comment@planning.nsw.gov.au

Re: Kendall bay marina application MP07_0006

To whom it may concern,

As a property owner in Breakfast point I wish to formally register my objection to the planned Kendall Bay Marina for the following reasons.

1. The proposed marina will significantly alienate the views across Kendall Bay to Cabarita Park and across Parramatta River to Putney/Gladesville, from a 500 meter section of the public access waterside walk along the eastern shoreline of Breakfast Point from the beginning of the housing line on the north eastern end of the Kendall Bay to past the building line at the southern end of Hunter's Wharf apartment complex.

2. The proposed marina will appropriate Breakfast Point Community Association owned property for commercial use without adequate compensation.

   - The main jetty of the proposed marina will attach to land on top of a seawall, which is owned and maintained by Breakfast Point Community Association. The operation of the marina will increase wear and tear of the seawall

   - All vehicular access to the marina, including construction traffic, boat owners vehicles, and delivery vehicles will be via roads owned and maintained by the Breakfast Point Community Association. Deliveries to vessels moored at the marina and to the managers office and the kiosk will be via pathways owned and maintained by the Breakfast Point Community Association

   - The main jetty of the marina where the manager's office, kiosk and public toilets, as well as the floating pontoons where the boats will be moored are extraneous to the area of Breakfast Point. The only part of the proposal which is located in the Breakfast Point development, the area covered by the Breakfast Point Master Plan, and within the area of the Breakfast Point Community Association is the area of the proposed marina car park. The proposed development plan for the marina states that on this basis the marina owners will have 42 unit entitlements within the Breakfast Point Community Association. Despite the area of the proposed car park being comparable to many of the strata buildings included in the Breakfast Point Community Association. With 42 unit entitlements, calculated at the proposed levies to the Breakfast Point Community Association, for 2010/2011 the amount of levies the marina would pay for one year, based on a unit entitlement of 42 would be approximately $9450. This is calculated using the proposed budget for the 2010/2011 Breakfast Point Community Association budget. This compares with stratas included in the Breakfast Point Community Association having

unit entitlements, and consequently payable levies of from 10 to over 20 times greater than that of the proposed marina. The levies payable to the Breakfast Point Community Association for the proposed marina are significantly less than what is payable by comparable stratas within the Community Association, despite the significant wear and tear the proposed marina will cause to Breakfast Point Community Association owned infrastructure and assets.

3. The proposed marina will have a significant adverse social impact on the residential area of Breakfast Point directly adjacent to and in the vicinity of the marina and in the broader Breakfast Point community. No social impact assessment has been undertaken to determine the impact the marina will have on the surrounding residential area.

   - The proposal includes four public destination berths which will be accessible 24 hours a day. These berths can be made available for the pick up and drop off of party boats. This may lead to a significant increase in noise and anti-social behaviour within the adjacent residential area if party boats drop off their passengers late at night. Despite statements from the proponent of the marina saying this is not their intention, there is nothing in the proposal that precludes this from happening. The proposal includes no provisions for any security when the manager's office is not staffed to mitigate this or any other issues of security in any way. Erecting signs will not do anything to reduce this.

   - The proposal included rules for boat owners berthed at the marina, including no parties on boats moored at the marina, and no use of bow thrusters during the night. The proposal makes provisions for a complaints register. Apart from the complaints register, the proposal does not state how the rules will me monitored when the manager is not present, considering the managers office will staffed only during the day, and the proposal makes no provisions for after hours on-site security.

   - The proposed marina makes provision for 59 car spaces for boat owners and their guests, staff of the marina and attached kiosk, and kiosk patrons. The roads directly adjacent to the marina car park, and all roads in the vicinity of the marina are privately owned and maintained by the Breakfast Point Community Association. All such roads are located in a medium density housing environment consisting mostly of either existing or planned 5 storey apartment buildings. All on-street parking on these roads is limited and is allocated as visitor parking to either existing or planned residential buildings. The proposed marina will greatly affect the ability of residents of these buildings or their visitors to access such visitor parking, especially during peak times of the marina operation such as summer weekends, new years eve and Australia Day. No provisions have been made by the marina proponents to mitigate against this in any way.

4. Kendal Bay is the subject of a remediation order to remove toxic sediment from the bay. The marina proposal includes a proposal to cover much of the affected area with a geo-textile mat covered with rock ballast to mitigate the movement of

waves from disturbing the sediment. This system has not been tested previously in a similar setting to determine the effectiveness of such a system in such a setting. The area of Kendal Bay directly under the proposed manager's office, adjacent to the seawall has been identified as a toxic 'hot spot' by the NSW Environmental Protection Agency. This area would not be covered by the proposed geo-textile blanket. Despite this, the proposal does not include any plan or give any commitment to remediate this area prior to construction of the marina.

Sincerely

Gregory J VAN DAM
13/5 Woodlands Ave
Breakfast Point NSW 2137
Ph 0410 593883
Email gregvandam@yahoo.com

25 Fairwater Drive
Breakfast Point NSW 2137

26 November 2010

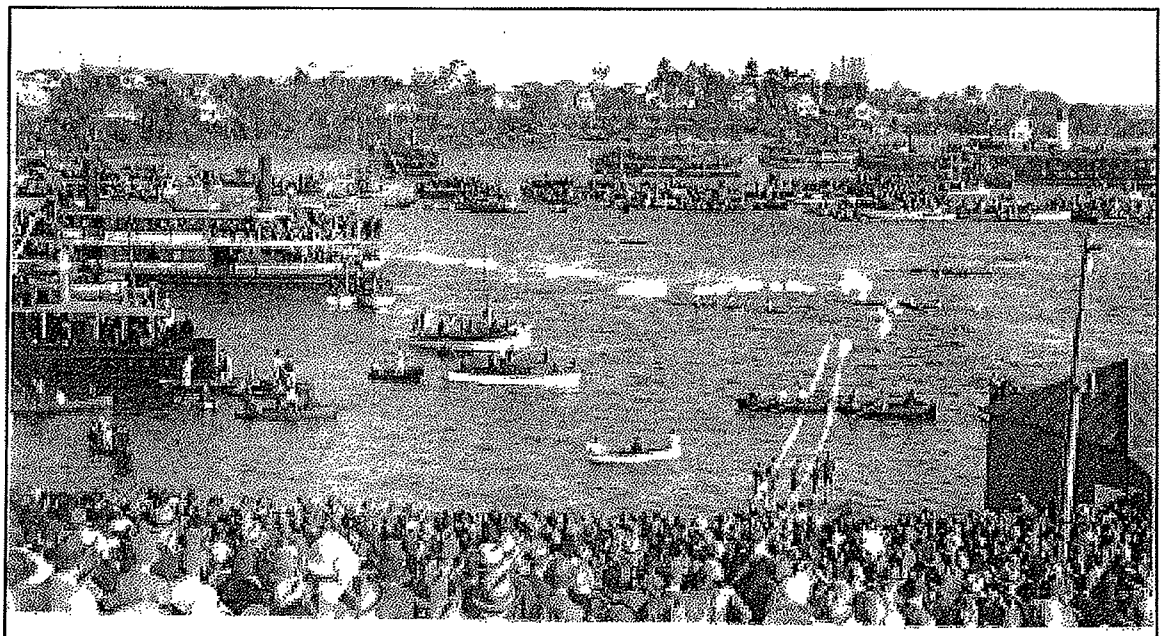
The Hon. Tony Kelly, MLC
Minister for Planning
c/-Major Development Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Minister Kelly

MP 07_0006 - Kendall Bay Marina Project, Breakfast Point

I am writing to express my absolute rejection of the proposed commercial marina by Breakfast Point Pty Ltd in Kendall Bay.

Kendall Bay lies on the Parramatta River between what is now known as Breakfast Point and Cabarita Ferry Wharf. As illustrated below, this section of the River is rich in history and has been enjoyed by the rowing fraternity for generations. Minister, I encourage you to visit Kendall Bay, particular early on a Saturday morning during the summer months, and view first hand the number of school rowing teams who use this part of the River. School students do not need more boats to add to this already busy mix.



The celebrations organised by a GPS Regatta on the Parramatta River were in the 1920s. The photograph is taken from Cabarita looking towards Henley. Cabarita Point marked the finishing line for the GPS races. (Canada Bay Library, Five Dock Branch)

The NSW Department of Planning's own projections forecast that the population of the Sydney region will increase from 4.3 million in 2006 to 6.0 million people by 2036. Our population will pass the 5 million milestone in 2019. This would result in a 40% gain from 4.3 million in 2006.[1]

Significantly, Kendall Bay is one of the last "untouched" bays on Sydney Harbour. This is a priceless resource and must not be carelessly traded. As Minister for Planning I ask you to be a visionary and see the absolute need to secure and remediate Kendall Bay, not only for the enjoyment of our community, but also for the benefit of the 6 million people who will reside in Sydney in 2036.

The proposal by Breakfast Point Pty Ltd to establish a new commercial marina and ancillary facilities will see 60% of Kendall Bay largely benefit just 176 boat owners. This could not be a fair or proper outcome for our growing community.

The Parramatta River is home to an ever increasing number of boats, marinas and moorings. If there truly is a need to secure more marina space surely the obvious solution would be to allow the expansion of D'Albora Marina in Cabarita Park, where infrastructure is largely in place.

Located within metres of the proposed marina lease space is where Captain John Hunter stopped to have breakfast on his first journey up the Parramatta River on 5 February 1788. Ten days later, when Governor Phillip came to inspect, the party stopped at the same place, again for breakfast, hence the naming of Breakfast Point. Importantly our area is richly associated with aboriginal Australia through the local Wangal clan; have they bee consulted about the proposed marina?

When assessing the 10 volumes of documentation that make up the Environmental Assessment I urge you to consider the significant historical ties of Kendall Bay for both the Wangal Aboriginal community and for the settlement of white Australia. Is a commercial marina, and all associated infrastructure, really appropriate in this setting?

My family built our home some 6 years ago and we commend Rose Corp on the successful execution of their vision at Breakfast Point. It is my belief however, that the Rose family have benefited enormously from favourable planning decisions, as evidenced by the almost 40% increase in current day dwellings over the original masterplan.

Minister Kelly I conclude that you have the opportunity to realign the "planning" scoreboard. I urge you to wholeheartedly reject the proposed marina in Kendall Bay by Breakfast Point Pty Ltd. The greater community will thank you.

Yours sincerely

Heather Crichton

---

[1] NSW Department of Planning, *NSW State and Regional Population Projections 2006-2036*, April 2010

From: Carlos <nasaxx@hotmail.com>
To: "plan_comment@planning.nsw.gov.au" <plan_comment@planning.nsw.gov.au>
Date: 28/11/2010 11:23 am
Subject: Breakfast point marina

I support the breakfast point marina project

Sent from my iPhone

Anna Bradley - Online Submission from Wayne Taylor of n/a (object)

From: Wayne Taylor <wayne@taylorcivil.com.au>
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 29/11/2010 10:14 AM
Subject: Online Submission from Wayne Taylor of n/a (object)
CC: <assessments@planning.nsw.gov.au>
Attachments: marina personal submission wt 11-10.pdf

I object strongly on the basis of concerns about contamination, safety for pedestrians, noise, destruction of the Kendall Bay environment, visual pollution, etc - please see attachment

Name: Wayne Taylor
Organisation: n/a

Address:
42/77 Peninsula Drive, Breakfast Point, 2137

IP Address: cpe-60-229-148-76.lns8.ken.bigpond.net.au - 60.229.148.76

Submission for Job: #1311 Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhiive.com/index.pl?action=view_site&id=865

Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
F: 02 9228 6466
E: Chris.Ritchie@planning.nsw.gov.au

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I object most strongly to the marina, for reasons as follows:

Contamination of the bay

This is of great concern to me – I am a long term resident, very conscious of health and environmental issues, and expect my son (now 3 years old) to grow up here, and continue playing on the beach and foreshore. I had always understood that the major areas of contamination in the bay were to be fully cleaned up (ie the contamination removed), and any minor contamination would be left undisturbed.

In complete contrast to this, the applicant apparently proposes to:

- Do a minimal clean up of some of the "hot spots" only.
- Disturb large proportions of the contaminated soil by driving 160 piles through it, plus temporary piles
- Put an untested and (by their own admission) quite permeable blanket over the remaining portion.

After completion, the activity associated with the marina will continually stir up contaminants. The blanket and marina construction will prevent any future permanent cleanup. As a civil engineer, with some experience of such matters, I have reviewed the documents, and highlight the following deficiencies:

From the Construction Environmental Plan (Volume 7)

- S1.2.2 Seems to be contradictory. Refers to the EPA order stating that the authorities shall "refrain from allowing ... works ... which result in disturbance or further disturbance of the bed sediment...". Obviously the installation of 160 piles will constitute a significant disturbance.
- S3.2.2 – "Piling..." – omits to mention what will happen during the pile driving process. Specifically, large quantities of contaminated sediments will be disturbed and will spread over the geotextile and ballast within the silt curtain. These sediments will never be cleaned up. By the completion of piling, a large volume of contaminated sediment will be spread over the ballast – invalidating the whole purpose of the geotextile.
- S5.4 – Acid sulphate soils. Incorrectly states that the works will not involve excavation of the sediments. In fact, piling will disturb sediments, including acid sulphate soils. The acid sulphate soils may reach the surface, or spread onto tidal shores, and so oxidise in air, causing acidity problems – so at the least, an investigation, and Acid Sulphate Management Plan, are necessary.

From the Construction Management Plan (Volume 8):

- Piling:
    - No procedure provided for "temporary piles" – placement and removal
    - How is the geotextile collar to be sealed to the pile and the adjoining blanket?
    - The use of divers – how will they see in the water when pile driving stirs up clouds of sediment? And I cannot believe that it is safe to have divers in the water, adjacent to piles which are being driven.

In Appendix 12, Geotextile Information – the examples given are largely irrelevant – different soil conditions, etc

Safety for my son (and ourselves, and visitors/friends)

The proposed marina will introduce greater risks to safety – especially for my son, and the children of our friends and neighbours - as follows:

- By allowing the driving of golf buggies and other vehicles on the existing pedestrian walkways and foreshore walk/cycleway, between the proposed carpark and marina.
    a. These are the walkways, on 3 sides of our building, where I walk with my son, he often rides a bike or tricycle, and we see many other children walking or riding, babies in prams, etc.
    b. It is obviously blatantly unsafe to have vehicles on these walkways.
- Pedestrian safety in the surrounding roads (Tennyson Road, Magnolia Drive and Rosewater Circuit), which we cross on foot almost every day, is already grossly inadequate – because there are no pedestrian crossings! The increased traffic arising from the marina will worsen this situation.
- Tennyson Road – which is the main thoroughfare into this area of Breakfast Point - is of insufficient width (by at least 1.5 metres) to perform its current function, and will be made more unsafe by the addition of marina traffic

Construction disturbance all around us

I have accepted that Breakfast Point is a work in progress, and that there would be some disturbance from construction over the next few years. However, this proposal is completely different, because it will involve works in areas adjacent to us that I had understood were either complete or not to be disturbed ie:

- The bay itself (including the driving of 160 piles over many months)
- Walkways to either end of our building – being altered, and services laid
- The foreshore walkway at the front of our building – where, at the least, services will be laid.

In this respect, the application seems to be substantially incomplete – I refer to the Construction Management Plan, in Volume 8, which omits the following:

- No mention of works between the marina and carpark – eg upgrading of paths, laying and connecting services etc. (these are also not mentioned in the Construction Environmental Plan (Volume 7))
- No mention of land access route for works on the marina – ie all the tradesmen and workers, and deliveries of materials, for connecting the services and structure at the end of the wharf, building and fitting out the kiosk etc
- An Erosion & sediment control plan for the works on land (ie there is no proposal to control dust, silt etc).

Ongoing noise – all around us

The relative quietness of this area is one of the main reasons why I live here. (Apart from construction noise, which I see as occurring in normal construction hours, and which will be finished in the next few years).

Many activities and facilities associated with the marina will cause substantial noise at our home, and in our immediate surroundings – far beyond the noise levels that we usually experience, and at all times of day and night, seven days a week. These include:

- Trucks – garbage, delivery etc
- Cars and other vehicles entering and leaving the carpark
- Golf buggies, garbage removal vehicles and trolleys – ie driving past residences and along the foreshore walkway
- Party and cruise boats accessing the ferry wharf – and large groups alighting and departing
- Cleaning of boats – by gurney etc
- Operation of the large 50 seat kiosk – ie groups of people, parties etc
- Parties on boats

- Rigging noise from yachts

The noise report (Vol 4, operation section) is incomplete and misleading – it makes no mention of most of these activities.

Parking:

Parking for our visitors is already at something of a premium – because the visitor parking for our building is all on-street, and our visitors have to compete with people parking in the vicinity for all sorts of other reasons. However, the proposed marina will make things much worse, because the planning of the parking is completely inadequate (and again, I am commenting as a Civil Engineer) - as follows:

- Insufficient parking provided – less than half of the numbers required (a shortfall of at least 64 spaces, plus parking for the proposed ferry wharf and launching ramps)
- No parking provided, in the carpark, for many classes of vehicles – visitors, "golf buggies", the public accessing the proposed ferry wharf and launching ramps.
- The carpark is 250 metres away from the marina, with the driveways for our building, and parts of Peninsula Drive, much closer to the marina. It is inevitable that vehicles of marina-users making deliveries, drop-offs and pickups, and just parking, will park in our driveways, and on the street in front of our building..
- The carpark entry and exit are restricted by boom gates, without provision for casual access, or stacking zones for waiting vehicles.
- No parking provided at the marina for "golf buggies" or garbage removal vehicles.
- The carpark design (as shown in the plan, volume 2) fails to provide essential facilities (in spite of claims to the contrary)
    a. Loading / unloading areas for large or small vehicles, including garbage trucks.
    b. Storage areas for garbage or trolleys

Ugliness on both sides of us:

The proposal will involve a large marina on one side of our building, and a commercial car park/loading/garbage storage area on the other side. Both will be very ugly and obtrusive – when viewed from our home, from Peninsula Drive, and from the foreshore walkway.

The photomontages provided for the marina (Vol 5) all seem to understate the visual impact, ie:

- Boats too small and very uniform (real marinas have a hodge podge of sizes, shapes, and colours which looks much less tidy)
- Very low proportion of yachts
- Extent of marina does not seem to match plans
- Kiosk not shown correct size

No photomontage has been provided for the carpark – which will face the front entry to our building. The existing Breakfast Point carparks for the supermarket and Country Club both have a high level of screening, and are significant distances away from homes. In contrast, this marina carpark is very close to residences on 4 sides, and has minimal screening.

Destruction of the Kendall Bay Environment

As far as I know, Kendall Bay is the last bay in this area undisturbed by boats (marina or moorings). We frequently walk or cycle, look at and listen to birds, sit on the shore, etc. The busy activity of the proposed marina and ferry wharf will destroy this peaceful environment – especially at the times when we most appreciate it (ie weekends and holidays).

In conclusion:

It seems absurd that this development might be allowed to proceed – because if it did, it would be:

- Sandwiching our existing quiet residential building between a large commercial carpark / garbage / loading facility, and a very large commercial marina.
- Destroying the environment of Kendall Bay.
- Turning our very pleasant foreshore walkway into a busy road for marina patrons and garbage trucks.
- Positioning the above-mentioned ground level carpark / garbage / loading facility, between medium density residential buildings on 4 sides (an ugly precedent for Breakfast Point)
- And, in the process, destroying the amenity of residents like us.

I hope that reason will prevail, and the application will be refused.

Wayne Taylor
42/77 Peninsula Drive, Breakfast Point 2137
28-11-2010

Anna Bradley - Online Submission from Ian Willis of Resident of Breakfast Point (object)

From: Ian Willis <iwillis@samibitumen.com.au>
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 29/11/2010 10:39 AM
Subject: Online Submission from Ian Willis of Resident of Breakfast Point (object)
CC: <assessments@planning.nsw.gov.au>

Firstly, I consider the date for Submissions should be extended for at least another another 3 months, noting also the upcoming Christmas holiday period. The Application has taken a number of years to prepare, it is voluminous, complex and contains significant technical data that should have sufficient additional time to carefully examine, test and have further questions answered before the Application proceeds.

Prima facie, I object to the the Application on a number of grounds including:
1. The development of a commercial marina in this area is totally at odds with the special residential nature of the overall Brealkfast Point development. It brings an unwelcome significant commercial activity to a primarily residential precinct.
2. I am very uncertain that the proposed method of dealing with the contamination in Kendall Bay by the placement of a geotextile blanket on top of the contamination is an appropriate long term solution. I consider the organisation responsible for the contamination should provide a complete and permanent decontamination solution, not a "cover up".
3.The placement of a marina on top of the geotextile blanket has the potential to create damage to the proposed method of "treatment" and will then pose significant problems in the future if further decontamination treatments are deemed necessary.
4. Access to the proposed commercial marina is via infrastructure effectively paid for by the residents of Breakfast Point properties. Users of the marina will have access to Breakfast Point residents community facilities. There is insufficient allowance for recovery of costs of the infrastructure by the users of the proposed marina.
5. Access to the proposed marina is adjacent to privately owned residential properties and I am greatly concerned about noise, odour, rubbish and social disruption to residents.
6. I consider that Kendall Bay should be left in an undeveloped "pristine" state without development in the Bay. There are very few remaining Bays along the Parramatta River in such a pristine condition. This Bay should remain a permanent undeveloped legacy for future generations, allowing uninterupted views of the Parramatta River. The development of the marina provides minimal commercial return to the public owners of the Bay or public benefit. However, any such minimal benefit will be at the expense of a large loss of public amenity.
7. The State Government has encouraged higher density residential development close to existing transport and other infrastructure. Many thousands of people have or are moving to Breakfast Point in support of this plan. The benefit of the existing "open space" in Kendall Bay, promoting a sense of emotional "wellbeing" for people living in high density locations with less open space, will be seriously damaged and lost forever by the development of a marina which will close in that important open space in the Bay. The wellceing of the thousands of people who are residents at Breakfast Point and other vistors will be compromised for the selfish and minimal benefit of the relatively small number of people who would make use of the proposed marina.
8. I am concerned about issues associated with such a commercial marina development - the possibility of explosion and fire from boats and fuel facilities, issues to do with potential sewerage and rubbish pollution, odour and noise polution associated with the use of the facility 24/7 in the middle of a residential community.
9. Despite compliance with absolute minimum ratios of parking to moorings, the fact that this proposed development is in the middle of a residential development causes concern that it will create parking issues and traffic managment problems for residents.
10. I attended one of the so called "Community Consultation" provided by the Developer Applicants. The representatives of professional organisations at the Consultation were genuinely helpful in answering questions. However, the representative of the Developer was asked a number of important basic questions which in the main he failed to answer. In some cases, based on data from other published information, the answers provided by the Developer were disingenuous or at best ill-informed.

11. The fact that only 54 people attended the four sessions of organised Community Consultations indicates to me that the method of advertising the meetings was ineffective. On my own part, an "innocuous" letter box flyer headed up with the previously unknown banner "Inner West Marine" did not attract the attention of many interested local residents. On questioning other Breakfast Point residents, they had not noticed the meetings had been organised and would otherwise have attended. I do not consider the manner in which Community Consultations were organised was a genuine attempt by the Developer to enagage with the local community and to take into account their expressed questions or concerns. Other resident organised community meetings have been attended by literally hundreds of local residents at each gathering where almost unanimous and strong opposition to the proposed development has been expressed. Again at those meetings when the same representative of the Developer has attended, important questions remained unanswered.

Political Donations Disclosure - I advise I have not made any potical donations in the relavant period.

Name: Ian Willis
Organisation: Resident of Breakfast Point

Address:
27/22 Admiralty Drive
Breakfast Point 2137

IP Address: 60-241-242-99.static.tpgi.com.au - 60.241.242.99

Submission for Job: #1311 Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhiive.com/index.pl?action=view_site&id=865

Chris Ritchie
Manager, Manufacturing & Rural Industries

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E: Chris.Ritchie@planning.nsw.gov.au

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107 / 6 Peninsula Drive
BREAKFAST POINT NSW 2137

28th November 2010

Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY 2001

Kendall Bay Marina; MP 07_0006

Dear Sir/Madam

We are recent residents of Breakfast Point, purchasing and moving in part due to the beautiful surroundings and foreshore walks available to the community residents. We were concerned about the prospect of a marina being developed, and so attended a community information session on 1 November 2010.

As a result of the meeting, we feel compelled to write to you to register our strong objection to the concept of the marina as it currently stands. We believe the project is being unnecessarily rushed and has not been fully scoped nor appropriately assessed by the responsible parties. In particular, we were concerned to hear that the independent urban planning consultants could not offer an opinion one way or the other due to the volume of the submission and the time required to fully assess its impact.

On the face of the information available, we are also concerned about the adequacy of the proposed 58 space car park to service a 172 berth marina; we are unconvinced by the developer's assurances that there will be no vehicular traffic on the foreshore pedestrian paths, when it is obvious a 50 seat kiosk and the boats themselves will require considerable logistics support in the delivering of supplies and removal of waste. And we are gravely concerned about the developer's seemingly blasé assurances that an untested geotextile 'blanket' will appropriately remediate against potential pollution, especially when independent environmental consultants express significant concerns about likely side-effects.

We request the marina development remain non-approved until appropriate time and effort has been spent by independent experts to fully assess the various environmental, urban and social impacts of any development. We urge consideration of all options, including full remediation of the site, and a smaller marina of approximately 40 berth-size. As a society, we will only have one chance to provide an appropriate legacy for our children and we should not rush to sacrifice their future on the basis of short term economic gain for a few large business interests. After all, it was that attitude over the last century which led to the wide-spread environmental pollution in the Parramatta River in the first place.

Yours sincerely,

William and Anne Cowham
Cypress

"Sovereignty"
24/20 Admiralty Drive
BREAKFAST POINT
NSW 2137

BY FACSIMILE TO 02 9228 6466

A/Manager – Industry
Major Projects Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Ms Greenway

Project Application (MP 07_0006) Kendall Bay Marina Project, Breakfast Point

I wish to submit my support for the proposed marina project for Kendall Bay.

As a resident of Breakfast Point I have examined the project and believe that it will enhance the social amenity and environment within the community by providing improved access for all to the waterways of Sydney Harbour.

Kendall Bay has a long maritime history. The proposed marina, including its fixed jetty for public use on the location of the previous industrial coal-loader wharf supports the site's maritime heritage.

The marina will significantly provide for increased boating participation which in turn will provide new employment opportunities and significant economic benefits to the local community as well as to the State and Local Governments.

I believe the project will have a high degree of environmental integrity through strict environmental and operational management programmes and practices.

Considering all factors I submit that the Minister for Planning should approve the project.

Yours faithfully

M. L Howard

30th November 2010

53/36 Village Drive
Breakfast Point NSW 2137

29/11/10

Department of Planning
Major Development Planning
GPO Box 39
SYDNEY 2001

Attn: Felicity Greenway

Kendall Bay Marina
MP 07_0006

I am writing to object to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347.

The proposal will have considerable adverse impact on the Breakfast Point community and surrounding areas of Mortlake, Cabarita and Concord.

A major concern relates to the non-remediation of the polluted sediment in the Bay, which contain chemicals, posing a significant risk of harm to human health. Remediation is not proposed despite an order being issued by EPA, effectively banning development in Kendall Bay.

I am concerned that the proposal to place a "geotextile blanket" over part only of the area will not meet the declaration requirements and leave the site, and thus residents and water users, exposed to known carcinogens and other pollutants. I have sighted an independent consultants report commissioned by AGL/Jemena which specifically states that covering the polluted sediment in the bay (i.e. with a "geotextile blanket") is not an acceptable solution.

My other concerns relate to the construction of a large commercial public marina operating 24/7 immediately adjacent to a residential area with the consequential intrusion into the lives of Breakfast Point residents.

Such a large enterprise will bring with it inherent problems of traffic, parking, noise, pose safety issues for walkers along the waterfront and generally interfere with the ambience of what has been described as a peaceful waterside walk. There has been little communication from the developer in regard to the proposal and in the absence of any consultation I find it impossible to support the proposal in any way.

My greatest personal concerns with regard to the proposed marina are:

- dramatic increase in local vehicular traffic levels.
- adverse impact on wildlife - I am advised that several bird species local to Kendal Bay are designated threatened species.
- unanswered questions put to the developer as to marina users' rights to Breakfast Point facilities (e.g. the Country Club).
- Little mention in the proposal regarding vehicle activity (e.g. garbage trucks, delivery trucks) around and across pedestrian walkways.

I ask that the proposal be denied and that Kendall Bay be remediated and returned to its natural state.

Yours faithfully,

Matthew Rex.

IAN A. McANDREW

FACSIMILE TRANSMITTAL SHEET

TO:	FROM
Major Development Assessment	Ian McAndrew
COMPANY:	DATE:
Department of Planning	29/11/2010
FAX NUMBER:	TOTAL NO. OF PAGES, INCLUDING COVER:
02 9228 6466	
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
02 9228 6503	-
RE: **KENDALL BAY MARINA PROJECT**	YOUR REFERENCE NUMBER:
BREAKFAST POINT (MP 07_0006)	-

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

Dear Manager

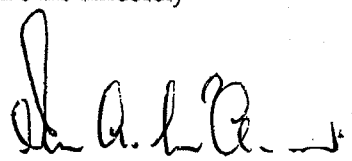
In response to your letter of 24 September 2010 I wish to submit this notice of support for the 172 berth marina project at Kendall Bay, Breakfast Point.

The proposal provides much needed additional access to Sydney Harbour for family recreational pursuits of inner-west Sydney residents as well as the wider Sydney community. The marina will to some degree also partially alleviate the critical shortage in supply of modern marina berths in Sydney generally.

Engineering technology containing bottom-sediment transportation is innovative and will provide ecological benefits thus greatly improving the current situation in Kendall Bay.

The proposal offers substantial social, economic and employment benefits with resulting flow-on benefits to the State of NSW, the City of Canada Bay and the local community. As such, the project is deserving of the approval of the Minister for Planning.

Yours sincerely



Ian A McAndrew CPA

34/20 Admiralty Drive, Breakfast Point, NSW 2137, Australia
Telephones: +61 (0)2 9739 6712 or +61 (0)418 494 039
Facsimile: +61 (0)2 9739 6713
e-mail: bushview@bigpond.net.au

TRISH BROWN

28th November 2010

Ms Felicity Greenway
A/Manager - Industry
Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Ms Greenway

Kendall Bay Marina Project, Breakfast Point (MP 07_0006)

I acknowledge receipt of your letter of 24th September 2010 inviting me to make a submission, if required, concerning the development at Kendall Bay, Breakfast Point of a marina, fixed jetty, car park and other infrastructure as well as the installation of a geotextile blanket for sediment protection.

This submission is made in support of the development proposals.

The commercial marina development will permit safe and managed access from Breakfast Point to the waterways of Sydney Harbour for not only Breakfast Point residents but also for those residents in the surrounding community who also have a right to access and to be able to enjoy the State's waterways. The marina will thus improve the social environment in the wider community.

The commercial marina will also create economic and employment growth opportunities within the community with resulting economic benefits to the State of NSW and the City of Canada Bay.

I will be pleased to learn of the project's approval by the Minister for Planning.

Yours sincerely

Trish Brown

FAXED 30/11/10
To: 02 9228 6466

34/20 ADMIRALTY DRIVE
BREAKFAST POINT NSW 2137
TELEPHONE: 02 9739 6710
FACSIMILE 02 9739 6713
E-MAIL: trishbrown22@bigpond.com.au

Sydney Boys High School Rowing Committee
Outterside Centre
5 Teviot Avenue
Abbotsford NSW 2046

Felicity Greenway
A/Manager
Major Development Assessment
NSW Government Department of Planning
Fax: 9228 6466

RE: Project Application MP 07_0006

I am writing on behalf of the Sydney High School Rowing Committee to object to the proposed Kendall Bay Marina Project at Breakfast Point.

The High Rowing community is strenuously opposed to the proposal because of our concerns for the safety of our rowers and the impact on our schoolboy rowing activities. We have 110 boys rowing in 16 crews, 5 to 6 times per week from September until April each year. The project, proposing berths for 172 boats, would substantially increase the current river traffic, which already is at a level that threatens the safety of schoolboy rowers.

The proposal also seriously reduces the area's traditional viability as one of Sydney's best environments for rowers to pursue their sport.

Sydney Boys High Rowing, and many other metropolitan High Schools, have been using this part of the river since 1924 and any further encroachment of the area by motor boats would not only exacerbate parents' concern for safety but would also devalue the excellent training environment that the river has traditionally offered to school age rowers.

Yours sincerely,

Anita Bezjak
President
SHS ROWING COMMITTE

11/2 Strathroy Close
Cabarita NSW 2137
29-11-20

Major Development Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

Ref: Project application number MP07-0006

Dear Sir,

Please be advised I wish to register my objection to this proposal for a Marina within Kendall Bay the reasons are as follows.

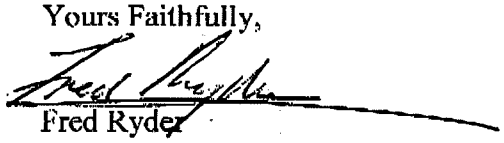
1 My concerns are for the residents of Breakfast Point with the undoubtable problems the increase of traffic will cause and the obvious inadequacy of the proposed parking.

The Marina would change the whole landscape of the area as it now exist and I believe it is outrageous the residents have bought property without such a plan being fully disclosed prior to their purchase. This must be viewed as a deceitful act by the developer.

2 Although having little knowledge in this area I am not convinced the proposal for to control the contamination in the bay is anywhere near satisfactory both in the short and long term. This is a major concern to most people.

The community is hopeful logic will prevail and the application for the Marina is denied.

Yours Faithfully,



Fred Ryder
02-9736-1445 Mobile 0414-969-108

Anna Bradley - Inner West Marina Development at Kendall Bay MP 07_0006

From: Hsu-Ming Teo <hsumingteo@hotmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 29/11/2010 11:02 AM
Subject: Inner West Marina Development at Kendall Bay MP 07_0006

To Whom It May Concern,

I'm writing to you as a resident and as a member of the public to protest against the proposed development of Kendall Bay into a large commercial marina with more than 170 berths catering for large yachts. I oppose this development strongly because of the following reasons.

1. The water in the bay which is part of the Parramatta River is polluted with toxic chemicals which have been churned up by water traffic, right down to Sydney Harbour. This had originated around the old Union Carbide factory in Rhodes (where remedial action had been attempted), and the contamination of the coal loading at the old wharf of the AGL site. The toxic contaminants, including Agent Orange, are in the sediments of the foreshore, and to allow any development, large or small, will disturb the toxic and cancer causing contaminants and spread them widely. At the moment, NO SWIMMING is allowed in the water for health reasons. The environmental impact of any development will be very severe.
A proposal to use a 'Geotextile' blanket to cover the surface of the sediment, limited to the proposed marina area, has NO PROVEN track record. It will not cover the southern end of the Bay where contaminant concentration is very high.
The construction of the wharf/pier whether before or after the 'Geotextile' blanket is laid will still disrupt the integrity of the covering sediments presently and expose the contaminants to be washed back into the mainstream.

2. The commercial development will impact on the environment in terms of discharge of human and other waste (accidental or purposeful), accidental leakage/discharge of fuel, noise pollution and visual impact.There is also fire risk and OHS issues, like the recent boat fire at a marina near Roseville Bridge.

3. At the moment, there is a walking path along the foreshore from Tennyson Road past Cabarita Wharf to Cabarita Park. This is well used by residents from the surrounding subsurbs at all times of the day and everyone enjoys the pleasant environment and the view across the river to the city landscape. A marina will obliterate and deprive the public of this pleasure, especially with the commercial activities in the midst.

4. At present, there are two commercial marinas already next to the proposed site, one in Mortlake (immediately around from Kendall Bay to the west) and the other in Cabarita (next to Kendall Bay). To have a third commercial marina will increase the crowding of the waterway, and may even impede the Rivercat Ferry services to Cabarita Wharf, other water traffic, and recreational users. Chances of accidents/collisions are increased, like that in Rydalmere recently.
Plan for public wharf and some public mooring will also increase congestion and risk of social disruption.

5. The commercial development will allow commercial vehicular traffic access to the marina through Breakfast Point which is a purely private residential environment. The surrounds are maintained privately. The increased commercial traffic will increase risks for children, pedestrians and residents.
The proposed construction of a 58 vehicles carpark will also contribute to increases in 24/7 vehicular traffic.

In view of the above reasons, I would submit that the proposed commercial marina not be developed in the public's interest, approval for it be denied, and all steps should be taken to remediate the contaminations in Kendall Bay.

Yours faithfully,

Hsu-Ming Teo
27/25 Peninsula Drive
Breakfast Point NSW 2137

CM15W

RECEIVED
25 NOV 2010
Director-General

Mr & Mrs G & T Allen
101/23 Kendall Inlet
CABARITA NSW 2137

23rd November 2010

Mr Sam Haad
Director General
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sir

RE: Kendall Bay Marina Project (MP 07-0006)

As local residents we are replying to the invitation from your Department to comment on the proposed marina development in Kendall Bay.

We strongly oppose the development of this marina due to the following:

1. We purchased in a quite beautiful area on the Parramatta River and feel that the marina would attract much more traffic thus impacting on parking within our neighbourhood.

2. Our residents enjoy a beautiful and tranquil view of the Parramatta River, this would be significantly reduced with the marina. It could also impact on any future sale of our properties.

3. Again as stated the marina would attract so many more visitors to our area and our quite enjoyment of our homes would be adversely effected. We are particularly concerned about late night revellers and cruise vessels which would use the marina for pick up and drop off

We hope that common sense will prevail and the concerns of the residents of this quite area will be looked after ahead of Corporations who are here to make a "quick buck" and leave us with what will be an ongoing disaster.

Yours faithfully
Trevor & Gai Allen

8 Breakfast Point Bvd
Breakfast Point NSW 2137

Department of Planning
Major Development Planning
GPO Box 39
SYDNEY 2001

Department of Planning
Received
2 6 NOV 2010
Scanning Room

Kendall Bay Marina
MP 07_0006

OBJECTION

We are writing to object to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay.

Our objections relate to:

- Lack of remediation of the sediment as required by EPA Order No 23022
- The construction of a large commercial marina adjacent and attached to private lands on the following basis:

  Not in Public Interest

  Lack of Consultation with public and public authorities

  No Demand for a Marina

  Infrastructure inadequacies in view of growth in Breakfast Point and Mortlake

  Lack of Traffic and Parking for proposal

LACK OF REMEDIATION

EPA order 23022 is specific in declaring Kendall Bay a remediation site, stating that some concentration levels of PAH's (carcinogenics) are significantly elevated and disturbance would increase the risk of harm. The order further states that the Maritime Authority must refrain etc from carrying out works or activities that would result in the disturbance of the bed sediment. Specifically nominated as coming within the scope of the order are works associated with boating facilities (marinas).

The Environmental Assessment has been submitted with the full knowledge of the remediation order but proposes to remediate a small part only of the Bay with the balance of the marina footprint to be covered by an untried geotextile mat. Untried in the context of

covering a polluted area which will have a constant movement of boats entering and leaving the marina with the consequent disturbance of the sediment.

At best the EA states one of the suggested benefits being "reduced disturbance of the sediments" (vol 1 P20). This is a far cry from the requirement of EPA Order 23022.

We contend that until the direction set out in the EPA order is met the 172-berth marina proposal should not be considered. To do so places the public at risk from the contaminants.

MARINA

Public Interest and alienation

The proposal to locate a 172 commercial marina in Kendall Bay is not in the public interest. It adjoins private housing and a major public walkway and cycleway. It is akin to replacing a public park with a caravan park within an inner suburb housing estate.

Many purchasers were unaware of the proposed marina. The EA states at p 51 Vol 5 that:

"The Breakfast Point Concept Plan indicates that there was always an intention to have a marina at the location of the former jetty. The Applicant has advised me that all the sale contracts with the present owners of residential developments within Breakfast Point contain information about a future marina at the site. While the form and scale of the marina were not known, it was known by buyers in the estate that a marina would be proposed and built at some time."

Our contract of purchase dated 2000 contains no such information. Based on this premise R Lamb was incorrectly advised.

The beneficiaries of such a development are the developer, 172 boat users and potentially the kiosk operator. The public in general (walkway users, bike enthusiasts, rowers, ferry users, sailors, Breakfast Point residents, etc) receive no benefit. The public view will be restricted by the presence of the large marina and its boats. To suggest that the public will benefit by "an enhanced sense of harbour usage" conflicts with the public's ability to use the walkway to enjoy the water and beyond views.

The size and mass of the proposal is based on a theory that it is less intrusive than the AGL wharf demolished to make way for this marina. See Vol 5 p 55/56

"It was considered that if the proposed marina mostly conformed to the easterly extent of the former wharf then it would not have significantly greater visual effects and impacts in regard to composition of view blocking, compared to the former jetty, in views generally parallel to the shoreline."
"The new jetty is considerable (sic) lower than the former jetty that existed on the site for a long time in the recent past".

This is a curious statement. as we could just as well argue that the view should not be impacted any more than Captain Hunter's boat that arrived here in 1788. Our statement is more valid as the Bay is now more reminiscent of its original shape and size and thus gives the public greater pleasure in its clear condition.

Further the marina will place constraints on the use of the waterfront walkway and alienate the space from free use by the public. The only access to the marina for boat owners is via the walkway. They and all commercial operators on the jetty will use this public walkway to

Overall the EA does not give sufficient detail and consideration to traffic and parking both within Breakfast Point and surrounding areas.

Conclusion:

Kendall Bay is a clear bay requiring remediation to allow it to be safe. Once it is remediated it must not be spoiled again be a gross development.

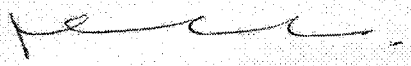
To conclude we quote (with slight variation) Grace Karskens from her book The Colony.A History of Sydney (Allen & Unwin 2009)

"Ordinary places and landscapes (*bays)* are still often assumed to be tabula rasa, as if there is nothing there, no histories, no human meaning. Developers, planners, politicians, and Sydneys wider community still act as though the remnant bushland (*read bay),* the old farming land, the rusty, dilapidated industrial areas are blank canvases, simply waiting to be inscribed with new development. It is strange, too, that the local so often run a poor third to national and state in both history and heritage assessment, when it is often the local, the familiar, the visceral, the intimate that matters most to city and suburban people."

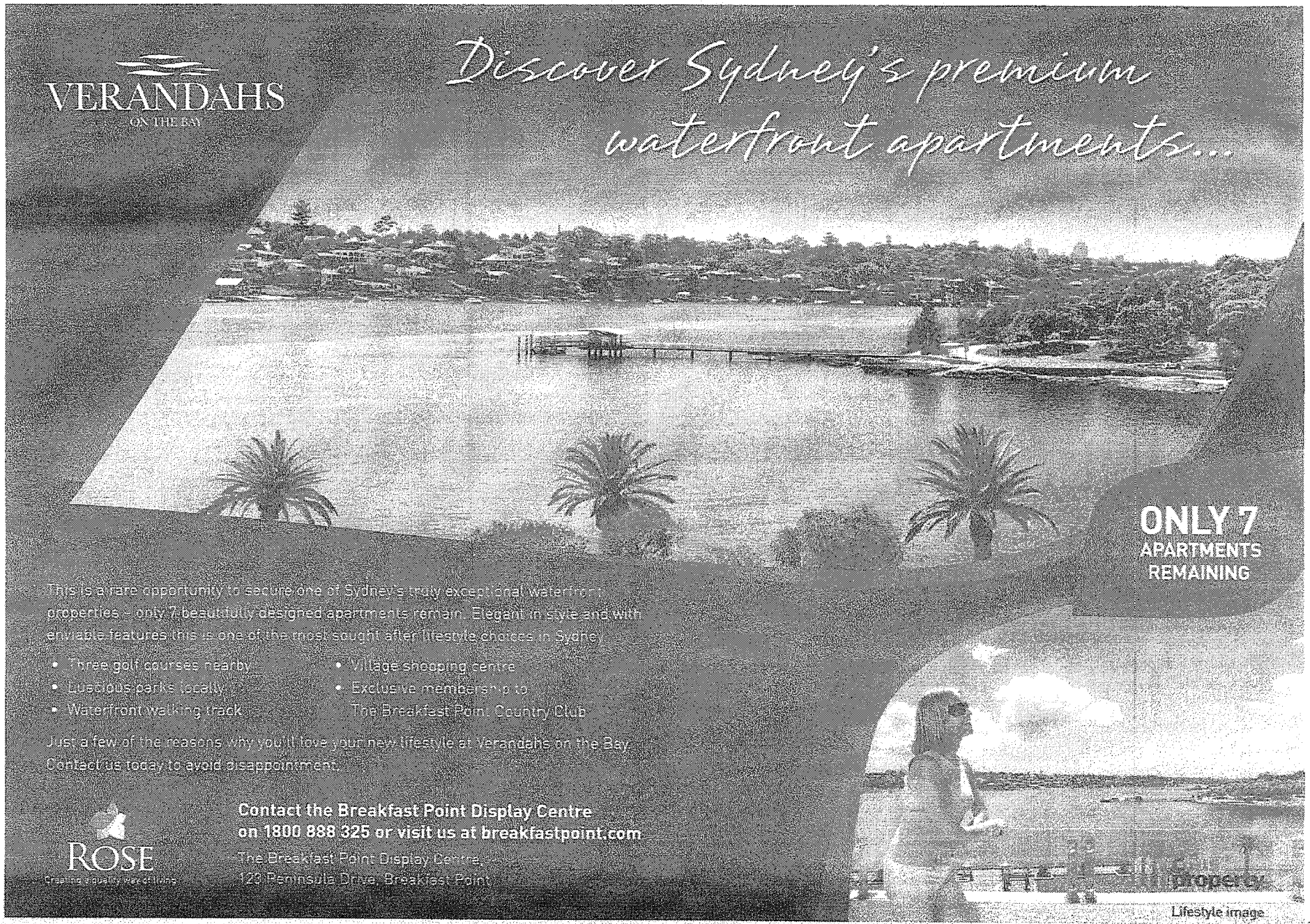
A peaceful Kendall Bay reminiscent of its 1788 history is what is important. A quiet Bay for the enjoyment of the majority not a relative few; the walkers, the bikers, the rowers, the sailors, the ferry passengers, the viewers, THE PUBLIC.

We ask that you reject the proposal to build a 172 berth commercial marina in Kendall Bay and determine that EPA Remediation order No 23022 be complied with.

Yours faithfully



PJ and CJ CLARKE
25 November 2010



SMH 13-14 NOVEMBER 2010

R J & E N Kennedy
Unit 206/15-17 Peninsula Drive
Breakfast Point, NSW, 2137
Tel: 02 8765 8819
Email: lyn.bobk@bigpond.com

November 24, 2010

Major Development Assessment Mining & Industry
Department of Planning
GPO Box 39
Sydney, NSW, 2001

Attention: Felicity Greenway

Re: Kendall Bay Marina Project, Breakfast Point – MP 07_0006
Your letter September 24, 2010

Dear Ms Greenway

We are writing to you to voice our strong objection to the building of a marina in Kendall Bay, Breakfast Point. Our reasons for objecting are as follows.

1. Kendall Bay is subject to a remediation order under the Contaminated Land Act as a result of the previous activity of the Mortlake Gas Works that is now the residential development known as Breakfast Point. So far there has been little activity concerning the remediation and we cannot understand why a marina development is being considered at all.
We understand that Jemena Ltd has applied to remediate only a small part of Kendall Bay and not the whole area covered by the remediation order. This does not appear to be a serious attempt at remediation of the bay.

2. The developer proposes to cover the contaminated sediment in the marina lease area with a geotextile blanket. Kendall Bay is a reasonably shallow bay and this method gives the appearance of being a cheap, expedient way out of a contamination problem for the sake of the marina development.
We are well aware of the pollution problems of the Parramatta River (Duck Creek, Homebush Bay, heavy metal and dioxin contamination in sediments etc) and if simply laying a "blanket" over the riverbed could solve this problem then we would expect it to have been done before this as well as in other contaminated sites of the Parramatta River.
One would expect that the proposed marina lease area which is closest to the site of the original Mortlake Gas Works would be the most contaminated in which case the proposal to "cover" this contaminated area, and Jemena's application to remediate only part of Kendall Bay makes one believe that this whole issue of remediation is being sacrificed for the sake of the marina development.

3. Kendall Bay is the last bay west of the harbour bridge that does not contain a marina or boat mooring facilities. Unfortunately, the river from Parramatta to the city is looking like a parking lot for boats. Surely we could have at least one bay preserved in reasonably pristine condition and free of boats.
There is already a large marina at Cabarita probably less than a kilometre away from the site of this proposal. We understand that there is a shortage of marina berths in Sydney but this is no reason to turn this part of Sydney into a boat parking lot.

4. No doubt the marina will make a lot of money for Breakfast Point Pty Ltd, however we fail to understand, that after doing a reasonably good job of the Breakfast Point residential development, why they would then want to fill the bay with this huge commercial marina development other than for pure profit.
At present there is a lovely view across the bay to Cabarita Park that will be replaced by ugly views of this huge marina. If this marina is approved these views, the ambience and peacefulness of Kendall Bay will be lost forever.
Regrettably this sort of development has destroyed some of the bays around the harbour, Rushcutters bay is a case in point, one of the most beautiful harbours in the world.
We object most strongly to this.

5. At present there is a dedicated walkway/cycleway along the shoreline that is used by residents of Breakfast Point and other local residents for walking and cycling. There is no road traffic access.
The marina will provide a sewage pump out facility, a 50-seat restaurant a 50+ bay car park and, by virtue of this and its general operations, will have to have road traffic access to service waste removal, supply of goods etc.
This commercial marina development will therefore mean loss of the dedicated foreshore walkway and increased traffic on local Breakfast Point community roads with resultant increase in noise and reduction in safety for residents and visitors that will affect the community as a whole, around the clock.

6. On-street parking within the Breakfast Point community area is already scarce by virtue of the fact that there is no visitor parking in any of the buildings in the area. Since the streets within the community area are private and owned by the community association, the developer has used the on-street area to provide the required visitor parking.
Whilst the development plan for the marina shows a provision for a 58-space car park, we fully expect that for a marina of this size (172berth) this will be inadequate.
We also note that the proposal provides for 5-day tripper/charter boat berths. This will add to the parking requirements associated with this marina.
In addition there are further residential developments within Breakfast Point still to be commenced or completed that will add further to the existing parking and traffic situation. We understand that your department

has a submission from the developer to further increase the number of dwellings over that number already approved in 1999.
We object most strongly to any further exacerbation of the traffic and parking problems within the community area.

7. All commercial marinas that we have seen provide refuelling facilities as well as waste and sewerage storage. So, with this development, we would be faced with fuel storage and supply, as well as commercial waste storage situated immediately adjacent to a residential community.
We cannot see that this can be allowed to happen.
The Cabarita, Breakfast Point areas are no longer commercial areas, they have been redeveloped into quite nice residential areas and should be treated accordingly.
We object in the strongest terms, to the location of a large commercial enterprise in, and immediately adjacent to, a residential area.
Please take into account that the Breakfast Point residential area is private property being owned by the Community Association. We know that the developer, Breakfast Point Pty Ltd, has provision for access for ongoing development but they should not be allowed to include in this, the proposed marina development. It serves no useful purpose to the broader residential community of Breakfast Point.

We object most strongly to any downgrading of the excellent ambience, life style and leisure characteristics of the Breakfast Point community. The reason that we moved to Breakfast Point was the beauty of the surroundings, the facilities and the quietness.
All that we can see of this marina development is a downgrading of our quality of life, not only in the Breakfast Point community but also for Cabarita and Mortlake.

We therefore ask you to consider the negative social impact of this development as well as the environmental impact and implore you to take whatever action you are able to take to have this commercial marina development rejected.

Yours faithfully,

R J Kennedy
E N Kennedy

cc: The Honourable Kristina Keneally MP – Premier of NSW
The Honourable Tony Kelly MLC – Minister for Planning
The Director General, Department of Environment Climate Change & Water

14 Admiralty Drive
BREAKFAST POINT 2137
23rd November 2010

Department of Planning
Major Development Planning
GPO Box 39
SYDNEY 2001
Attn. Felicity Greenway

KENDALL BAY MARINA
MP 07 0006

This particular project has been aired on numerous occasions and the adverse features such as health and congestion issues that Breakfast Point and neighbouring communities would experience have been well and truly documented.

It is unbelievable and somewhat presumptuous that the Developer is the architect of such a proposal whilst sales of residences in the developed area are/have been promoted on the uncluttered presentation the ambience and tranquillity of the area.

Amount of levies -which are substantial- have undoubtedly been applied on this understanding.

The infrastructure has mainly been designed for the residents of Breakfast Point i.e. present population and the natural future growth via new residences and will be hard pressed to cope with the burden of transient visitors i.e. the boat owners and their visitors.

Streets have not been designed to cater for any significant increase in traffic and even now the flow of such and "general parking" is somewhat at a premium.

As an aside this unwelcomed marina has been well publicised throughout the Sydney area and I have yet to hear one word in favour of such an undertaking.

On the other hand a lot of "expression" has been voiced on the detrimental affect that would be suffered by a such prestigious suburb. Many people hold Breakfast Point in high regard and those having thoughts regarding a residence change have the suburb high on their priority list.

Having said this I object to the proposal and suggest "sailing hobbyists" find some other area of convenience to fulfil their leisure pastimes pursuits rather than traumatising the Breakfast Point surroundings and its community

Yours faithfully

Ray Hardman

J P Hardman

Jann Hardman

Mr Garry Smith
C/O Unit 41/25 Market Street
Breakfast Point
NSW 2137
November 24, 2010

Department of Planning
Major Development Assessment
GPO Box 39
Sydney NSW 2001

Dear Sirs:

Please find enclosed a statement from the owners of Strata Plan 71690 Mulberry Hill opposing the proposed Marina in Kendall Bay.

The Executive Committee representing the owners unanimously agreed to this submission at our meeting on November 23rd 2010 and urges the Department to take our concerns into account when assessing the worth of the proponent's submission.

Thank you for your consideration in this matter.

Sincerely,

Garry Smith
Chairman
Strata Plan 71690 Mulberry Hill

Resolved; That the Owners Corporation, Strata Plan 71690 Mulberry Hill at a meeting of the Strata Executive on Tuesday November 23rd 2010, unanimously agreed that the Owners Corporation Strata Plan 71690 object to the building of the proposed 173 berth marina in Kendall Bay, and write to the NSW Department of Planning to formally object to the marina proposal on the following grounds:

1. Volume 4 of the proposal deals primarily with noise factors both during construction and during operation of the proposed marina. Whilst lengthy and appearing to cover most aspects of noise pollution, the consultant's report is inadequate in the manner it attempts to deal with noise abatement strategies. The report acknowledges in several areas (particularly during construction and in normal operation at night) that noise levels will materially exceed recommended levels and yet the solutions suggested are all of a voluntary nature such as looking at scheduling pile driving at certain times and durations, or asking boat owners to keep their voices at low levels during evening and night hours. These measures are totally inadequate and will not be enforced as there is no provision in any of the proponent's application to pay for such enforcement measures. The night time noise levels are of particular concern as they will exceed agreed standards by more than 9dba on average and will be intermittent in nature. Noise levels of this magnitude and nature can lead to serious health risks caused by sleep deprivation and stress.

2. The visual impact on both residents of Breakfast Point and surrounding communities will be dramatic. Kendall Bay is one of the last truly pristine bay's left in the Parramatta River and is currently accessible both visually and for water recreation by communities on both sides of the river. A marina of the type suggested will be severely detrimental to the scenic nature of the bay as well as disruptive and dangerous to existing small water recreation craft such as rowers, kayakers, small fishing boats and yachts. The type of boats that this marina is aiming to house is large high bridge motor boats which will pollute the views as well as the river system.

3. The only access to the marina is via a private road system owned by the residents of Breakfast Point. The owners of property in Breakfast Point are liable for all maintenance of the existing road system. Breakfast Point Pty Ltd (the proponent) is offering to pay the minimum levied amount of approximately $10,000 per annum to contribute to road maintenance. This contribution would not nearly compensate owners for the additional wear and tear to the existing infrastructure a more suitable figure would be in the $100,000s.

4. The proposed marina will have a significant adverse social impact on the residential area of Breakfast Point directly adjacent to and in the vicinity of the marina and in the broader Breakfast Point community. No social impact assessment has been undertaken to determine the impact the marina will have on the surrounding residential area.

5. The proposed marina has 4 public area drop off points for boats owned by the general public. Whilst the proposal stipulates that there is no provision for berthing of party boats and that party boats will not be allowed, there is

nothing in the proposal to enforce any rules around party boats availing of the kiosk or the surrounding private grounds. In addition there is no mention of how the proponent expects to manage boat owners trespassing on private land and gardens or having picnics on private land. These issues are not mentioned anywhere in the submission, yet experience shows that they will be serious issues requiring the community to police and enforce in whatever means are at our disposal. At the very least the proponent should be contributing monies to the community association to employ full time staff empowered to enforce rules with respect to both marina etiquette and non trespass or use of private property or private road systems.

6. The proposed marina makes provision for 59 car spaces for boat owners and their guests, staff of the marina and attached kiosk, and kiosk patrons. The roads directly adjacent to the marina car park and all roads in the vicinity of the marina are privately owned and maintained by the Breakfast Point Community Association. All such roads are located in a medium density housing environment consisting mostly of either existing or planned 5 storey apartment buildings. All on-street parking on these roads is limited and is allocated as visitor parking to either existing or planned residential buildings. The proposed marina will greatly affect the ability of residents of these buildings or their visitors to access such visitor parking, especially during peak times of the marina operation such as summer weekends, New Years Eve and Australia Day. No provisions have been made by the marina proponents to mitigate against this in any way. In addition parked cars and increases in traffic will heighten the dangers associated with children moving out between parked cars. We have a large and growing community in which children are prominent. Bike riding and scooters are encouraged and we are greatly concerned that people rushing to get to boats on time and speeding on our roads will cause serious injury or death to young children darting across roads from parked cars.

7. Kendall Bay is currently under an environment protection order and AGL are required to remediate the bay. As we understand the situation, the Dept of Planning and DECC have agreed that provided the river bed is not disturbed then the toxic substances in the river are better left alone. Clearly placing a marina over some of the most polluted parts of the bay will disturb these toxins. The solution proposed of laying a Geo Textile mat over the river bed under the marina is dubious in the extreme. We have searched locally and internationally and cannot find an example of where such a solution has been provided or has been proven over time to be effective in a similar application of 173 large motor driven boats churning year on year across such a blanket. We believe that it is extremely dangerous to put the community in harm's way using technology that is untested in such circumstances. Clearly Geo Textile matting is used frequently in situations where pollutants are to be contained and where there is limited heavy traffic over head in comparatively shallow tidal conditions. We believe that in this situation it is far too great a risk and that the only practical solution is to fully remediate the bay which is the responsibility of AGL (Gemina) under the remediation order. Otherwise the people of NSW will be footing the huge remediation bill as Gemina will have been absolved of their responsibilities by the building of this marina.

8. The general public and local communities use the walkway which extends from Cabarita Park following the edge of Kendall Bay to Tennyson Road. This walkway is owned by Canada Bay Council and leased to the Community of Breakfast Point for the exclusive use of pedestrians and bicyclists, it is used regularly by local communities and by the general public of Australia and overseas residents as we often get visitors from Sydney, New South Wales, other States of Australia and overseas who visit Cabarita Park and then enjoy the wonderful array of native plants and flowers that over the past 5 years have attracted much bird life. The river in Kendall Bay whilst heavily polluted (at depths of 1 to 1.5 meters) is quite beautiful and is fast attracting an array of aquatic animals and water birds that are of great interest to visitors and locals alike. A commercial marina of the size planned will alter this enjoyment considerably and the traffic created by the marina will cause the public to have limited access along the walkway i.e. due to golf buggies, hand carts and marina pedestrian traffic clogging the walkway as there is no capacity to park buggies or hand carts for loading and unloading.
9. Finally there is the situation of the existing ecology to consider and this has been paid scant attention in the proposal. We have some unique bird and aquatic life in our bay and this is increasing year by year. We see sharks, small and large fish species; sea grasses etc starting to return to the river and the bay. This ecological growth will be under threat from this marina both through the noise, boat movements and the Geo Textile matting which will likely be detrimental to the existing food chain organisms thereby depleting the food chain for small and larger birds and wild life. This would be a great shame as there is clear evidence that wild life of various forms are returning to the bay for the enjoyment of all.

Conclusion

Mulberry Hill Strata Plan 71690 is not located on the waterfront; in fact we are located at an elevated position some 500 meters from the river's edge. Nevertheless, we are very concerned about this proposed marina for the reasons mentioned above. Most people purchased in Breakfast Point because they wanted to move away from the hustle and bustle of inner city life. This development was advertised with this purpose in mind, close enough to the city for its amenities yet a garden development where residents can enjoy quiet walks, pristine water views in a lovely garden setting. Our community is a magnet to the general public and residents welcome the public from all parts of Australia and the world. This idyllic picture will be shattered by such a large and commercially operated marina. The original plans did suggest a small private marina that would be owned and operated by the community, many people were attracted by this and even those that had no interest in boating were not opposed to it. This is a far cry from the proposed 173 berth commercial marina and as such the owners of Strata Plan 71690 are totally opposed to this application.

Gary Smith
Chairman

M.P. & D. H. M. P. THOMSON.
02 97433101
Lot 63 S.P. 82025.

705/15-17 PENINSULA DR.
BREAKFAST POINT.
N S W 2137

Re: OBEJECTION MP07 0006 KENDALL BAY MARINA.

To: Major Development Assessment
Dept. of Planning.
G P O Box 39
Sydney N S W 2001.

Dear Sir,

We are the owners of Lot 63 in Strata Plan 82025. At Breakfast Point, which is adjacent to Kendall Bay.

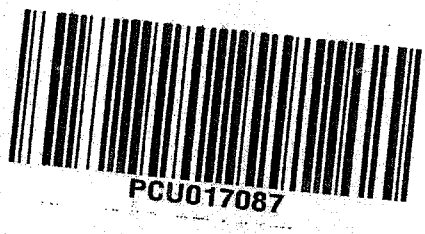
We wish to lodge an official Protest relating to the proposed Major Development listed above on the following grounds.

1. The project appears to disregard the bulk of the undertakings of both the Government and the Developer's, relating to the necessary remediation of the subject Bay.
2. The Scale of the Project is such, that it introducers major shortfalls in the proposed provisions for Parking and the Logistical support to the Marina.
3. The project entails 24 hour usage. Which together with the unavoidable noise associated with the movement of vessel rigging, will damage the amenity of all those immediately adjacent the Marina.
4. The water depth adjacent to the South Eastern side of the Marina, particularly at Low Tide, is so shallow as to cause major disturbance of the polluted bed of the bay, should boats stray in that direction. This will require special protection to prevent further pollution to the Bay.
5. The magnitude of the proposal appears to be excessive to the availability of reasonable use of existing and proposed facilities to all participants, but particularly for the residents, both existing and future.

Yours faithfully,

M. P. Thomson.
D. Thomson.

M. & D. Thomson.
23. Nov. 20 10



PATRICK MURRAY
UNIT 113/18 VILLAGE DRIVE
BREAKFAST POINT NSW 2137
23-11-2010

To Major Planning Assessment
Dept. Planning GPO. Box 39
Sydney NSW 2001

Department of Planning
Received
2 5 NOV 2010
Scanning Room

Dear Sirs,

Re MP07_006 KENDALL BAY MARINA

Dear Sirs,

I have been a resident of Breakfast Point for 6 years and prior to my arrival as a resident I was a visitor to the site for two years and often met with sales staff and received various updated brochures.
NONE of these brochures showed a large marina, this proposal has only surfaced in recent times and is a "con job" on residents particularly those whose homes and apartments are in the immediate vicinity of Kendall Bay.

Breakfast Point is a COMMUNITY TITLE System and we residents all pay though our strata fees to maintain the infrastructure , the roads , pathways, lighting etc. . We will now have to face up to additional costs and the developer (Breakfast Point P/L) and the marina operator will reap the profits and leave us with the costs as well as additional traffic,parking problems, the noise and disturbance to the residents amenity. With 58 car park spaces for a 172 boat marina this is an indication of the arrogant treatment that is shown to those who have paid the developer for a peaceful environment , it should be noted too that they plan a 24 hour operation which will include service deliveries , garbage removal and maintenance of the boats.

POLLUTION in KENDALL BAY. For 90 years this was the site of the AGL Mortlake Gasworks and has been badly polluted with the sediment in the bay being left unremediated. The proposal to cover the bed of the bay with a geotextile "mat" and then cover this with stones is a disgusting abrogation of their responsibilities; "sweeping pollution under the carpet" is not a solution.The pollution remains and it will be there for future generations to cope with and AGL and Rosecorp will be laughing all the way to the Macquarie Bank,it is this organisation that is rumoured to be the marina operator via the D'albora marina organisation which is the operator of the Cabarita Marina which is approximately 500 metres from the Kendall Bay site.

I appeal to you to consider the resident of our development when considering the application and look forward to your support.

Yours faithfully

Patrick Murray

Rosslyn Fitton
12/71 Peninsula Drive
Breakfast Point 2137
23/11/2010

Department of Planning
Major Development Planning
GPO Box 39
Sydney 2001
Attn; Felicity Greenway

KENDALL BAY MARINA
MP 07 _0006

I am writing to object to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347.

My first concern relates to the non-remediation of the polluted sediment in the Bay, which contain chemicals, which pose significant risk of harm to human health. Remediation is not proposed despite a remediation order being issued by EPA. I am concerned that the proposal to place a "blanket" over part only of the area will not meet the declaration requirements and leave the site, and thus residents and water users, exposed to not only carcinogens but other pollutants.

My other concerns relate to the construction of a large commercial marina immediately adjacent to a residential area with the consequential intrusion into the lives of Breakfast Point residents.

The Marina has not been the subject of open and transparent consultation. Nowhere in the proposal can I find a Social Impact Study, although this Marina will be appox 100mtr from 3 and 5 storey apartment blocks and access is through private property. The visual impact is incorrect as the photos were taken from a high point, looking OVER the boats NOT from the lower apartment level which looks straight AT the boats.

These apartments will have shadowing and glare from boats.

The North East aspect was one of the reasons we purchased in Breakfast Point and now we could lose our sun and view.

Issues of concern are traffic, parking, noise, and safety for walkers along the waterfront which is a dedicated walkway for walkers and cycling, glare off the boats in the Marina for the adjacent apartments, a wharf which will be unmanned and open to the public at night. We as residents have enough to contend with from the Cabarita wharf, which is near by, and often have to call Police.
If there were an accident or boat explosion, causing fire, this would cause great concern, evacuation of 100's of residents and no proper access for emergency vehicles. Once again there is NO social impact study.

Kendall Bay is used by rowers, canoes, dragon boats, water skiers and Rivercat, to name a few, these users will be put at risk if the Marina goes ahead as there is not enough room for all this movement.

I find this proposal incomplete and I ask the proposal be denied .

A Marina should not have preference over the lifestyle of residents and users of Kendall Bay.

R. Fitton

Rosslyn Fitton

Doug & Ronda Alexander

106/5 Admiralty Drive
Breakfast Point
NSW. 2137

22nd November, 2010

Department of Planning
Major Development Planning
GPO Box 39
SYDNEY 200
Attn: Felicity Greenway

Kendall Bay Marina
MP 07_0006

I am writing to object to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347.

The proposal will have a major impact on Breakfast Point and surrounding areas of Mortlake, Cabarita and Concord.

A major concern relates to the non-remediation of the polluted sediment in the Bay, which contain chemicals, which pose significant risk of harm to human health. Remediation is not proposed despite a remediation order being issued by EPA. I am concerned that the proposal to place a "blanket" over part only of the area will not meet the declaration requirements and leave the site, and thus residents and water users, exposed to not only carcinogens but other pollutants.

My other concerns relate to the construction of a large commercial public marina operating 24/7 immediately adjacent to a residential area with the consequential intrusion into the lives of BP residents.

Such a large enterprise will bring with it inherent problems of traffic, parking, noise, pose safety issues for walkers along the waterfront and generally interfere with the ambience of what has been described as a peaceful waterside walk.

There has been little communication from the developer in regard to the proposal and in the absence of any consultation I find it impossible to support the proposal in any way.

My greatest personal concerns are that approval is likely to be granted **before the Kendall Bay contamination remedial work has been fully evaluated and carried out, and shown to be successful, along with more substantive evidence to support the suggested use of a Geo-textile blanket solution for the sea-bed beneath and around the proposed marina area**

I ask that the proposal be denied and that Kendall Bay be remediated and returned to its natural state.

Yours faithfully

Unit 39/ 25 Peninsula Drive
Breakfast Point
2137
NSW

Department of Planning Major Development Planning
GPO Box 39
SYDNEY 2001
Attn: Felicity Greenway

Kendall Bay Marina MP 07_0006

I am writing to object to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347.
The proposal will have a major impact on Breakfast Point and surrounding areas of Mortlake, Cabarita and Concord.
A major concern relates to the non-remediation of the polluted sediment in the Bay, which contain chemicals, which pose significant risk of harm to human health.
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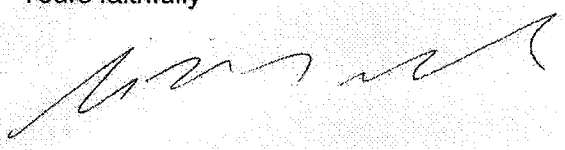
Such a large enterprise will bring with it inherent problems of traffic, parking, noise, pose safety issues for walkers along the waterfront and generally interfere with the ambience of what has been described as a peaceful waterside walk.
There has been little communication from the developer in regard to the proposal and in the absence of any consultation I find it impossible to support the proposal in any way.
I ask that the proposal be denied and that Kendall Bay be remediated and returned to its natural state.

Yours faithfully



Clive Mullan

25 November 2010

Elizabeth Tsea Au-Yeung
47/2 Juniper Driver
Breakfast Point
NSW., 2137.

23rd November, 2010.

Department of Planning
Major Development Planning
GPO Box 39
SYDNEY 2001
Attn: Felicity Greenway

Kendall Bay Marina
MP 07_0006

I am writing to object to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347.

The proposal will have a major impact on Breakfast Point and surrounding areas of Mortlake, Cabarita and Concord.

My main concern relates to the proposal to not remediate the polluted sediments in the Bay which contains chemicals that pose significant risk of harm to human health. Remediation is not proposed despite a remediation order being issued by the EPA. I am concerned that the proposal to place a "blanket" over only part of the area will not meet the declaration requirements and leave the residents and water users exposed to carcinogens and other pollutants.

My other concerns relate to the construction of a large commercial public marina operating 24 hours a day 7 days a week, immediately adjacent to a residential area. Such a large enterprise could potentially cause problems of traffic, parking, noise, night time intrusion from lighting, odour from a potential refuelling depot, safety of walkers that use the waterfront and generally interfere with the amenity of what has been described as a peaceful waterside walk.

Other concerns include the potential increase of local road and facility maintenance costs for the residents as a result of the increased traffic from the operation of the marina.

In addition, there has been little communication from the developer in regard to the proposal.

I ask that the proposal be denied and that Kendall Bay be remediated and returned to its natural state.

I also ask that my name not to be made available to the proponent, all the relevant authorities and the Department of Planning's website.

Yours faithfully

Elizabeth Tsea.

Major Development Assessment
Dept of Planning
GPO Box 39
Sydney NSW 2001

Yah Lay Kua
69 Peninsula Drive
Breakfast Point NSW 2137

Objection Against Project Application Number : MP 07_0006 Kendall Bay Marina

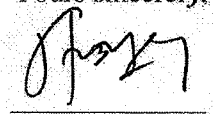
I wish to object strongly against the above mentioned Kendall Bay (Breakfast Point) Marina Proposal. Please refer to the following reasons :

a) will create safety hazards of transports along the river.
b) will create heavy traffic and parking problems in Breakfast Point area.
c) create nuisance to the private residences and Community infrastructure.
d) leave the Kendall Bay polluted with unwanted sentiments contain carcinogenics.
e) the proposal has not been subjected to open and transparent consultation.
f) the proposal gives way to profit motives of developer at the cost of private residents.

Please kindly consider the negative consequences of this Marina Projects. Once again, I wish to convey my greatest personal objections to the above proposal.

Thank you.

Yours sincerely,



(Yah Lay Kua, owner of 69 Peninsula Drive Breakfast Point)

Strata Plan 74982
Ascot
36 Village Drive
Breakfast Point NSW 2137

24 November 2010

Major Development Assessment
Dept of Planning
GPO Box 39
Sydney 2001

Re: MP07_0006 Kendall Bay

Attached is a resolution of the executive of SP74982 passed at a meeting held 23 November 2010. The resolution records the unanimous opposition to the above submission for the construction of a marina in Kendall Bay.

Eric Riddle

Secretary

RESOLUTION OF EXTRAORDINARY MEETING OF "ASCOT" SP74982
HELD 23 NOVEMBER 2010

Resolved: That the Owners Corporation, Strata Plan No 74982 agreed by normal resolution that the Owners Corporation Plan No 74982 object to the building of the proposed 179 berth marina in Kendal Bay, and write to the NSW Department of Planning to formally object to the marina proposal on the following grounds:

1. **Noise** - The report acknowledges that noise levels will materially exceed recommended levels and yet the solutions suggested are all of a voluntary nature such as looking at scheduling pile driving at certain times and durations, or asking boat owners to keep the voices a low levels during evening and night hours. The night time noise levels are of particular concern as they will exceed agreed standards by more than 9dba on average and will be intermittent in nature. Noise levels of this magnitude and nature can lead to serious heath risks caused by sleep deprivation and stress. The measures proposed as possible solutions by the proponent are totally inadequate and no provision has been made for enforcement or penalty for breaches.

2. **Visual Impact** the Visual Impact Assessment refers to length of boats with no reference to height. The photomontages included in the submission were taken at low tide. To asses the true impact on those using the walkway and the apartments, some less than 70 metres away this needs to be done factoring height of boats and the high tides experienced during the summer months.

3. **Traffic** - The local access roads to the Breakfast Point Precinct are narrow and in the case of Tennyson Road winding. There needs to be a detailed traffic assessment, taking into account usage when Breakfast Point development is complete and the plans to further develop the Mortlake area.

4. **Parking** - The submission makes provision for 59 card spaces for boat owners and theirs guests, marina and kiosk staff and kiosk patrons (50 seats). Roads adjacent to the marina car park, and all roads in the vicinity of the marina are privately owned and maintained by the Breakfast Point Community Association. These roads are located in a medium density housing environment consisting most of either existing or planned five storey apartment buildings. All on-street parking on these roads is limited and is allocated as visitor parking to either existing or planned residential buildings. The proposed marina will greatly affect the ability of residents of these buildings or their visitors to access such visitor parking, especially during peak times of the marina operation.

5. **Financial Costs** - The only access to the marina is via private roads owned and maintained by the residents of Breakfast Point. Breakfast Point Pty Ltd (the proponent) will pay the minimum amount (in respect to the car park lot) of $10,000 per annum (approx) to contribute to road

maintenance. This contribution will not go close to compensating residents for the additional wear and tear to existing infrastructure and should be in the $100,000s.

6. **Social Impact** - This application is unique because there is no precedent of a public marina of this size being built with 100m of a large residential development. The proposed marina will have a significant adverse social impact on the Breakfast Point community including but exclusive to:

   - Traffic and Parking
   - Safety and security, including fire risks
   - Noise
   - Amenity
   - Privacy

   Social impact is based on the idea that public good should have precedence over commercial interests whenever change is proposed to Sydney Harbour and its foreshores. To approve this application without a detailed, independent Social Impact Assessment would be negligent.

7. **Environment** - Kendall Bay is currently under an environment protection order and AGL are required to remediate the by. As we understand the situation, the Department of Planning and DECC have agreed that provided the river bed is not disturbed then the toxic substances in the river are better left alone. Clearly placing a marina over some of the most polluted parts of the bay will disturb these toxins. The solution proposed of laying a Geo Textile blanket over the river bed under the marina is unproven technology and dubious in the extreme. We have searched locally and internationally and cannot find an example of where such a solution has been provided or has been proven over time to be effective in a similar application of 173 large motor driven boats churning year on year across such a blanket. We acknowledge that Geo textile matting is used frequently where pollutant s are to be contained and where there is limited heavy traffic over head, in comparatively shallow tidal conditions. We believe that in this situation it is far too great a risk and that the only practical solution is to fully remediate the bay which is the responsibility of AGL (Gemina) under the remediation order. Otherwise the people of NSW will be footing the huge remediation bill as Gemina will have been absolved of their responsibilities by the building of this marina.

8. **Eco System** - The submission does not adequately address the impact on the Flora and Fauna in the Bay. There is evidence that there are some unique birds and aquatic life in the bay and this is increasing. We understand that sharks, small and large fish species; sea grasses etc are starting to return to the river and the bay. This ecological growth will be under threat from this marina both through the noise boat

movements and the Geo Textile matting which will likely be detrimental to existing food chain organisms thereby depleting the food chain for small and larger birds and wild life

9. **Public Wharf/Pontoon** - The proponents have claimed that this was requested by Council and that it could act as a Ferry stop in the future. Council have voted unanimously to oppose the proposed marina and at a recent public meeting a representative from Sydney Ferries stated that it is not their practice to use Public Jetties. As for the so called Kiosk with outdoor seating for 50 which we understand will allow them to apply for a liquor licence in the future– this is a restaurant not a Kiosk. A 'Kiosk" is defined in the Macquarie Dictionary, Federation Edition as

   I. "A small, light structure for the sale of newspapers, cigarettes etc.

   II. A building, or part of a building, for the sale of light refreshments as at a hospital, railway station, part, etc ....."

Conclusion

Ascot Strata Plan 74982 is located on the Village Green some distance from the proposed marina. Many of us however enjoy walking along the water front, in some cases daily, and using the river for recreational purposes such as kayaking.

Most of us chose to purchase property here because of the advertisements about pristine water views in lovely garden settings. It is true we were told that a small private marina was planned above the site of the old wharf. This facility we were told would be owned by the community. That is a far cry from the application before you.

Kendall Bay is one of the last untouched bays on the river/harbour and it should stay that way.

CHAIR SECRETARY TREASURER

COMMITTEE MEMBERS

23 November 2010

Frederick Au-Yeung
47/2 Juniper Driver
Breakfast Point
NSW., 2137.

23rd November, 2010.

Department of Planning
Major Development Planning
GPO Box 39
SYDNEY 2001
Attn: Felicity Greenway

Kendall Bay Marina
MP 07_0006

I am writing to object to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347.

The proposal will have a major impact on Breakfast Point and surrounding areas of Mortlake, Cabarita and Concord.

My main concern relates to the proposal to not remediate the polluted sediments in the Bay which contains chemicals that pose significant risk of harm to human health. Remediation is not proposed despite a remediation order being issued by the EPA. I am concerned that the proposal to place a "blanket" over only part of the area will not meet the declaration requirements and leave the residents and water users exposed to carcinogens and other pollutants.

My other concerns relate to the construction of a large commercial public marina operating 24 hours a day 7 days a week, immediately adjacent to a residential area. Such a large enterprise could potentially cause problems of traffic, parking, noise, night time intrusion from lighting, odour from a potential refuelling depot, safety of walkers that use the waterfront and generally interfere with the amenity of what has been described as a peaceful waterside walk.

Other concerns include the potential increase of local road and facility maintenance costs for the residents as a result of the increased traffic from the operation of the marina.

In addition, there has been little communication from the developer in regard to the proposal.

I ask that the proposal be denied and that Kendall Bay be remediated and returned to its natural state.

I also ask that my name not to be made available to the proponent, all the relevant authorities and the Department of Planning's website.

Yours faithfully

Department of Planning
Major Development Planning
GPO Box 39
SYDNEY 2001

23 November 2010

Attn: Felicity Greenway - Kendall Bay Marina MP 07_0006

Dear M/s Greenway,

We are writing to object to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347.

The proposal will have a major impact on Breakfast Point and surrounding areas of Mortlake, Cabarita and Concord.

A major concern relates to the non-remediation of the polluted sediment in the Bay. It contains chemicals that pose significant risk of harm to human health. Remediation is not proposed despite a remediation order issued by the EPA. We are concerned that the proposal to place a "blanket" over only part of the area will not meet the order requirements and leave residents and other water users exposed to carcinogens and other pollutants.

Our other concerns relate to the construction of a large commercial public marina operating 7 days a week immediately adjacent to a residential area with the consequential intrusion into the lives of Breakfast Point residents.

Such a large enterprise will bring with it inherent problems of traffic, parking, noise, pose safety issues for walkers along the waterfront and generally interfere with the ambience of what has been described as a peaceful waterside walk.

Accordingly, we are unable to support the proposal in any way.

Finally, we request that the proposal be denied and that Kendall Bay be remediated and returned to its natural state.

Yours faithfully

Graham and Christine Austin
25/23 Peninsula Drive
Breakfast Point NSW 2137

Cheryl Oxenham
209/9 Admiralty Drive,
Breakfast Point, NSW 2137
Australia
Telephone: (02) 9743 4402
Mobile: 0418 475 920
Email: chezoxenham@iinet.net.au

Tuesday, 23 November 2010

Major Development Assessment
Department of Planning
GPO Box 39,
SYDNEY NSW 2001

Dear Sir/Madam,

Re: **Proposed Kendall Bay Marina**

I would like to make you aware of my objection to the proposed marina and emphasise to you the deep concern of Breakfast Point, Kendall Inlet and surrounding communities who oppose this marina.

There are many good reasons why this proposal should not be approved by Government:

- The remediation of the pollution made in Kendall Bay in the past by industrial activity of Jemena (formerly AGL) needs to be carried out immediately and such remediation will never be done if a marina is constructed.
- The proposed method of covering the toxic and carcinogenic pollution with a blanket is an untried, unproved technology and according to an expert remediation consultant may cause even greater pollution in the longer term.
- The impact of this pollution on my health and the quality of my life is unsure, except that we have been told by the EPA that close contact with the water should be avoided. Chemical odors from the bay foreshore are always present at low tide.
- Given these circumstances the thought of Government approving this proposal is in my view not acting in the best interests of our community.
- This pollution needs to be cleaned up now for my future and that of generations to come. We have a chance to address this issue now and we should force Jemena (formerly AGL) take full responsibility for their past actions and clean it up. After it is clean up, Kendall Bay should be kept as it is and not turned over to commercial purposes for use by a privileged few.
- Construction of a marina will impact existing and future residents significantly by creating a great big parking lot for boats that will generate excessive noise (24x7), create pollution by unlawful dumping raw sewage into the harbor, interfere with local rowing club activities and create excessive traffic movements in and around the marina in an area which has not been designed for a large commercial marina.

I appeal to you and your planning officers that you consider these matters carefully and reject this proposal.

Yours faithfully,

C. Oxenham

Cheryl A Oxenham

Sheridan & Kevin Forbes
Unit 206 / 1-9 Admiralty Drive
Breakfast Point NSW 2137
Email: kevinforbes@bigpond.com
Telephone: +61 2 97363660
Cell phone: +61 402 790 029
Fax: +61 2 9739 6145

28th November, 2010

NSW Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Sirs

Re: Proposed Marina in Kendall Bay - Application Number MP 07_0006

We are writing to you to express our concerns with the application by Breakfast Point Pty Ltd to build a 177 berth commercial public marina at Kendall Bay.

Kendall Bay is a tranquil 10ha stretch of water located between Cabarita Park and the residential suburb of Breakfast Point on Sydney Harbour/Parramatta River about 12km west of the city. It is located within the beautiful City of Canada Bay.

The Bay for many years housed a coal unloading facility and wharf servicing the old Mortlake Gas Works owned by AGL. The Breakfast Point residential development is located on the old Mortlake Gas Works site. The gas works closed many years ago and the wharf was removed in 2006-07 by the developer of Breakfast Point, Breakfast Point Pty Ltd. The Bay is contaminated from the old wharf and gas works operations and needs to be remediated.

The purpose of this letter is to ask that you oppose the proposed marina development for the following reasons:

- Kendall Bay is a relatively shallow bay which is highly polluted. The very first thing that needs to be addressed is the remediation of the whole of the Bay, not just remediation as is currently being discussed on small parts of the Bay along the waters edge. Once the Bay is remediated it should be left in its pristine condition for all to enjoy.
- A marina will severely impact the tranquillity of the area. Residents purchased their properties in Breakfast Point because of the lifestyle and tranquillity that Breakfast Point offers.
- A marina will severely impact the purpose and public enjoyment of the dedicated walk and cycle way that currently exists along the waterfront where it is proposed to build the marina.
- The developer proposes that the existing dedicated walk and cycle way will also be used to service the proposed marina.
- It will block all the views across and down the bay from all directions.
- It will destroy the views from along the waterfront walk and cycle way.

- It will cover over 3ha of Kendall Bay and adversely impact over 90% of the water space within Kendall Bay. This will preclude the use and enjoyment of Kendall Bay by kayakers, rowers, sailors, fishermen and pleasure craft.
- It will bring to the area a whole new raft of noise, security, safety and vandalism issues.
- It will further pollute the Bay including the mangroves and beach with litter and other rubbish, boat discharge such as toilet waste and fuel slicks that are commonly seen around marinas.
- It will place undue pressure on already inadequate on-street car parking nearby. The developer claims that dedicated off-street parking will be provided for marina use, but history at other marinas throughout Sydney shows that on-street parking is always a problem for delivery vehicles, visitors, buses dropping off and picking up party goers, etc. The proposed dedicated off-street parking is totally inadequate for such a large marina.
- It will upset the natural environment for marine and bird life in the Bay.
- The proposal to cover up contamination in the bay with a 'mat' beneath the footprint of the marina is unproved technology and ignores the real issue of remediation of the whole bay.
- It will disturb underwater sediments and inhibit the recovering mangroves that exist within the Bay.
- It will require public toilets on or near the foreshore with all the associated problems that these bring.
- It will increase the number of vermin and other "fossickers' in the area.

We have a developer that has applied for planning approval (NSW Maritime have already given permission for this development to go ahead subject to receiving Department of Planning approval) so that it can develop a marina for its own personal financial gain. Kendall Bay needs to be remediated and then left in its natural state for the public benefit of all NSW citizens to enjoy. The construction of a marina will only benefit a small number of boat owners whilst destroying a tranquil untouched bay that is currently available for all to enjoy.

Access to this commercial public marina will be via residential roads and public walkways that are maintained by the residents of Breakfast Point via their strata levies. Allowing a marina will put unfair financial burden on all the residents of Breakfast Point. We plead with you to visit our community and see for yourself what devastating impacts such a development will have on our community lifestyle.

Please say **NO** to a marina in Kendall Bay.

Kind regards

Sheridan & Kevin Forbes

2 Adams Street

Breakfast Point NSW 2137

26 November 2010

Major Development Assessments

Department of Planning

GPO Box 39

Sydney 2001

Dear Sir/Madam,

Kendall Bay Commercial Marina Ref: MP 07- 0006

We are owner/occupier residents since 2002 in the Breakfast Point precinct and wish to strongly object to the proposed Kendall Bay Commercial Marina Project based on the following concerns:

1. Change in character – the scale of the project with 179 berths will completely change the character of the whole Kendall Bay and adjoining precincts.
2. Scale of the marina – The commercial nature of the marina with 179 berths and the ancillary services supporting the marina and the 24 hours kiosk will not be compatible with the residential precinct of Breakfast Point and adjoining precincts.
3. Potential impacts:
    - 3.1 Views – the large scale commercial marina will impact on the views of residents who have paid a lot of money to purchase houses and apartments in the area.
    - 3.2 Dwellings – value of dwellings in this precinct will fall causing financial implication with banks.
    - 3.3 Amenity – The facilities currently available to residents such as the walking/cycling tracks along the bay will be permanently affected due to the walk ways being used for commercial supplies for the kiosk and the berths.
    - 3.4 Contamination – The method proposed in the plan to install a blanket is not a tested method and the contamination will not be contained and there is potential harm to boat users and recreational users such as river cats, kayakers, etc..... due to increased traffic caused by the 179 berth marina.
    - 3.5 Increased boat traffic in the river – quoting an example of an accident in the river between river cat and speed boat recently, there is a potential for accidents to increase between river cats, commercial boats and recreational boats and kayaks due to the traffic caused by a 179 birth marina.
    - 3.6 Noise: The quiet nature of the precinct enjoyed by the residents will be affected by the 24 hour operation of the marina, the kiosk, party goers and the sails of the boats.

4. Traffic, parking and access: The 53 car park proposed in this plan will increase the traffic flow in the Breakfast Point precinct. There will be commercial vehicles servicing the boats and the kiosk will share the already congested roads in this precinct.
5. Public interest – This large scale commercial marina will not in the public interest of the residents living in Breakfast Point and other precincts.

Yours sincerely,

Jillian M Fine

Mladen Simunovic

RECEIVED
25 NOV 2009
General

RP AND J M JEFFERY
309/1-9 Admiralty Drive
BREAKFAST POINT NSW 2137
Telephone: 02 9743 0752
Fax: 02 9743 0731
Mobile: 0402 336 746

23rd November 2009

Director-General
Department of Planning
GPO Box 39
SYDNEY NSW 2001

CR → MCC

Dear Sir/Madam

We are writing to express our objection to the proposed DA for a 172 berth Public Marina at Kendall Bay, Breakfast Point.

We understand from Canada Bay Council (which has unanimously rejected the DA proposal by Council vote on 18th November 2008) that a DA has now been submitted to them by the Department of Planning.

The reasons why the DA should be outright rejected by the relevant authorities are:

1. There has been absolutely **NO PUBLIC CONSULTATION** by the Proponent/Developer or his agents.

2. We have heard Ms. Anne-Marie Carruthers of the Department of Planning state that the DA submission contains **NO SOCIAL IMPACT STUDY AND THAT THE DEPARTMENT HAS NOT DEMANDED SUCH A STUDY.** This is ridiculous as the Marina abuts privately owned land with privately (Community Association) owned infrastructure including roads.

3. The proposed Marina would be located in Kendall Bay which has **CONTAMINATED FLOOR DEPOSITS.** There are waterfront signs alerting residents to the danger of swimming in the area. The DA reportedly does not have a comprehensive proposal for remediation of the whole of Kendall Bay. There is currently a limited remediation proposal for the southern end of Kendall Bay by Jemena Ltd (yet to be agreed and signed off). Until such a total review and sign off and appropriate remediation works are completed, the possibility of a Marina should be rejected.

We have numerous reasons of "demerit" why a large public Marina is inappropriate in Kendall Bay. We will list these if a DA is unfortunately to ever go on public exhibition. If such an exhibition is to occur it should be for very much in excess of the 30 days minimum requirement. The developer has been working on this DA for well over two years; (possibly 3 or 4 years) the Department of Planning, the Maritime Property Division and the Department of Environment and Climate Change have known of the proposed DA and had input for over 12 months. Hence any **public exhibition** should reasonably be for a significant proportion of those periods. We suggest a **reasonable minimum period is at least 3 to 4 months.** It should be further extended if the period is to include the December/January holiday period.

Can you please advise what pro-active action you will take regarding the issues of inappropriateness/injustice which we have raised above.

Yours faithfully

RODNEY PHILIP JEFFERY

JANICE MARGARET JEFFERY

Chris W

RECEIVED
17 NOV 2010
Director-General

Kendall Inlet Community Association

Mr Sam Hadad
Director –General
Department of Planning
GPO Box 39
Sydney 2001

Dear Mr Hadad

Kendall Bay Marina Project (MP 07- 0006)

I am writing on behalf of the residents of the Kendall Inlet Community Association, to the invitation from your Department to comment on the proposed marina development in Kendall Bay.

The executive committee of the Association met on 12th October, 2010 and amongst other things, discussed the impacts of the marina on the residents of Kendall Inlet.

The impacts relate to the following –

1. **Parking**
   As Kendall Inlet is in close proximity to the proposed marina, there is the possibility of "overflow" parking being sought in Kendall Inlet. Such "overflow" is likely to arise on those occasions when there are major events on Sydney Harbour. This has the potential to impact on legitimate visitors wishing to park while visiting residents of Kendall Inlet.
   The number of parking spaces proposed for the development is inadequate when looked at in relation to Australian Standard 3962 – 2002, as they are at the lower end of those requirements. In addition, there appears to be no parking provision for the so called kiosk. The operation of charter vessels is also likely to create an increased demand for parking.
   In the circumstances, the provision of parking for the entire development is inadequate.

2. Environment

While the marina will have a geotextile mat and rock cover, there are still significant environmental aspects that have not been resolved.

It is stated that under direction MP 08 0020 of 28 December,2008, the Department of Environment and Climate Change has still not submitted to your Department an Environmental Assessment of the proposed remediation of the Bay. It is however understood that that Department has reviewed the Environmental Assessment for the marina and has provided a submission to your Department on its adequacy, based on your Requirements.

The Department of Environment and Climate Change proposals for remediation only covers some 2% of the Bay floor and has a direct impact on the portion of the site affected by the proposed marina. It is suggested that until such time as the question of remediation is resolved, the marina proposal should be deferred.

The question of public health and the overall public good is more important than a marina for the enjoyment of a few boat owners. The remediation could and should have a higher priority than a marina and needs to be addressed as a matter of urgency. This issue requires immediate action by the Department of Environment and Climate Change.

It is appreciated that the marina proposal calls for access and egress areas to be covered by the geotextile blanket, but the question of enforcement of this requirement on boat owners will be a contentious issue for those charge with the enforcement of this aspect. This is particularly so when the marina is used outside business hours. As a result of this, there is every likelihood that the contaminants will be disturbed and find their way into other parts of the Bay, particularly near Kendall Inlet. They will impact on the marine and human environment, unless the whole of the Bay is remediated.

Volume 5 of the development application refers to sewage pump out facilities and fuel storage tanks. While there may not be fuel available for sale, the storage of contaminated fuel has not been addressed. Should these potential contaminants be held at the marina, they must be held in a secure fire rated environment, pending their removal from the marina. Such storage has the potential to spill into the Bay and for Kendall Inlet to be impacted by spillage or fire. The small beach in close proximity to Kendall Inlet is a potential contamination point, as evidenced from the flotsam that is found in that area on a regular basis.

Further concerns are raised in Volume 3 of the application, which states - "The release of toxic components from anti-fouling paints applied to boat hulls, combustion of fuel in boat engines, accidental spillage of fuel oils, bilge water and sewage and onboard washing of boats could introduce a variety of contaminants into Kendall Bay." It is also stated under "Educating Boat Owners" and under "Changes to Biodiversity" - Boat owners will be prohibited from discharging sewage and bilge water directly into Kendall Bay and encouraged to remove bilge water by using bilge removing pads.

There is clearly no provision for penalizing those responsible for the discharge of contaminants into Kendall Bay and this is a major concern for the residents of Kendall Inlet, as the marina will only be staffed during business hours. Enforcement of the State's pollution requirements will rest with Canada Bay Council and other State bodies.

3. **Visual Amenity**

As the residents of Kendall Inlet enjoy what is a tranquil environment, with an open waterway having unhindered views across the Bay, Parramatta River and Morrison Bay, the marina will have a significant impact on the enjoyment of those views. Many residents bought into Kendall Inlet because of the peaceful refuge that it has provided. Much of the tranquil nature will be destroyed as will the enjoyment of what is one of the only bays west of the Harbour Bridge that does not have significant boating activity and mooring facilities. There will be significant loss of amenity in the event of the marina proceeding.

While Volume 1 of the development application disputes this, as it states that the view is of low to moderate rating, there is virtually no recognition of Kendall Inlet in that assessment. The flawed assessment is based on viewing the Bay from ground level. Kendall Inlet is at a higher elevation than the views assessed as low to moderate value. This aspect needs addressing. Glades Bay is reported as being upstream from Kendall Bay, when in fact it is downstream from the Bay. The evaluation of the "views" is based on a subjective criteria rather than an objective assessment. It is obvious that the intent is clearly to reduce the true visual values and not represent the actual situation.

Volume1, of the proposal states that the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, requires that "the public good has precedence over the private good wherever and whatever change is proposed for Sydney Harbour or its foreshores."

The report also states that the project enhances public access to vantage points on the waterway. These vantage points are already available from the passive "open space" around the Bay, particularly from the existing seawall which is at a higher elevation than what the marina will be.

4. **Noise**

While noise assessments were taken at locations well away from Kendall Inlet, there was a realisation that Kendall Inlet would be affected by the operation of the marina. As a further example of the lax attitude by the proponents, Kendall Inlet has been included as part of Breakfast Point.

The consultants appear to indicate in Volume 4 that where there is no existing industrial/commercial noise, the amenity noise goal would be set at a level which allows new industrial/commercial noise emissions up to recommended amenity levels for the area. Does this mean that we should be subjected to noise that we might expect from industrial/commercial premises? Is this acceptable and who has established such criteria? Does it accord with any Australian Standard?
In light of the relative serenity of Kendall Bay, any source of noise generated by the operation of a large numbers of boats and the marina will have a significant impact on the general amenity of the area. As with any waterway, noise is unimpeded and the residents of Kendall Inlet will be subjected to any noise arising from the operation of boats, the marina and "kiosk".
Noise measurements were taken at a variety of locations, but no such measurements were taken at Kendall Inlet, although Kendall Inlet was recognised as being potentially affected.

5. Kiosk

The fifty seat "kiosk" will also be a constant source of noise and while the intention at this point of time is to close the facility at 6.00pm, once it is operational, the operator may seek to extend the trading hours, which will impact on residents of Kendall Inlet.
There does not seem to be any provision for parking associated with the "kiosk" and this may also impact on "visitor" parking within Kendall Inlet and ultimately on those visiting Kendall Inlet residents. The "kiosk" can hardy be seen as an ancillary use associated with the operation of the marina. Accordingly, increased parking needs to be provided for this aspect of the development, in the event of consent being granted.
Any consent for this component of the development may lead to a desire by the owner/operator to seek a liquor licence, which may also impact on the residential amenity of the area, particularly those properties facing Kendall Bay, with foreshore reserve access.

6. Operation of Ferry Services

As many residents of Kendall Inlet and the broader community use the Rivercat services, the operation of those services cannot be jeopardized for the operation of the marina. The public good associated with the ferry services far outweighs the operation of a privately owned marina.

The letter of 29th June,2007 from Sydney Ferries to your Department clearly opposes the marina development and highlights its potential impacts on ferry operations. The introduction of the new ferry timetable and potential future changes could be hampered by the marina operations.

The Government clearly recognises the benefits of using public transport to reduce pollution and this is a major factor in ensuring that ferry services are efficient and reliable. Any potential impact on the efficiency and effectiveness of those services cannot be put in danger. Passenger safety should also be a major consideration in the operation of ferries and this aspect needs to be given significant weight in assessing any marina development.

The speed of the ferries and the potential for collision with vessels entering or leaving the marina must be given great weight in assessing the marina development. As it is envisaged that vessels will cross the path of ferries at right angles, any collision could result in the sinking of vessels with subsequent loss of life. There is also the question of fuel pollution occurring within Kendall Bay arising in the event of accidents between vessels.

Additionally, the sight distance of ferries traveling in an easterly direction will be somewhat restricted when rounding the headland near Breakfast Point.

The navigation information (drawing No. 1 of Appendix17) clearly shows the potential for conflict with high speed ferries. Any speed restrictions would have an impact on the existing and future ferry timetables. This would adversely impact on the efficiency and effectiveness of the Sydney Ferries operations.

7. Public Consultation

With the exception of the website created for the Inner West Marina seeking the views of those who wished to comment on the proposal, there has been no consultation as such.

Appendix 16, states that – "The proponent has taken a wide view of this Requirement, undertaking a consultation program with community groups and affected landowners". This is untrue, as there has been no such consultation.

The proponent also indicates at Appendix 16 –"An online community consultation website was the key communication channel employed for the community consultation process." The consultants have simply taken the easy way out, choosing to establish a website where those who were adequately informed could make their views known.

While there have been many public meetings at which the Departments of Planning and Environment and Climate Change attended, the proponent has chosen not to keep the community informed, because of the level of feeling within the community to the imposition on them of a commercial marina, without an adequate level of consultation.

Volume 1 of the proposal makes mention of consultation with Canada Bay Council in relation to its requirements in the operation of the marina.
A meeting was held with Council on 24th August,2009, where the major concerns raised seemed to be how the marina would integrate with the Breakfast Point development and the question of complaint handling. There does not appear to have been any follow-up action arising from that meeting. Given the level of opposition by the elected Council, the level of consultation is obviously inadequate.
The Department of Planning in its "Guidelines for Major Project Community Consultation" indicates that the "Proponents are expected to organise, resource and report any consultation processes required by the Department." As you are aware, the proponent should undertake a range of activities associated with stakeholders, including, as outlined in the Director General's Requirements, consultation with community groups or affected landowners. This simply has not occurred.
It is questionable that the level of consultation with the community has been adequate based on the Department's requirements, even though these may not have been spelt out in the Director General's Requirements.
Similarly, you would be aware of the Department's expectation that the proponent has adequately consulted with "those directly impacted by the project (eg. neighbouring residents..." and "individuals and groups likely to have an interest in the local or regional implications of the project ...". This level of consultation has not occurred. The Kendall Inlet Community Association has not been consulted.

8. General Comments

Volume1 under "Aims", point 2 raises a range of issues that support the development, including "rebuilding the former public ferry wharf....."
While a new wharf is part of the marina development, the former wharf was used for the discharge of coal for the former AGL gasworks at Mortlake. This is a further instance where the consultants cannot be trusted in what they say.
Likewise, there has never been a ferry wharf on the site. The new development will not be replacing what was there in the past. Plaques depicting the previous use of the wharf are erected in close proximity to where the wharf stood. Other instances in the proposal refer to the former wharf as if this proposal is merely a replacement for what once existed on the site. To the uninitiated, this may seem a reasonable proposition. However, there are no "existing use" rights arising from the former unloading of coal from the wharf.

As the Bay and surrounding waterways are used by a significant number of rowers who have limited access to undertake their chosen sport, any further development that increases the demands on waterways will have a direct bearing on the future of the rowing community. With an increasing emphasis on physical activity to reduce the incidence of obesity and other health problems associated with a sedentary lifestyle, there is clearly a public benefit from supporting the on-going use of our waterways by the rowing community. The NSW Rowing Association in Volume 2 of the application opposes the development on the grounds of it being "totally inappropriate for this area of the Harbour".

It is understood from an examination of the NSW Maritime website that there are several other major marina proposals under consideration by the Government, including Berrys Bay Maritime Precinct, the Rozelle and Blackwattle Bays Maritime Precincts, a major recreational boating facility at Yeend Street Wharf, Birchgrove and the major development of a Maritime Precinct in the Homebush/ Wentworth Point area.

These marine related developments will provide a range of mooring facilities including dry storage, berthing facilities for charter vessels and a range of maritime facilities for the various needs of the boating fraternity. It is questionable that a similar facility should be necessary for Kendall Bay.

There are significant concerns as to why NSW Maritime has considered granting a lease of the subject area of the Bay when the requirements of the Department of Environment and Climate Change have not progressed with the remediation of the Bay. It is understood that your Department has been provided with the Department of Environment and Climate Change's Environmental Assessment for the project and its adequacy in addressing the Director General's Requirements.

One further issue that appears to require clarification relates to the Director General's Requirements which were originally issued on 31st May, 2007 and amended on 14th January,2008, with an expiry date of 14th May,2010. Given that the application appears to have been lodged after the expiry of the Requirements, is the application valid or should the proponent be required to re-lodge the application?

The Kendall Inlet Community Association has not made any contributions to any political party at any time let alone in the past two years. It is a pity that the same cannot be said of Rosecorp, the proponents for this development and the overall Breakfast Point development.

9. Conclusion

As outlined above, there will be significant impacts on the residents of Kendall Inlet arising from the development of a commercial marina in close proximity to our properties.

These go to the general question of amenity, with the current situation of a quiet, tranquil environment under threat from the boating community.

There will be significantly increased noise arising from the marina, boats, including charter vessels and the "kiosk", again impacting on the tranquility of the area.

Parking will be a potential major issue with "overflow" parking being required, as there has been insufficient parking provided for the various activities, some of which cannot be classed as ancillary uses.

Pollution is another aspect that has not been adequately addressed, particularly in light of the lack of remediation of the Bay. Additionally, there is the prospect of further pollution arising from the operation of the marina and the pleasure craft that are to be catered for.

There will be a significant impact on views from many residences within Kendall Inlet, as they will be looking down on the marina, not at the same or a similar level as the marina.

The operation of the ferry services and the value placed on those services by residents of Kendall Inlet should not be jeopardised for the sake of a commercial marina, used by recreational boat owners.

In light of the issues raised in this submission, the Kendall Inlet Community Association is of the view that the proposed marina should be rejected, as the development will have a detrimental impact on the wellbeing of the residents of Kendall Inlet.

Yours sincerely

Patricia Wright
Secretary
Kendall Inlet Community Association
9 Kendall Inlet
Cabarita NSW 2137
12 November 2010

Diane Brown
49B Dorking Rd
CABARITA NSW 2137

17 November 2010

Major Development Assessment
Department of Planning

Via email: plan_comment@planning.nsw.gov.au

Re: (MP 07_0006) Proposed Commercial Marina – Kendall Bay

I object to the proposed commercial Marina on the following grounds:

- Scale of the Marina
- Impact of the proposal on the amenity of Breakfast Point
- Impact on safety of Sydney Ferries and passive water activities
- Increased traffic, parking and access
- Disturbance of pollutants

1. Scale of the Marina:

It would seem reasonable for the community to expect Department of Planning to request Breakfast Point Pty Ltd to provide a scaled model of the Marina.

Breakfast Point Sales Office has a scaled model of Breakfast Point development, including Kendall Bay. Why is the proposed Marina not included in the model? This would provide an accurate indication of the impact of the Marina for assessment purposes.

The controversy concerning Council's impression of the proposed marina and associated concerns regarding the true scale of the proposal would be nullified should this action be adopted. The visual impact would be obvious.

A 172 berth commercial Marina and 55 seat kiosk is a gross over development of Kendall Bay and not in keeping with the area on grounds of loss of amenity.

Whilst I acknowledge that a marina was part of the original Masterplan, I believe that a significantly smaller private Marina would be far more appropriate.

2. Impact of the proposal on the amenity of Breakfast Point

Kendall Bay is a tranquil bay located in close proximity to residential buildings and Cabarita commuter Wharf. It is one of the last untouched bays in Sydney Harbour.

Residents and the local community currently use the foreshore, bay and river channel for a variety of passive recreational activities such as walking, bike riding, rowing and sailing. As a result the ambience is one of peace and quiet.

The noise and pollution associated with a commercial marina (400 metres down the bay and 200 metres into the bay) that is operational 24 hours a day, 7 days a week is not in keeping with the desired amenity of the location. A 55 seat kiosk would generate an unacceptable level of noise and pose problems associated with transportation of supplies and garbage.

The Marina Meeting highlighted inconsistencies as to whether Golf buggies will be used to transport supplies to and from the Marina and Kiosk. If golf buggies are used, there will be associated safety concerns relating to pedestrians and vehicular access.

There should be a condition of consent imposed on the Marina to ban golf buggies and ban party boats picking up or dropping off passengers at the Marina due to noise and safety concerns.

3. Impact on safety of Sydney Ferries and passive water activities

Sydney Ferries data confirms that on a weekly basis 340 ferry services access near-by Cabarita Wharf, involving an average of 3,145 commuter movements.

In addition many rowing Clubs (including school children) utilise this section of the bay for training on a daily basis.

Sailing boats use this area of the river regularly, particularly on weekends during Spring and Summer, when sailing regattas take place in Hen and Chicken Bay.

Combining a busy 172 berth Marina for power boats with passive boating activities is cause for safety concern.

At the very least, a risk assessment should be carried out.

4. Increased traffic, parking and access

A development of this size will cause increased parking and access issues, not only for Breakfast Point, but also the surrounding feeder streets that are already choked with traffic.

Has a survey of traffic movements been requested so that planners fully comprehend the problems that are already evident, especially during peak morning and afternoon/evening periods?

5. Disturbance of pollutants

In 2004, remediation orders (currently in place) for Kendall Bay were issued. The EPA concluded that:

> ***"... the contamination in the near-shore sediments adjoining the former Mortlake Gas Works site pose a significant risk of harm (SRoH)*** *for the following reasons:*
>
> *"...The concentration of total polycyclic aromatic hydrocarbons (both low and high molecular weight components) are significantly elevated above ANZECC 2000 sediment quality guideline levels.*
>
> *Some polycyclic aromatic hydrocarbons are classified as human carcinogens.*

The EPA ordered Maritime Authority of NSW (the bed of Kendall Bay and the Parramatta River is owned by Maritime Authority of NSW) to do the following:

1. *"refrain from carrying out or causing, permitting or allowing another person to carry out any works or activities at the site that would result in the disturbance, or further disturbance of the bed sediment of Kendall Bay and the Parramatta River in the area adjacent to the former site and which fall within 200 metres of the land based boundary of the former gas works site except as provided by this Order.* ***Examples of the types of works or activities that may come within the scope of this Order include: construction and maintenance works such as dredging or excavation activities for boating facilities (for piers, wharves, slipways or marinas) or infrastructure works (including bridges or pipelines)."*****.....**

> *"At this stage, no active remediation works are envisaged. Rather, the critical issue is that the bed sediments are not further disturbed without appropriate investigation and or remediation. EPA may review this strategy and require a more active remediation approach in light of future investigations and remediation actions and scientific knowledge on the impact caused by these sediments."*

On 3 July 2008 however, NSW Maritime granted land owner's consent to Breakfast Point Pty Ltd for permission to lodge a development/ Project application in accordance with the plans submitted on 13 November 2007. The plans are for the construction of a 177 berth marina adjacent to the former Mortlake Gas Works and less than 200 metres from Cabarita Wharf.

When Jemena, formerly part of AGL, released its remediation plan, it only included two small sections of Kendall bay, extending about 68 metres. Current remediation orders refer to *"sediments of the bed of Kendall Bay and the Parramatta River which fall within 200 metres of the land based boundary."*

According to a spokeswoman from Jemena, contaminated sediments further from the shore were covered by a *"variable depth of clean sediment and did not pose a significant human health risk."*

Dr Mariann Lloyd-Smith, senior adviser to the National Toxics Network of Australia, said *"this was just an argument used to avoid hefty clean up costs."*

"In 2002, it cost AGL $70 million to complete the remediation of the land at Breakfast Point, with sediments even more expensive to clean up," Dr Lloyd-Smith said.

"Obviously industry doesn't want to pay for this and so make arguments to get around it. The EPA and DECC are completely complicit in the industry approach." Dr Lloyd-Smith said.

Perhaps Jemena's spokeswoman's choice of words, *" did not pose a significant human health risk,"* could be semantics, as the Contaminated Land Management Amendment Bill 2008 altered the terminology.

The test for contamination is now *"significantly contaminated"* rather than *"a significant risk of harm."*

The amendments considerably broaden the Environmental Protection Authority's scope.

The previous *"significant risk of harm"* test involved technical criteria outlined in guidelines developed under 105 and subject to public consultation. Factors included toxic effect, exposure pathways, sensitivity of land use and probability of migration

to other land. The amended test is largely subjective: it is based on the threshold of what level of contamination is significant enough for the EPA to determine, on reasonable grounds, that the contamination is now significant enough to warrant regulation. There is no objective standard.

Claire Smith and Regina Walker from Clayton Utz believe "*it is unclear how the test will work in practice and what level of contamination will be required for the contamination to be considered significant enough to warrant regulation by the EPA. In other words, it appears that the effect of the amendments is to move away from objective based threshold to a more subjective threshold in favour of the EPA.*"

Rob Stokes MP believes, "*This discretion creates risks for the EPA- by exposing it to opportunities for misuse of power where an officer could potentially be induced to find a site not to be contaminated enough to warrant regulation, and also exposing the EPA to litigation risks where declaration is made erroneously or where subsequent action by the EPA might generate big damages to a land user.*"

Accordingly, NSW Maritime should:

"*refrain from carrying out or causing, permitting or allowing another person to carry out any works or activities at the site that would result in the disturbance, or further disturbance of the bed sediment of Kendall Bay and the Parramatta River in the area adjacent to the former site and which fall within 200 metres of the land based boundary of the former gas works site..*"

Yours sincerely

Diane Brown

Don & Sue Halliday

304/1-9 Admiralty Drive

Breakfast Point NSW 2137

Major Development Assessment

Department of Planning

GPO Box 39

Sydney NSW 2001

Re Project Application Number MP 07_0006

I am writing to object to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347.

The proposal will have a major impact on Breakfast Point and surrounding areas of Mortlake, Cabarita and Concord.

A major concern relates to the non-remediation of the polluted sediment in the Bay, which contain chemicals, which pose significant risk of harm to human health. Remediation is not proposed despite a remediation order being issued by EPA. I am concerned that the proposal to place a "blanket" over part only of the area will not meet the declaration requirements and leave the site, and thus residents and water users, exposed to not only carcinogens but other pollutants

My other concerns relate to the construction of a large commercial public marina operating 24/7 immediately adjacent to a residential area with the consequential intrusion into the lives of BP residents.

Such a large enterprise will bring with it inherent problems of traffic, parking, noise, pose safety issues for walkers along the waterfront and generally interfere with the ambience of what has been described as a peaceful waterside walk.

There has been little communication from the developer in regard to the proposal and in the absence of any reasonable consultation I find it impossible to support the proposal in any way.

My greatest personal concerns are:

- The access to the public walkway along the foreshore by vehicles to service the Marina which may cause or impact walkers, cyclist and joggers of all ages both the very young and the elderly
- The close proximity of the Marina to residential properties
- The minimal amount of parking allocations
- The size of the marina 172 berths
- The social impact of public access any time day or night to the marina
- The increase in traffic on road infrastructures maintained by the local community.
- The protection of the current remediation order for Kendall Bay
- The breakdown of the remediation order with the current pollutant may cause the NSW peoples an inordinate amount of money to finalise the remediation of Kendall Bay at some future stage
- The unknowns of utilizing the proposed matting under a commercial marina
- The lack of knowledge of the independent auditor regarding the structure and application of such a mat.
- The additional power boat movements in and around the river currently utilized quite heavily by recreational rowers, kayak paddlers
- The proposal has provision for the construction of a public ferry wharf which could then provide the impetuous for use by party boats, then creating an even larger social impact on the nearby residents.
- The obstruction of views and aesthetics by nearby residents especially when they were originally informed that there may be a small private marina, in sales documentation referral to a marina does not conjure up the image of a 172 berth public marina
- Major concern over the polluting of the bay by berthed boats, disposal of rubbish into the bay.
- The clanging of yacht masts and rigging in winds, especially being in such close proximity to the residential apartments and housing

Once again No Marina to destroy this last standing passive bay.

Regards

Don & Sue Halliday

KENDALL BAY MARINA

Elizabeth Marian Ellen Buckley
23/77 Peninsular Drive lot 36
Breakfast Point NSW 2137

MP 07_0006
OBJECT TO PROPOSAL
Reasons below
22/11/10

Dear Sir/Madam

Upon reading this notification letter dated 24/9/2010 it struck me initially as a gross invasion of Privacy, space, noise, over crowding, parking & security for the residents of Breakfast Point. This is contempt on the people of Breakfast Point and surrounding streets. Using the Breakfast Point residents for security and for your own gain in this way shows the people of Australia the type of people you really are.

50 seat kiosk: More like a restaurant, so we know this will increase in time or straight away. Where will these people park? Most people I know walk nowhere. How will this be prettied up for the loss of water views that some people have paid millions for. Also the noise factor and privacy has been totally ignored.

Golf buggies are these free for everyone's usage? Everyone will have 2 or 3 esky's, baggage, block ice plus food. Pullalongs have been suggested and these take many trips as they are heavy when loaded and every imperfection on the ground will be echoed. The racket these make let alone staying in a straight line will cause damage to our gardens and amenities. With these trips there will be singing out to people on the boats and car parks as it is just too far to walk back to if you don't have to.

Soundproofing of Hunters Wharf windows, fencing does not appear in your proposal. The walk through to the pools which other buildings currently utilize will have to be gated for security. Where is your offer to pay for this? Since people don't like walking especially carrying heavy items will double park to be closer and will trespass on private property to do it. If we don't have a fence who or what will stop them. The party boats and you will not stop them will pick up, drop off. What kind of security are you offering to move people on Police or useless security officers who are a joke, which hopefully you pay? Hunters Wharf is so exposed to vandalism will you be picking up the bill?

An absolute insult of offering $10,000 to the community association for full access to its facilities. It is also expected for us to keep the roads clean and in good working order and retain the sea wall for your exclusive use, for love.

The private locked open car park will have a gross impact upon me visually and is too small and should not be for private use only. We do not even have enough parking for resident's visitors let alone more boat people. Boat owner visitors will use my visitors parking and will be there all day or even weeks.

Sediment protection system, I have to leave to the experts but what has been suggested seems to blanket the problem only. It does not alleviate any risk of contamination spreading with the cover and the accidents that may occur when a large boat moors where it shouldn't be.

This has so many things wrong with this proposal; it is inconceivable to think anybody could approve this Marina. So please stop it now before anymore taxpayer's money is wasted.

Yours Sincerely,

E. Buckley

Elizabeth Buckley

Anna Bradley - marina protest re: Breakfast Point

From: Bronwyn Matthews <bronmatthews@yahoo.com.au>
To: <plan_comment@planning.nsw.gov.au>
Date: 23/11/2010 6:50 PM
Subject: marina protest re: Breakfast Point

Dear Sir,

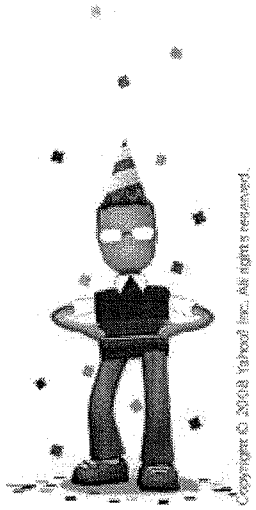
I am writing to lodge my strong protest regarding the proposed commercial marina at Breakfast Point.

As a resident of the Breakfast Point I would like to object on the following grounds:

1.) Added noise and traffic for local residents is totally unsatisfactory. With the general public using the facility at all hours of the night and day, will result in excessive noise and increased litter.
2.) Parking arrangements for visitors inadequate which will cause over flow parking into the streets of Breakfast Point.
3.) Water pollution and sewerage issues associated with a large commercial marina. None of these issues have been solved. The proposed blanket that is to be put over the existing polluted sea bed has not been adequately tested. It is likely and highly probable that it may react adversely with the existing chemicals already there and cause and even more toxic environment. This will affect marine life and vegetation. The increased traffic of boat motors will stir up pollution on the sea bed.
4.) Impact on wildlife. There is abundent bird life in the area which will be negatively impacted with a marina development.
5.) Oil tankers supplying the marina will be using our roads and could potentially damage them. The Breakfast Point residents will be responsible for repairing roads and will incur extra costs associated with repairs.

The bay has unique natural beauty which will be lost for future generations to enjoy. Sydney has many marinas but very few untouched waterway areas. Please do not proceed with this development.

Yours faithfully,
Bronwyn Matthews
Unit 110 1-9 Admiralty Drive
Breakfast Point 2137



Anna Bradley - Online Submission from Simon Cook (support)

From: Simon Cook <simondcook@bigpond.com>
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 22/11/2010 9:36 AM
Subject: Online Submission from Simon Cook (support)
CC: <assessments@planning.nsw.gov.au>

I support the application for the above mentioned marina as it provides additional, much needed storage facilities on Sydney Harbour. Modern marinas like the one proposed are generally aestheically pleasing and enviromentally sensitive.

Name: Simon Cook

Address:
11 Brisbane Place, Cromer NSW

IP Address: mail.icfrith.com.au - 203.39.52.149

Submission for Job: #1311 Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhiive.com/index.pl?action=view_site&id=865

Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
F: 02 9228 6466
E: Chris.Ritchie@planning.nsw.gov.au

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Gregory Maunsell
208/6 Peninsula Drive
Breakfast Point NSW 2137
21Nov 2010

Department of Planning
Major Development Planning
GPO Box 39
SYDNEY 2001
Attn: Felicity Greenway

Kendall Bay Marina
MP 07_0006

I am writing to **object** to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347.

The proposal will have a major impact on Breakfast Point and surrounding areas of Mortlake, Cabarita and Concord.

My major concern relates to the non-remediation of the polluted sediment in the Bay, which contain chemicals, which pose significant risk of harm to human health. Remediation is not proposed despite a remediation order being issued by EPA. I am concerned that the proposal to place a "blanket" over part only of the area will not meet the declaration requirements and leave the site, and thus residents and water users, exposed to not only carcinogens but other pollutants.

My other concern relates to the construction of a large commercial public marina operating 24/7 immediately adjacent to a residential area. It is a large commercial enterprise with car parking within and access through a residential community with the consequential intrusion into the lives of the residents.

This is a large enterprise which will bring with it inherent problems of traffic, parking, noise, pose safety & access issues for walkers along the waterfront and generally interfere with the ambience of what has been described as a peaceful waterside walk. Incorporation of a kiosk exacerbates the situation.

I do not support the proposal in any way.

I ask that the proposal be denied and that Kendall Bay be remediated and returned to its natural state.

Yours faithfully

G Maunsell

Gregory J Maunsell

Political Donations Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 *to disclose any political donations (see Page 1 for details), please fill in this form and sign below.*

Disclosure statement details

Name of person making this disclosure	Planning application reference (e.g. DA number, planning application title or reference, property address or other description)
GREGORY J. MAUNSELL	MP07_0006

Your interest in the planning application (circle relevant option below)

You are the APPLICANT YES / (NO) OR You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION (YES) / NO

Reportable political donations made by person making this declaration or by other relevant persons

State below any reportable political donations ***you have made*** *over the 'relevant period' (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include the Australian Business Number (ABN).*

If you are the ***applicant*** *of a relevant planning application state below any reportable political donations that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR*

If you are a ***person making a submission*** *in relation to an application, state below any reportable political donations that you know, or ought reasonably to know, were made by an associate.*

Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
NIL DONATIONS	NIL	NIL	NIL	NIL

Please list all reportable political donations—additional space is provided overleaf if required.

By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.

Signature(s) and Date G J Maunsell

Name(s) GREGORY J MAUNSELL

Anna Bradley - MP 07_0006 - Kendall Bay Marina Project

From: Nick Shi <nickshi@gmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 21/11/2010 7:37 PM
Subject: MP 07_0006 - Kendall Bay Marina Project

Hi there,

I'd like to make a submission to the prospective development of the Kendall Bay Marina project at breakfast point. My details are as follows:

name: Nick Shi
address: 25/2 Juniper Drive Breakfast point
state for against: AGAINST
why: The proposed development is too large. 172 berths and 58 car parking spaces will make a significant impact on the environment around the breakfast point region and also to the amount of traffic generated in the area. It would be more prudent to develop a marina in a much smaller scale. For example 50 births and 20 car parking spaces.

cheers,
ns.

P O Box 348
Kenthurst NSW 2156
24 November 2010

Department of Planning
Major Developments
GPO Box 39
Sydney 2001

Attn Felicity Greenway

Dear Felicity

Re MP07_0006 Kendall Bay Marina

We wish to raise strong objections to the above proposal. The reasons for these objections are as follows:-

1. Kendall Bay has considerable existing pollution and this proposal makes no attempt to rectify the situation. It ignores the remediation order No 23022 of 22 June 07, and the proposal will in fact exacerbate the matter with the installation of a mat which will destroy all life below the mat, and make any long term solution to the problem even harder.

2. Apart from this existing pollution, this proposal will further increase this with additional pollution from the marina users, and the stirring up of ground pollutants outside the mat area, with large increase in traffic on the bay.

3. Kendall Bay is one of the last uncluttered bays in Sydney Harbour. The scale of this development (4 ha), takes up a large portion of the bay, and will totally destroy the peacefulness of the bay, to the detriment of the general public, with the benefit going to a few wealthy boat owners, who will be able to pass some of their costs associated with the marina to local residents. (See more on this below). If any development were to be approved, a much smaller low key project approved after remediation work was complete, would seem much more appropriate for the small bay.

4. Insufficient time seems to have been allowed for residents to properly assess this complex proposal; with submissions closing on 30 Nov 2010. Can this deadline be extended?

As future residents of Breakfast Point, (having purchased a unit off the plan). We are also very concerned about:-

1. The additional costs of the maintenance of the foreshore area following the greatly increased usage of the area will be met by the local residents. This passing of these costs from a profit making organisation onto the local residents, who have no control over the operation, seems completely unfair.

2. Adverse social impact on the residents with no time limits on the use of the public wharf, and no proposal for the developer to provide security to mitigate problems caused by late night party goers. Security, it appears, becomes the residents' problem – once again seeming completely unfair.

3. Insufficient provision of car parking. 58 spaces seems completely inadequate for the 176 berth marina, 50 seat kiosk and public access wharf open 24 hours. This will result in shortage of street parking for residents and their guests.

4. Inadequate vehicular access to the foreshore will result in greatly decreased enjoyment of the foreshore pathway, as this becomes crowded with moving and parked vehicles obstructing the walk way as they load and unload.

We request that you give consideration to these matters and stop the development, or at least cut back the scale to something much smaller which would be much more in keeping with location. If any development were to go ahead, all cost associated with the development need to be borne by the users, rather than unjustly transferred to the local community, as appears in the current proposal.

Yours faithfully

Lorraine Lance

Barry Lance

From: Stephen Matthews <stephen.m.matthews@gmail.com>
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
CC: <assessments@planning.nsw.gov.au>
Date: 27/11/2010 5:54 pm
Subject: Online Submission from Stephen Matthews (object)

I have more than 40 years experience in the geotechnical area with both CSIRO and as a private consultant. I believe that at this time that apart from the deleterious social impact on residential areas it would be very inappropriate to grant approval for the Marina prior to all remediation work in the Kendalls Bay area being completed. If the proposed blanket and basalt cover is placed before completion of the remedial work there is a significant risk that contaminated material may lodge within the voids within basalt layer and not be able to be subsequently removed.

I also believe that any decision should be deferred until an independant assessment of the social impact on residents and current users of the Paramatta river is undertaken. It would seem that the proponents have made a lot of ambit claims in their submission such as 24/7 hours of operation and provison of a wharf that could be used to service commercial tour boat on the basis that if they agree to some token concessions in these areas they will still end up with the large scale commercial marina in the middle of a residential area as they are proposing.

I note that the developer has been a significant contributor to the major political parties so I imagine it will be a priority of the current government to rush through a decision before the state election.

Anna Bradley - Online Submission from Ann Goeth (object)

From: Ann Goeth <ann_wayne@taylorcivil.com.au>
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 28/11/2010 2:55 PM
Subject: Online Submission from Ann Goeth (object)
CC: <assessments@planning.nsw.gov.au>
Attachments: AG response to Vol 3 and 10.pdf; AG response to Vol 3 and 10.pdf; AG response to Vol 3 and 10.pdf

I am a resident of Hunters Wharf, and as an immediate neighbour to the proposed marina, would be personally affected in the following ways:

? The noise generated by the boats, golf buggies and people frequenting the marina would be above an acceptable threshold for me, both at daytime and night time.
? The view I currently enjoy from my unit (Level 4), and from the foreshore, would be destroyed by having to look at so many boats and marina structures. The photos provided by the applicant are misleading as they are taken from the wrong angles and only show smaller boats, all of the same size.
? My visitors would not find any visitor car parks outside our house as these will all be taken up by visitors to the marina. The traffic report by the Breakfast Point Residents Group clearly shows that there wouldn?t be enough car park spaces available.
? I personally would not feel safe walking along the foreshore walk after dark, given the high number of people and golf buggies frequenting the marina.

Apart from this, I am also an ecologist and have written the attached two reports for the submission prepared by the Breakfast Point Residents Group. I enjoy observing shorebirds and other water-based birds, and the proposed marina would significantly impact on these birds (see my attached review of Vol. 10). Similarly, I am seriously concerned about the impacts of the proposed marina on the marine ecology of Kendall Bay (see my attached review of Vol. 3).

My strong objection of the proposal is also based on fears for the safety of my toddler son (3 years). We chose to live in this location because it provides a safe environment for him to play outside, e.g ride his bike on the foreshore path, play on the grassy areas, etc. The increase in traffic and visitor frequency related to the proposed marina would significantly decrease his ability to continue with these activities in a safe way. Golf buggies on the foreshore path, increased traffic next to our house, a high number of strangers visiting the area, etc. would all reduce the safety level in our immediate surrounding.

I also object to the high likelihood of my son being exposed to dangerous toxins released from the bottom of the river during construction of the marina, especially when playing in the water or sand of the surrounding beaches. My attached report on the impacts on the marine ecology shows that the geotextile blanket will not suffice to contain such substances during the construction phase, especially during pile driving. A proper remediation of the bay is needed to exclude potential health impacts on the children living and playing in Breakfast Point. The geotextile blanket can not be regarded as a safe method of remediation.

In addition, my husband and I take our canoe out on the river for recreational rowing. We would no longer be able to do so, as the proposed marina would be frequented by so many boats that this would neither be safe nor enjoyable. We also envisage our son taking up rowing with one of the nearby rowing clubs, and would fear for his safety on the water if this marina would be built.

Name: Ann Goeth

Address:
Unit 42, No 77 Peninsula Drive, Breakfast Point NSW 2137

IP Address: cpe-60-229-148-76.lns8.ken.bigpond.net.au - 60.229.148.76

Submission for Job: #1311 Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhiive.com/index.pl?action=view_site&id=865

Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
F: 02 9228 6466
E: Chris.Ritchie@planning.nsw.gov.au

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Response to Inner West Marina Project Application:

Review of Impacts on Marine Environment and Biodiversity (Volume 3 of the application)

By Dr. Ann Goeth, November 2010

I. EXECUTIVE SUMMARY

1) It is misleading to state in the summary of project impacts that the fauna in Kendall Bay is not typical of the area and not considered of significant ecological value (p. 72, Vol 1). This is an incorrect interpretation of information provided by Cardno which indicates a diverse range of fauna.

2) The geotextile blanket does not meet the requirements of the Remediation Order. Contaminated fine sediment particles will still pass through fine holes in the blanket.

3) High levels of contaminants and further increase of these levels: Both the sediment and water in Kendall Bay are so polluted that any increase in pollution levels from boats will push the levels of various contaminants over acceptable thresholds.

4) Release of Acid Sulphate Soils. This issue is not dealt with sufficiently.

5) Significant increase in copper contamination. The copper concentration in Kendall Bay exceeded the ANZECC 95% trigger values at all sites measured by Cardno, and most boats will use copper-based anti fouling paints, which will push copper levels in the water beyond acceptable values.

6) Pollution of bay water from the boats' sewage and bilge water. This is highly likely, given the size of the proposed marina. No proper methods of enforcement of rules preventing such pollution are being suggested, and it is unclear whether a sufficiently neutral party would enforce such rules.

7) Pollution of bay water via engine exhausts. Boat engine exhausts will introduce hydrocarbon contaminants and heavy metals into Kendall Bay, and levels of these substances are already too high.

8) Accidental spills of sewage and organic pollutants. This is highly likely, given the high number of boats using the proposed marina. No proper methods of enforcement are being suggested.

9) Introduction of non-indigenous fish and marine vegetation is listed as a Key Threatening Process (KTP) under the *TSC Act*. Given the large size of the marina, it will be impossible to avoid the introduction of non-indigenous species in the long-term.

10) Destruction of food chains, when organisms in the soft sediment will perish after laying of the geotextile blanket, and through resuspension of sediment and increased turbidity. The reduction of pelagic and epibenthic flora will reduce the amount of food for fauna higher up the food chain.

11) There are not enough areas elsewhere in the estuary to make up for the loss of habitat. There are few bays left in the estuary that are not yet used for mooring boats.

12) Impacts on mangroves and protected areas through changes in water circulation and sedimentation patterns. The report suggests that such impacts are likely but does not discuss this in sufficient detail. No attention is paid to the impact of reduced dilution of stormwater entering the bay at the southern end, where stormwater and trash won't be removed as quickly as before.

13) The provisioning of novel habitat in the form of new pillars, jetties etc should not be used as an argument in favour of the marina. Cardno's admits that while these structures provide novel habitat, this will not offset the impacts on soft-bottom assemblages resulting from their introduction.

14) The application does not consider the impacts on climate change. Marine algae, which considerably reduce CO_2 levels, will be destroyed or overshadowed, reducing their ability to photosynthesis. Also, methane will be released when organisms decay under the geotextile blanket.

15) The proposed silt curtains propose a risk for free swimming fauna and won't completely stop contaminated matter leaving the area. During daily openings of the curtains, contaminated material will also exit the enclosed area. Also, mobile organisms are likely to get caught in the net and die, or suffer considerably from the lack of food within the area they are trapped in.

16) The application wrongly claims there would be no removal or destruction of marine vegetation (p. 13, Vol. 3). This is incorrect if marine algae are also considered marine vegetation.

17) Insufficient survey effort. The assessment was conducted during May 2009 and not repeated at other times. Seasonal changes of flora and fauna assemblage are not discussed. The Protected Matters Report has not been conducted for Ryde City LGA on the other side of Parramatta River.

In summary, this report identifies numerous points of non-compliance with the DG's requirements and the Remediation Order.

II. DETAILS

The purpose of this review is to assess the impacts on the marine environment and biodiversity in Kendall Bay, and to compare these impacts with A) the relevant Director-General's Requirement; and B) the Remediation Order issued by the EPA in June 2006.

The relevant DG's requirement is: "To conduct an Environmental Assessment that includes

- a detailed assessment of the environmental impacts of the proposal, taking into consideration any issues raised during consultation;
- a detailed assessment of the key issues specified below and any other significant issues identified in the general overview of the environmental impacts of the proposal, which includes:
    - a description of the existing environment
    - an assessment of the potential impact of the project, including any cumulative impacts from construction activities and from all water related craft that would utilise the marina;
    - a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage, and/or monitor the impacts of the project."

This review is aimed at the two key issues of a) Soils, Sediments and Water, and b) Flora and Fauna. It identifies numerous points of non-compliance with the DG's requirements above, detailed below.

Details in brackets refer to the respective section of the Project Application (eg page number = p, and Volume Number = V). Sections in italics are sections taken from the Project Application

A) IMPACTS ON ACQUATIC BIODIVERSITY (Vol. 3)

1) **It is misleading to state in the summary of project impacts that "*given that the organisms found by Cardno were generally not typical of the area and that there are extensive areas of these habitats elsewhere in the estuary, these were not considered of significant ecological value" (p. 72, Vol 1).*** This summary is a false interpretation of the detailed information provided by Cardno, which is as follows:
    - Kendall Bay does have a diverse range of infauna, despite the contamination of the sediment (see p.iii, Vol 3).
    - The epibenthic fauna found was similar to that of two reference points elsewhere in the estuary and thus appears typical of that region (p. iii, Vol 3).
    - The mean number of taxa found within the bay is similar to that in reference location.
    - The Infauna was different to two reference locations, but no results for tests of significance were given to see how significant this is. Also, this needs to be interpreted in terms of the different microhabitats and biotic as well as abiotic factors impacting on the infauna at these different locations, which was not done. A difference in assemblage at such a small number of sample points does not mean that the infauna at Kendall Bay is not typical for this area of the estuary!
    - Mobile fish and invertebrate assemblage did not appear to be typical for the area, but again, cardno compares this with a reference point that is positioned in an area of the estuary that is exposed to different biotic and abiotic factors.
    - Cardno admits that some differences in sampling intensity can explain the difference in the number of taxa at different locations (p 7, Vol. 3). Hence, how reliable is the comparison with the reference points in terms of sampling intensity?
    - Four different species of fish protected under the *FM Act* could occur in the area (p. 10, Vol. 3). There has been insufficient survey to confirm the presence or absence of

these fish in Kendall Bay. Also, a protected fish (Harry Pipefish) was found here in 1988, but not during surveys in 1996 and 2009. This may, however, be explained by lack of survey efforts or surveys being conducted during the wrong time of year or day.

Also, the statement above ignores the fact that there are protected wetlands at the southern end of Kendall Bay and around Cabarita Wharf and Cabarita Point as well as a patch of protected seagrass *Halophita ovalis* (p. IV, Vol.3). There is too little discussion on the potential impacts on these biodiversity assets.

2) **The geotextile blanket does not meet the requirements of the Remediation Order.** This blanket will not completely cover the area and thus remediate the area, as per the Remediation Order, as fine sediment particles will still pass through the blanket (p.v, Vol. 3). The application downplays the significance of this and compares it with the existing situation (p.v, Vol 3), e.g this is better than what we have now. It also ignores the fact that now, we do not have 172 motor boats coming and going in and out of the bay. Instead, it should be compared with a proper remediation of the bay!

3) **High levels of contaminants and further increase of these levels:** Kendall Bay is contaminated with measureable levels of Total Petroleum Hydrocarbons (TPH) and Polycyclic Aromatic Hydrocarbons (PAH), and the PAH concentrations exceed the Interim Sediment Quality Guidelines (ISQG). Also, the levels of Arsenic, Chromium and Copper are in excess of the lower, but not their higher ISQG values. Most importantly, the levels of Zinc, Mercury and Lead are above their higher ISQG values (p. iii, Vol 3).
   - More such contaminants would be released into the surrounding sediment and water by pile driving (including for support structures during construction), laying the geotextile blanket (over at least 30 weeks) and resuspension of sediments after laying the blanket. This would push the levels of these contaminants even more closer to, or above, the higher ISQB values. The application downplays the impact of this increase on biodiversity considerably.
   - More such contaminants would also be released from oxidation of deeper sediments and decomposition of organic matter trapped under the blanket (p. VI, Vol. 3).
   - Cardno recommends that elutriate tests be done to determine the concentration that might be released during all of the above these processes. This type of testing also needs to be done long after the construction phase, as oxidation of deeper sediments will continue for a prolonged period of time. This has been omitted in the report.
   - Even if elutriate tests are being conducted, what will be the threshold at which construction works will be put on hold? Will this ever be the case, given the amount of money involved? Who will determine when and if construction will be put on hold?

4) **Release of Acid Sulphate Soils**: Kendall Bay contains Acid Sulphate Soils at depths of 0.2-0.4 m in the subsurface sediment (p. iii, Vol. 4). The project application says this is of no significance as these will not be excavated. Clearly such soils will be released to the surface during pile driving, including for the support piles during construction? This needs to be investigated by an engineer.

Point 2-4 above clearly demonstrate that the application fails to meet the requirements of the Remediation Order! The Remediaton Order requires that prior to commencing any works or activities that would result in the disturbance, or further disturbance, of the bed sediment of Kendall Bay, the person proposing to conduct the works or activities must prepare and submit for the EPA's approval a written plan with specific measures directed at minimising the disturbance and migration of the contaminants in the bed sediment of the site. The geotextile blanket will not minimise the

disturbance and migration of contaminants, and it will not stop contaminants from entering the water during pile driving.

During the consultation phase, DECCW raised concerns about the type of remediation proposed, in particular the release of contaminants during placement of the blanket and piles, the potential impacts on the environment as well as estuary hydrodynamics and water levels. In addition, DECCW raised concerns about the ongoing maintenance of the blanket. These concerns still stand now, as the application fails to provide evidence that any of these concerns are not justified, especially if Points 2-4 above are considered.

5) **Significant increase in copper contamination**. The copper concentration in the waters of Kendall Bay exceeded the ANZECC 95% trigger values at all sites measured by Cardno (in 2009). The majority of boats will be treated with copper-based antifouling paints and the inevitable release of these paints into the water would push the copper concentration even higher. The only mitigation proposed is an education of boat owners to not use these type of paints. This is unrealistic, especially given that the boats attracted to this marina will be very expensive and boat owners would want to only use the best paint available. Copper-based paints are regarded as the best paints.

6) **Pollution of bay water from the boats' sewage and bilge water**. The report confirms that such pollution is likely (p vii, Vol. 3) but claims that boat owners should be prohibited to discharge sewage and bilge water. Who will control this and what would be the fines? Again, it is an unrealistic assumption that this can be prevented.

7) **Pollution of bay water via engine exhausts.** The report confirms that boat engine exhausts will introduce hydrocarbon contaminants and heavy metals into the water of Kendall Bay (p3, Vol. 3). Levels of these substances are already too high (see above) and such an increase should be avoided at all costs.

8) **Accidental spills of sewage and organic pollutants.** With such a high number of boats frequenting the proposed marina, there would be a high chance of accidental spills of sewage or organic pollutants, such as fuel, motor or other oils (p. 3, Vol. 3).

9) **Introduction of non-indigenous fish and marine vegetation is listed as a Key Threatening Process (KTP) under the *TSC Act*.** The application acknowledges the considerable danger of such introduction and the only mitigation measure proposed is the education of boat owners. It will be impossible to avoid the introduction of such non-indigenous species in the long-term, especially with the high number of boats proposed to use this area. Also, there seems to have been no study on which non-indigenous species occur in the bay at present, the report only recommends that such a study takes place before the marina starts its operation (p.viii, Vol. 3). Such a study should have been part of the project application!

10) **Destruction of food chain**: Most organisms within or on the surface of the soft sediment would perish shortly after the geotextile blanket will be laid (p V, Vol 3). The resuspension of sediment and increased turbidity during laying of the geotextile blanket would likely have adverse effects on the pelagic and epibenthic flora. Such combined loss of this habitat and associated biota would significantly reduce the amount of food for epibenthic and pelagic organisms, as well as the fauna higher in the food chain, such as shorebirds and sea eagles.
There is not enough data to predict if, and when, the basalt rock above the geotextile blanket would ever be colonised by organisms similar to those occurring in the sediment today.

11) **There are not enough areas elsewhere in the estuary to make up for the loss of habitat.** The application downplays the impacts on organisms under 5) above by stating that there are extensive areas of these habitats elsewhere in the estuary. This ignores the fact that the laying of the geotextile blanket will disturb a very large (57000 square metre) area of bed sediment over a prolonged period (30 weeks), and that there are very few bays left within the estuary that are not yet used for mooring boats. The applicant has to demonstrate which other areas he refers to.

12) **Impacts on mangroves and protected areas through changes in water circulation and sedimentation patterns.** The report suggests that such impacts are likely (p3, Vol. 3) but does not discuss this any further. With the large size of the marina, and one jetty being close to, and parallel to, the southern end of Kendall Bay, where the mangroves are found, such impacts will be even more severe. A proper assessment of the environmental impacts needs to discuss this in more detail. Discussions should also focus on the reduced dilution of stormwater entering the bay at the southern end, as reduced water circulation means that stormwater won't be removed from this area as quickly as before. This, in turn, will mean increased accumulation of pollutants and trash entering the bay through the several stormwater pipes found in this area.

13) **The provisioning of novel habitat in the form of new pillars, jetties etc should not be used as an argument in favour of the marina.** Cardno's review states clearly that while these structures will provide novel habitat, this will not offset the impacts on soft-bottom assemblages resulting from their introduction (p. V, Vol. 3 and p. 14, Vol. 3).

14) **The application does not consider the impacts on climate change**. It has been acknowledged that photosynthesis of marine algae and other organisms considerably reduces the amount of CO_2 in the atmosphere. The proposed marina would reduce the amount of algae and thus photosynthesis in Kendall bay. The geotextile blanket will completely destroy all benthic algae, of which several different species occur in the bay (see p. 7, Vol. 3). Also, the various structures will shade floating algae and foliose algae (p. 9, Vol. 3), also reducing their photosynthetic activity. In addition, substantial amount of methane (a greenhouse gas) will be produced when organisms decay under the geotextile blanket.

15) **The proposed silt curtains propose a risk for free swimming fauna and won't completely stop contaminated matter leaving the area.** The applicant proposes a row of two silt curtains (inner and outer) to stop the spread of sediment and turbidity into nearby protected wetlands and other areas of Kendall Bay and the estuary. These will be present for the duration of construction, e.g. at least 30 weeks. Daily opening of panels in the curtains are supposed to allow movement of boats and mobile organisms. During such openings, contaminated material will also exit the enclosed area. In addition, mobile organisms are unlikely to wait for the daily opening. Instead, they are likely to get caught in the net and die, or suffer considerably from the lack of food within the area they are trapped in. In addition, the applicant needs to prove that such types of silt curtains will be efficient in stopping the spread of sediment and turbidity, and whether this has been applied elsewhere before.

16) **The application wrongly claims there would be no removal or destruction of marine vegetation** (p. 13, Vol. 3). This is incorrect if marine algae are also considered marine vegetation. There will be significant impact on marine algae and reduction of the number of species present.

17) **Insufficient survey efforts**. The acquatic assessment by Cardno was conducted during May 2009 and not repeated at any other month of the year. This survey effort is insufficient, given the gravity of impacts on the aquatic ecology of the region. No discussion is provided on the seasonal change of flora and fauna assemblage, given that May is close to the colder months of the year and this assemblage may change during the warmer months. Some comparisons are

made with two earlier studies but no discussion is provided on how similar in methodology these other studies were and thus how comparable they are.
In addition, the Protected Matters Report has only been conducted for Canada Bay LGA, not for Ryde City LGA on the other side of Parramatta River. Some species are likely to swim or migrate across the river into Kendall Bay, and this LGA should thus also have been included.

III. QUALIFICATIONS

This report was prepared by Dr. Ann Goeth (PhD), an ecologist with a range of experience, including:

- Two years as lecturer at Macquarie University, in subjects such as Conservation Biology and Biology of Australian Mammals (2004-2005).
- Working as Senior Threatened Species Officer for the Department of Environment, Climate Change and Water (DECCW, Biodiversity Conservation Branch) since 2005.
- Own consulting firm, providing Seven-Part-tests and environmental assessments for the company "Urban Tree Management".
- A broad training in ecology, including water ecology, at the University of Innsbruck, Austria (Masters), and Griffith University, Brisbane (PhD).

She has lived in Hunters Wharf, Breakfast Point, since 2005 and has thus gained extensive insights into the ecology of Kendall Bay on an every-day basis.

Response to Inner West Marina Project Application

Review of Impacts on Avian Fauna (Volume 10 of the application)

By Ann Goeth, November 2010

I. EXECUTIVE SUMMARY

1) The desktop study by Aquenal did not result in the correct assemblage of bird species visiting the tidal mudflats in Kendall Bay. The study is confusing as it is not clear why a birds' record for Kendall Bay is not proof enough for it's occurrence in the proposed development area. Also, a lack of survey results for Kendal Bay is no reason to argue that this area is not important for birds, and a proper fauna survey needs to be conducted. Additional bird data has been added to this submission, obtained by one specialist and Ann Goeth during random observations.

2) Three bird species visiting the mudflats listed in Appendix 1) are protected by Commonwealth legislation (EPBC Act) and this is not mentioned in the report.
The three species are Painted Snipe, Terek Sandpiper and Australian Painted Snipe. The report ignores the legislative status of the first and second, and provides no discussion on the impact on the third species.

3) Two bird species visiting the mudflats listed in Appendix 1) are protected by NSW legislation (TSC Act) but not mentioned in the report. Two others listed under the TSC Act are mentioned, but not discussed further
The report fails to list the Painted Snipe as Endangered and the Black-tailed Godwit as Vulnerable under the TSC Act. It does mention two other avian species listed under the TSC Act, the Pied Oystercatcher and Terek Sandpiper (both vulnerable), but provides no discussion whatsoever on the potential impacts on these listed species.

4) The value of the mangrove area and adjacent mudflats as bird habitat is not valued in the application. The figure included in Aquenal's report does not include these areas and there is no discussion of these areas being important feeding and roosting areas. They are likely to be inhabited by the Black Bittern, which is listed as vulnerable under the TSC Act. Volume 3 demonstrates that impacts on the mangroves from the proposed marina are likely.

5) Eighteen of the bird species listed in Appendix 1 are protected by international agreements for the protection of migrating birds. These agreements receive no mentioning at all in the application. This is a major omission as Australia has agreed to adhere to these agreements for the protection of migrant birds, especially shore birds.

6) The proposal downplays, or even ignores, several impacts on birds visiting the tidal mudflats. The discussion of impacts is kept very short and potential impacts are being rejected throughout the report. This section is unacceptable and more discussion needs to be provided.

7) The proposal ignores several other bird species that visit the open waters of Kendall Bay for feeding. These include cormorants, pelicans, terns, ducks, herons, spoonbill and gulls. No discussion on the impacts of these birds is provided.

8) The survey effort for birds is insufficient, a desktop study is not enough. The data provided in the report is insufficient to discuss the potential impact on birds. A proper field survey by an expert consultant needs to be carried out.

9) The cumulative impact of habitat destruction in several bays along the Parramatta river on migrating shorebirds has not been considered. The estuary is already so built up that few bays with undisturbed tidal flats remain for feeding, and this is not being considered in the application.

10) Choice of consultant questionable. It has to be asked why the applicant chose to use Aquenal Pty Ltd as a consultant, given that this consultant is based in Tasmania, never seems to have visited the area and has no local knowledge of the area.

II. DETAILS

The purpose of this review is to assess the impacts on the avian fauna in Kendall Bay, and to compare these impacts with the following Director-General's Requirement:
To conduct an Environmental Assessment that includes

- a detailed assessment of the environmental impacts of the proposal, taking into consideration any issues raised during consultation;
- a detailed assessment of the key issues specified below and any other significant issues identified in the general overview of the environmental impacts of the proposal, which includes:
    - a description of the existing environment
    - an assessment of the potential impact of the project, including any cumulative impacts from construction activities and from all water related craft that would utilise the marina;
    - a description of the measures that would be implemented to avoid, minimise, mitigate, offset, manage, and/or monitor the impacts of the project.

This review is aimed at the key issues of Flora and Fauna, including an assessment of any impacts on critical habitats, threatened species, populations or ecological communities and their habitats in the region. It identifies numerous points of non-compliance with the DG's requirements above, as follows:

1) The desktop study by Aquenal did not result in the correct assemblage of bird species visiting the tidal mudflats in Kendall Bay.

Aquenal did consult the correct sources for identifying birds that are likely to use tidal mudflat habitat in Canada Bay LGA and Kendall Bay (see page 9, Vol. 10). This search resulted in 15 such bird species (p.10/11, Vol. 10). Aquenal then downplayed the importance of this result by stating that "*the more specific search of survey location (Birds Australia 2005-2007) showed that none had been recorded within 1km of the proposed development site and that the closest recorded location for most of them was Homebush Bay*". This argument is questionable for the following reasons:

a) It is unclear why proof of a record for Kendall Bay (as provided in the report) is not enough proof for a record at the proposed development site, given the relatively small size of Kendall Bay. How can birds that occur within Kendall Bay not occur within a 1 km circle around the proposed development site? This is especially questionable given that the proposed marina would be very close to the tidal mudflats at the southern end of the bay, where many birds are found.

b) The small number of bird records in the Birds Australia database for the mudflats in Kendall Bay does not mean that the area is not deemed of high importance for birds (p. 15, Vol. 10). The lack of surveys could alternatively be explained by the fact that there are larger bays with larger mudflats nearby and that the few people conducting surveys focused on these areas. More importantly, the site was long used as an industrial site with limited access for the public, including birdwatchers. The applicant should have engaged an ecological consultant to make up for the lack of bird data for this area, rather than conducting a desktop study only!

c) The application ignores the fact that even if Aquenal could not obtain specific bird lists from Breakfast Point or Kendall Bay, good survey results exists for nearby tidal mudflats in the estuary, especially for Hen and Chicken Bay and the Olympic Park. All species listed in **Appendix 1** visit these areas for feeding. Kendall Bay lies in-between these two areas and is thus an important corridor for these species.

d) The author of this submission (A. Goeth) obtained additional bird records for the tidal mudflats at the southern end of Kendall Bay since 2005. Additional bird data was also obtained from Phil Straw, specialist on shorebirds and owner of Avifauna Research, a consulting firm. He regularly counts shorebirds in nearby Hen and Chicken Bay and Olympic Park and stated that several species seen in these nearby bays are also likely to visit Kendall Bay for feeding.

Appendix 1 gives a list of birds that visit the tidal mudflats in Kendal Bay for feeding, resulting from the discussion under points a-d) above.
Given the incomplete list of birds visiting Kendall Bay, the proposal does not meet the DG's requirement to assess the environmental impacts of the proposal.

2) Two bird species visiting the mudflats listed in Appendix 1) are protected by Commonwealth legislation (EPBC Act) and this is not mentioned in the report.

The report mentions that the Terek Sandpiper is listed as Vulnerable under the TSC Act but fails to mention that it is also listed as vulnerable under the EPBC Act.
The report lists the Painted Snipe *Rostratula benghalensis s. lat.*in a table, but fails to mention that it is listed as Vulnerable under the EPBC Act.
The only species shown as being listed is the Australian Painted Snipe (Vulnerable).
There is no discussion provided on the impact of the proposed development on these three species, rather than the incorrect statement "*The proposal will not have a significant impact on matters of national `environmental significance as listed in the EPBC Act or a significant environmental impact on Commonwealth land and, accordingly, a referral is not required to the Commonwealth Minister for the Environment.* (p. 60, V.1)."
Given these points, the proposal does not meet the DG's requirement of an assessment of any impacts on threatened species and their habitats in the region.

3) Two bird species visiting the mudflats listed in Appendix 1) are protected by NSW legislation (TSC Act) but not mentioned in the report. Two others listed under the TSC Act are mentioned, but not discussed further.

The report contains a major mistake because two species listed in the reports' table (p. 10-11, Vol. 10) are not mentioned as being listed under the TSC Act (in Section 2.2.2. of Vol. 10): The Painted Snipe is listed as Endangered, the Black-tailed Godwit as Vulnerable under the TSC Act.
The report does mention two other avian species listed under the TSC Act, the Pied Oystercatcher and Terek Sandpiper, both listed as Vulnerable. Strangely, these two species are not listed in Table 1 (Bird species potentially occurring in Kendall Bay), even though one of these (Terek Sandpiper) is even listed on the EPBC Act List.
The report contains no discussion whatsoever on the impacts on these listed species.
Given these points, the proposal does not meet the DG's requirement of an assessment of any impacts on threatened species and their habitats in the region.

4) The value of the mangrove area and adjacent mudflats as bird habitat is not valued in the application.

This is already evident from Figure1, in which Aquenal chose a site map for the proposed marina that does not even show these areas! Both areas are close to the proposed marina and would be under the influence of noise, pollution, disturbance ect. from the marina (see Point 6. below). Volume 3 of the application also states that impacts on mangrove through changes in water circulation and sedimentation patterns are likely (p. 3, Vol. 3). The mangroves as bird habitat are not at all mentioned in the report, including the bird species likely to occur there (e.g Black Bittern, listed as vulnerable under the TSC Act) and the potential impacts of noise, pollution, disturbance etc on these birds. Similarly, there is little mention of the

mudflats and the fact that during low tide, they do provide substantial feeding areas for shorebirds. Instead, the report concludes for each species listed that there "*is unlikely to be suitable foraging habitat at the proposed development site*", even though the species descriptions demonstrate that the majority of species feed on mudflats (p. 12-14, Vol. 10). ***Hence, the proposal does not meet the DG's requirement of an assessment of any impacts on threatened species and their habitats in the region, as there is no discussion on the impacts on their habitat, especially the tidal mudflats.***

5) **Eighteen of the bird species listed in Appendix 1 are protected by international agreements for the protection of migrating birds. These agreements receive no mentioning at all in the application.**

Australia has signed these agreements and has an obligation to contribute to the protection of these birds and their habitat. The mudflats in Kendall Bay do provide important feeding habitat for these birds, especially during low tide and in autumn/spring, when these birds migrate through the area.
Hence, the proposal does not meet the DG's requirement to take into account relevant State government technical and policy guidelines.

6) **The proposal downplays, or even ignores, several impacts on birds visiting the tidal mudflats.**

Aquenal describes the following potential impacts on birds in Kendall Bay:

a) Loss of habitat: Aquenal concludes that the structures associated with the marina will not cause any loss of habitat to birds using the proposed development area. This is incorrect, for the following reasons, all not mentioned in the proposal:
   - A large area of the bay would be covered by structures and boats, and these areas can thus not be used by the many birds who hunt for fish in open water (e.g. white-bellied sea-eagles, pelicans, terns, cormorants, etc, see Appendix 1).
   - Mudflats need mud, and the geotextile blanket would stop the release of mud from the bay to the mudflat areas, thus considerably changing both the quantity and quality of the mud substrate the birds could feed in.
   - At the southern end, the marina would be very close to the tidal mudflats. The proponent has to demonstrate that the southernmost jetty would not destroy mudflat habitat at low tide.

b) Change of habitat through wave action: Aquenal concludes that the existing Rivercat ferry waves affect the whole bay and that the proposed development will not significantly impact any avian habitats through changes in wave action. This is incorrect as the boat traffic to the area would increase considerably and there is no evidence to state that because there already is some wave impact from ferries, more wave impact would not matter. Also, the boats accessing the southernmost part of the proposed marina would get much closer to the tidal mudflats than the existing rivercats now do.

c) Increase in vessel movements and noise: Aquenal concludes that there would be no significant increase in impacts on the local avian fauna because there already exists a smaller marina on the eastern side of Cabarita Park, and because the area is currently extensively used by pleasure craft and commuter ferries. These arguments can be rejected as follows:
   - The existing marina (Westport Marina) is geographically well separated from Kendall Bay and sticks out into a broad area of water, avoiding tidal mudflats and

mangroves (in contrast to the proposed marina). It has no impacts on the birds visiting Kendall Bay for feeding.

- The number of boats, and the frequency with which they would visit Kendall Bay, would be much higher than what is currently observed, and it can be anticipated that both the higher number and frequency would have a significant impact on birds.
- The increase in noise, both at day and night, would be considerable and the report does not discuss the cumulative effect of many boats accessing the bay at the same time, especially during weekends and other "peak hours". Many shorebirds are known to be very sensitive to boat engine noise. The increase of noise after dark, in particular, would be significant, and many shorebirds visit mudflats after dark. Surveys at the Olympic Park have shown that some birds are easily disturbed by low level activity after dark, even if they tolerate moderate amount of boat traffic during the day.
- The report contains no discussion of construction noise on birds, which may be significant given the long period of construction and blanket laying proposed.
- There would also be a considerable increase in light disturbance, e.g. more lights on the water and shore. The report omits to discuss this impact on birds.

d) Increased risk of collisions: Aquenal concludes that this risk is low because the area has a substantial amount of existing development and there is a large amount of existing boat traffic in Kendall Bay. However:
   - The existing development is on shore, and many of the boats, especially larger boats with tall masts, will be new structures on water, often far from existing buildings as backdrop. Birds flying over water for hunting could collide with these masts, especially if there are so many of them.
   - The amount of existing traffic is far less than what is proposed for the new development.

e) Reduction in the quality of foraging habitat: Aquenal covers this important topic in just one paragraph stating that Kendall Bay does not appear to have any significant habitat for birds. This is incorrect, as outlined above, and the proponent thus needs to provide a better assessment of the reduction of habitat quality. Such an assessment also needs to consider the change in mud quantity reaching the mudflats, the changes in invertebrate assemblage (e.g .food for birds), the pollution of the bay through engine exhausts and other pollutants coming from boats, and the stirring up of toxic sediments and how these can find their way into the foodchain and thus birds in the long term.

f) Increased risk of sewerage and/or fuel contamination: Aquenal stats that the mitigation measures proposed (management prescriptions and action plan) will minimise any potential impacts to avian species from such an event. There is no mentioning of the much higher chance of such contamination to occur given the high number of boats frequenting the proposed marina.
   The report also omits to discuss the increased chance of rubbish dumping, as it is known that seabirds die when getting caught in rubbish and fishing line.

In summary, the proposal does not meet the DG's requirement of an assessment of any impacts on threatened species and their habitats in the region.

7) **The proposal ignores several other bird species that visit the open waters of Kendall Bay for feeding.**

The proposal also does not consider other species of native birds which visit Kendall Bay for feeding, that is birds which are not listed under TSC Act, EPBC Act or International Agreements. The populations of some of these birds may have to be considered of local significance, due to the rarity of these species in the wider area. A proper fauna survey and species impact assessment could establish whether this is the case. Table 3 shows a number of such species which Ann Goeth, resident biologist, observed between 2005 and 2010.

Table 1
List of other bird species visiting Kendall Bay for feeding

Species	Latin name
Grey Teal	*Anas gracilis*
Chestnut Teal	*Anas castanea*
Pacific Black Duck	*Anas superciliosa*
Darter	*Anhinga melanogaster*
Pied Cormorant	*Phalacrocorax varius*
Little Pied Cormorant	*Phalacrocorax melanoleuco*
Great Cormorant	*Phalacrocorax carbo*
Little Black cormorant	*Phalacrocorax sulcirostris*
Australian Pelican	*Pelecanus conspicillatus*
White-faced Heron	*Ardea novaehollandiae*
Striated Heron	*Butorides striatus*
Royal Spoonbill	*Platalea regia*
White Ibis	*Threskiornis molucca*
Black-fronted Dotterel	*Elseyornis melanops*
Silver Gull	*Larus novaehollandiae*
Crested Tern	*Sterna bergii*

8) **The survey effort for birds is insufficient, a desktop study is not enough.** Points 1-5 above show that the desktop study did not identify the correct assemblage of birds visiting Kendall Bay. A field survey by an independent consultant should be conducted to confirm the presence of these bird species at different times of the year, and especially during low tide. Why did the applicant choose to obtain quantitative field data for aquatic organisms, such as infauna, epibenthic fauna and mobile fish (p.16, Vol. 1) but not for birds, which would equally be affected by the proposed marina?

9) **The cumulative impact of habitat destruction in several bays along the Parramatta river on migrating shorebirds has not been considered** (eg under point 11.17, Vol 1). It is not acceptable to state that if the mudflats in Kendall Bay are rendered unsuitable as feeding grounds for birds, these birds can go elsewhere along the river. First, there are very few undisturbed bays of this sort left along the river, and second, these other areas will already be occupied by other individuals of these species. Hence inter-specific competition will often make it impossible for further individuals to feed in these other areas.

10) **Choice of consultant questionable.** It has to be asked why the applicant chose to use Aquenal Pty Ltd as a consultant, given that this consultant is based in Tasmania, never seems to have visited the area and has no local knowledge of the area. While any

qualified consultant can carry out a desktop study, local knowledge, or at least a field visit, is important to determine the radius within which a search of data on avifauna should be conducted, and to assess the importance of Kendall Bay as habitat and corridor in relation to surrounding areas containing mudflats or mangroves in the estuary.

III. QUALIFICATIONS

This report was prepared by Dr. Ann Goeth (PhD), an ecologist with a range of experience, including:

- Two years as lecturer at Macquarie University, in subjects such as Conservation Biology and Biology of Australian Mammals (2004-2005).
- Working as Senior Threatened Species Officer for the Department of Environment, Climate Change and Water (DECCW, Biodiversity Conservation Branch) since 2005.
- Own consulting firm, providing Seven-Part-tests and environmental assessments for the company "Urban Tree Management".
- A broad training in ecology at the University of Innsbruck, Austria (Masters), and Griffith University, Brisbane (PhD).

She has lived in Hunters Wharf, Breakfast Point, since 2005 and has thus gained extensive insights into the ecology and birdlife of Kendall Bay on an every-day basis.

Appendix 1. Bird species that are known to visit the tidal mudflats in Kendall Bay for feeding or roosting, detailing the type of proof of evidence as well as their listing under either the *NSW Threatened Species Conservation Act* 1995, the *Environmental Protection and Biodiversity Conservation Act* 1999 (EPBC Act) or one of the following four international agreements:

1) CAMBA: China-Australia Migratory Bird Agreement
2) JAMBA: Japan-Australia Migratory Bird Agreement text (JAMBA)
3) ROKAMBA: Republic of Korea - Australia Migratory Bird Agreement
4) BONN: Convention on the Conservation of Migratory Species of Wild Animals

Details for these international agreements can be found on the following webpage: http://www.cms.int/, details for listings under http://www.environment.gov.au/cgi-bin/sprat/public/publicshowmigratory.pl

Common name	Scientific name	Proof of record provided by the applicant (Aquenal) for : a = Kendall Bay b=Kendall Bay & Bird Atlas1998-2007	Other proof of record: Personal observation A. Goeth at tidal mudflats in Kendall Bay	Likely occurrence based on records from nearby Hen and Chicken bay and Olympic Park, provided by P. Straw	TSC Act listing	EPBC Act List	Listed under International Agreements
Great Egret	*Ardea alba*	a	Yes		No	Migratory, Marine	JAMBA CAMBA
Cattle Egret	*Ardea ibis*	b	Yes		No	Migratory, Marine	JAMBA CAMBA
White-bellied Sea Eagle[1]	*Haliaeethus leucogaster*	b	Yes		No	Migratory, Marine	CAMBA
Painted Snipe	*Rostratula benghalensis s. lat.*	a			**Endangered**	**Vulnerable** Migratory, Marine	CAMBA
Australian Painted Snipe	*Rostratula australis*	b			No	**Vulnerable** Migratory, Marine	No
Black-winged Stilt	*Himantopus himantopus*	b	Yes		No	Marine	No
Red-necked Avocet	*Recurvirostra novaehollandiae*	b			No	Marine	No
Pacific Golden Plover	*Pluvialis fulva*	b			no	Migratory, Marine	BONN JAMBA CAMBA ROKAMBA
Red-capped Plover	*Charadrius ruficapillus*	b			No	Marine	BONN JAMBA CAMBA ROKAMBA

Common name	Scientific name	Proof of record provided by the applicant (Aquenal) for : a = Kendall Bay only b=Kendall Bay and Bird Atlas1998-2007	Other proof of record: Personal observation A. Goeth at tidal mudflats in Kendall Bay	Likely occurrence based on records from nearby Hen and Chicken bay and Olympic Park, provided by P. Straw and A. Silcocks	TSC Act listing	EPBC Act List	Listed under International Agreements
Latham's Snipe	*Gallinago hardwickii*	b			No	Migratory, Marine	CAMBA, JAMBA, ROKAMBA, BONN
Black-tailed Godwit	*Limosa limosa*	a			**Vulnerable**	Migratory, Marine	CAMBA, JAMBA, ROKAMBA, BONN
Common Greenshank	*Tringa nebularia*	b	Yes		No	Migratory, Marine	CAMBA, JAMBA, ROKAMBA, BONN
Asian Dowitcher	*Limnodromus semiplamatus*	a			No	Marine	No
Pectoral Sandpiper	*Limicola falcinellus*	b			no	Marine	CAMBA, JAMBA, ROKAMBA, BONN
Terek Sandpipler	*Xenus cinereus*	b			**Vulnerable**	**Vulnerable,** Migratory, Marine	CAMBA, JAMBA, ROKAMBA, BONN
Pied Oystercatcher	*Haematopus longirostris*	b			**Vulnerable**	Migratory, Marine	No
Ruff	*Philomachus pugnax*	a			no	Marine	CAMBA, JAMBA, ROKAMBA, BONN
Bar-tailed Godwit [2]	*Limosa lapponica*		Yes	Yes	no	Migratory, Marine	CAMBA,

							JAMBA, ROKAMBA, BONN
Common name	Scientific name	Proof of record provided by the applicant (Aquenal) for : a = Kendall Bay only b=Kendall Bay and Bird Atlas1998-2007	Other proof of record: Personal observation A. Goeth at tidal mudflats in Kendall Bay	Likely occurrence based on records from nearby Hen and Chicken bay and Olympic Park, provided by P. Straw and A. Silcocks	TSC Act listing	EPBC Act List	Listed under International Agreements
Red Knot	*Calidris canutus*			Yes	no	Migratory, Marine	CAMBA, JAMBA, ROKAMBA, BONN
Curlew Sandpiper	*Calidris ferruginea*		Yes	Yes	no	Migratory, Marine	CAMBA, JAMBA, ROKAMBA, BONN
Sharp-tailed Sandpiper	*Calidris acuminata*		Yes	Yes	no	Migratory, Marine	CAMBA, JAMBA, ROKAMBA, BONN
Common Tern[3]	*Sterna hirundo*		Yes	Yes	no	Migratory, Marine	JAMBA, ROKAMBA, BONN
White-winged Black Tern[3]	*Chlidonias leucopterus*		Yes	Yes	no	Migratory, Marine	CAMBA, JAMBA, ROKAMBA,
Black Bittern[4]	*Ixobrychus flavicollis*			Yes	**Vulnerable**	Not listed	No

[1] White-bellied Sea eagles breed in the Homebush Olympic Park and are frequently observed flying over Kendall Bay. A. Goeth has observed these hunting for fish in Kendall Bay and surroundings

[2] Recent counts, conducted for Canada Bay Council, revealed that up to 350 Bar-tailed Godwits visit Kendall bay and surrounding bays during summer, which makes it the largest known population in Sydney.

[3] Both species of tern do not visit the mudflats, but hunt for fish in Kendall Bay

[4] Black Bitterns are likely to visit the mangroves at the southern end of Kendall Bay (P. Straw, personal communication).

Anna Bradley - Online Submission from Don McKenzie of Executive Dimensions (object)

From: Don McKenzie <dcm_edim@bigpond.net.au>
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 28/11/2010 5:48 PM
Subject: Online Submission from Don McKenzie of Executive Dimensions (object)
CC: <assessments@planning.nsw.gov.au>

I have lived and worked in Breakfast Point for 5 years. Prior to this I lived in Northbridge and Neutral Bay. I am familiar with several suburbs in Sydney and in other cities in the world where beautiful waterways are seen by the public as being important to the public heritage and especially as last bastions of public recreational space.
In my view Kendall Bay is in the catagory of bein of special significance hand has special historic value for the public to want to retain it as one of the last few inner West bays that have not been over commercialised and that offer a retreat for the public to relax, enjoy the wonderful river walks, the views of uninterrupted water and the social aspects of public use of the waterways for rowing, kayaking and other water and on land sports.
The proposed 173 berth commercial Marina will severely restrict the public and communities ability to use and enjoy this important bay. The present river walkway which is owned by the Canada Bay Council and leased back to the Breakfast Point Community Association will be compromised considerably by hand carts, golf buggies and other improvised methods for transporting goods and services to and from the boats and the 50 seating cafe/restaurant. This transportation coupled with additional people traffic will significantly interfere with the sole purpose of the walkway which was as an amenity to the general public and local communities to enjoy an uniterrupted view of the bay and its surrounds as well as the growing wild life, both marine and bird life, that is developing in the bay.
In addition to the loss of views, and uninterruption of the use of the walkway, there are the noises and smells that eminate from a large commercial marina. All of this is accepted as a fact of a marina in the proponents submission, but non of it is necessary or desirable.
Then we come to the issue of the remediation of the bay. AGL (Gemina) are responible for the remediation of the known and accepted toxins in the bay left from the coal required to produce town gas from the original AGL site. The Dept of Planning are on record as accepting that the best way to contain these toxins is to leave them at depths of around 1meter to 1.5 meters below the surface. However if a marina were built, it is acknowledged that some form of remediation or containment is required. The solution proposed by the proponent is to install a Geo Textile mat along the river bottom covering the area of the proposed marina site. As far as I can determine there is very little evidence that such a solution will be effective. Certainly there is no other Australian or International sites that can be shown to be similar to the one at Kendall Bay where such a solution has been used. The computer modeling used to suggest that this method would be effective in this situation is untested and not conclusive. If this method is used and is not successful then the people of NSW will have to pick up the final bill for full remediation. I contend that the only effective method is to employ full remediation of the site prior to any proposal for a Marina be considered.
Finally although not exhaustively, there is the issue of an increase in traffic across the Breakfast Point private road system and the connecting roads of Tennyson Road and Cabarita Road. Child safety issues associated with increased traffic and parking and the annoyance associated with limited parking and rushing to meet boating appointments can and will cause heighted risk of small children running out between cars and being injured or killed. Such risks should not be forced upon this community.
I thank the Department for the time to read and consider this submission and trust that it will form some input to the final decision.

Name: Don McKenzie
Organisation: Executive Dimensions

Address:
Unit 41/25 Market Street
Breakfast Point

NSW 2137

IP Address: cpe-124-183-73-61.lns13.ken.bigpond.net.au - 124.183.73.61

Submission for Job: #1311 Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhiive.com/index.pl?action=view_site&id=865

Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
F: 02 9228 6466
E: Chris.Ritchie@planning.nsw.gov.au

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Objection to Planned Marina at Breakfast Point
Reference Number: MP 07_0006

Submitted by:

Daniel Ayers and Tara Eaton
12/6 Juniper Drive
Breakfast Point
NSW 2137

Reasons for objection:

Variation from initial concept plan

The initial concept plan talks of a small marina for the use of residents. This proposed variation changes this to a large marina for commercial use including its use as a commercial wharf.

The development of Breakfast Point has been approved and sold to residents and owners based on the original concept. This proposed change is not a minor variation.

Breakfast Point Pty Ltd has been the developer for the entire Breakfast Point project. Development has progressed based on an original Concept Plan. Owners purchased their residences from Breakfast Point Pty Ltd based on this Concept Plan. It is highly probable that if this proposed marina was in the original Concept Plan, property values realised by Breakfast Point Pty Ltd, especially at the high-margin waters edge properties, would have been significantly lower.

Breakfast Point Pty Ltd has not sought seek approval for the change to the marina until after all of these properties have been developed and sold. This timing of this application cannot be co-incidental. Approving this variation amounts to condoning Misleading and Deceptive Conduct by the property developer and further undermines public confidence in the Rule of Law in this state.

Environmental Concerns

As noted in the environmental impact reports, the sediment in Kendall Bay is highly contaminated. Full remediation of the bay needs to be completed prior to the development of marina otherwise the development will (a) risk spreading contamination to other, currently uncontaminated, areas and (b) restrict the completion of full remediation because of its commercial use.

The proposed plan includes a geotextile blanket to cover some of these sediments. However, the resilience and longevity of this blanket is not included in this plan and the blanket does not cover the whole bay. The plan is also silent on the containment of pollutants during the construction phase. In addition, the plan does not cover a remediation plan in the event the blanket is compromised.

In order to mitigate the environmental, health and financial impact on the community, area and state, it is important that any operator of the marina is required to continuously monitor water quality and blanket integrity. It is also critical that any marina operator is required, at its expense, to immediately make right any degradation in water quality due to the operation of the marina, including, but not limited to, fuel leaks, damage to the sediment blanket and foreshore erosion.

In addition to the above concerns, there is the issue with all marinas and their dealing with bilge water, garbage disposal, anti-fowling agents and other waste

Contravenes 'Sharing Sydney Harbour' Policy

This proposed marina contravenes the NSW government 'Sharing Sydney Harbour' policy by removing almost the entire bay from public use. The proposed marina will provide berths to 172 boats (i.e. 172 owners) while restricting access to significantly more recreational water users.

The increase in water traffic associated with this marina will also impact hundreds of rowers from at least four different rowing clubs. The vessels moored at such a marina will be of a significant size, the movement of these will significantly decrease the safety of rowers from these sheds due to the potential for collision, swamping from bow waves and because the rowers will be forced further into the main channel where they will have to negotiate with ferries and other vessels.

Lack of Supporting Infrastructure

The proposed marina has the potential to attract a large number of visitors for either commercial cruises as well as the use of private vessels. At present the only public transport options are a bus from Burwood train station (and occasional city services) and a ferry service to Cabarita. Both of these infrequent services are a significant distance from the proposed wharf. This means that users of the proposed marina will be forced to seek alternative transport arrangements. This will inevitably mean an increase in cars and an increase in the requirement for car parking.

This will, in turn, increase wear and tear on the roads. These roads are maintained by Breakfast Point residents and owners and it is unreasonable that the operation of a commercial enterprise results in an increase in expenses for a not-for-profit community association where the vast majority of residents will not have access to or benefit from this facility.

In terms of car parking, the proposed car park to be developed alongside the marina, this is too small to accommodate the traffic required for a single commercial cruise and will further exacerbate the demands on, already limited, on-street parking. The biggest issue here is that peak demand for this on-street parking for cruises will be directly correlated with residents demand for their guests (evenings and weekends).

In addition to this, because of the distance from other transport options would inevitably result in an increase alcohol affected drivers in the area of Breakfast Point, Mortlake, Cabarita and Concord.

The distance from supporting infrastructure raises the additional concern that the proposed location and size of the marina will make containing and controlling any fire on a boat berthed at the marina difficult. The nearest fire brigade is situated at Concord Road, has only one engine and will have difficulty accessing the site given the five story building between the wharf and the nearest road. In addition to this, the ability to fight a fire from the water would be hampered by the proposed density of berths in the marina.

This concern is particularly pertinent given the series of significant fires at marinas in recent years. In several occasions, these fires have spread to other boats and, in this location, there is the potential for a fire to spread to one of the apartment blocks bordering the proposed marina.

Visual Impact

Alongside completely destroying one of the only remaining native mangrove-containing bays in Sydney harbour, the marina will turn a beautiful bay into a parking lot for large boats. This is undesirable from an aesthetic perspective.

The installation of a marina so close to residences will significantly negatively impact their enjoyment of their dwellings, especially light pollution. To ensure security of the multi-million dollar vessels berthed at the marina, it will be necessary to install security lighting. This will create a significant amount of undesirable light pollution.

Noise

Marinas are noisy environments, wind, traffic, motor noise, passing traffic all generate significant noise. It is a requirement under the Community Rules that all residents do not impact on other residents 'quiet enjoyment' of Breakfast Point. As a commercial enterprise based in Breakfast Point, the marina will be subject to, but will be unable to comply with, these rules. Any other resident proposing a variation that would negatively impact the quiet enjoyment of other residents would have their application denied. It is unreasonable that, because the proposal is being made by a large commercial enterprise not a private citizen, that the same consideration not be made.

Anna Bradley - Online Submission from LAUREL O'TOOLE of BREAKFAST POINT RESIDENT (object)

From: LAUREL O'TOOLE <Lvotoole@aol.com>
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 29/11/2010 2:09 AM
Subject: Online Submission from LAUREL O'TOOLE of BREAKFAST POINT RESIDENT (object)
CC: <assessments@planning.nsw.gov.au>

MP07_0006 KENDALL BAY MARINA
Major Development Assessment
Department of Planning
Dear Sir/Madam
My submission regarding this development is in opposition the development of a commercial marina to be built within 10 metres of my home .
My home is at Hunters Wharf and my bedroom faces the proposed marina .
There has been no E.I.S. submitted with the application . It is my belief that this omission will cause severe concerns regarding noice and conflict between residents and boat users.
The major development SEPP includes marinas of more than 30 vessels . The proposal before you is for a public marina with 172 berths which will be operating 24/7 . The proposal does not indicate if there will be any control regarding parties or other activities which will affect our lives . If the proposal is approved I request that the developers be conditioned to appoint a security firm to control the area 24/7 at their expense . It may be that the developer could levy the berth owners , to provide this relief to the residents.
Breakfast Point residents have been conditioned to be financially responsible for the river wall . I note that in the developer's submission , they indicate that there is already a negative impact from the waves caused by the Sydney Ferries Rivercats . The addition of 172 boats will add to that impact and the repair costs. Unless you condition it otherwise it will, unfairly be the residentsresponsibility . Parking
The proposal allows only 58 car spaces for 172 berths . Allowing for the fact that some residents may buy a berth at the marina , it still only provides 58 spaces . Those spaces are to be controlled by a boomgate and a swipe card .The overflow will park in spaces that provide easy access to the boats ie Peninsula Drive . It is already parked out because of the amendments allowing 1 BR apartments to be built without a car space . The population originally planned for Breakfast Point has already been increased.
Why should the berth owners be granted an exclusive car park close to their boats while residents and their visitors may have to park much further away .
I request that there be no exclusive rights to 58 car spaces and that the spaces be given to the site, for residents and berth owners to share in a fair manner . The ratios provided in the marina development act are far more generous than those conditioned for Breakfast Point.
Noice
Consider the effect on your sleep if a blind in your bedroom had a metal cord that clinked when a breeze blew through your window . Now multiply those decibels 172 times . This effect will be similar to the impact caused when the metal rings holding the sails to the mast clink at night when the wind blows or a Rivercat creates waves. If an E.I.S. had been done the decibels could have been measured.
Local government planners protect residents from noice pollution . Manufacturers have had to reduce the decibels emitted by residential air conditioners . Good planning also protects residents by ensuring that industrial and residential sites are separated from one another. The marina is zoned commercial but the noice concerns have been overlooked so far .
POLLUTION
When Mr Bob Carr was the Premier his government enacted an act of Parliament to ensure that there was a moratorium, preventing the construction of anymore marinas, in Sydney Harbour . He was an environmentalist who, was very likely to have been advised by your planning department that the harbour needed protection. He was right . The Sydney Morning Herald recently exposed the polluted state that is our harbour . There are signs on every wharf along the Parramatta River warning that fishing is no longer permitted in the river .
We have been informed that the firm GHD is proposing in the application to cover all the KENDALL BAY

contaminants (as reported present by AGL to the EPA)with an underwater blanket that we were told will last for 100 years. Maybe it will but we need the protection only your department can give us, if this product fails. The river can only be free of the toxic contaminents if the river was remediated employing worlds best practice . That is not what is proposed at KENDALL BAY . It is unfortunately worlds cheapest practice.
Thank you for the opportunity to present my concerns . I represent a generation who will not be around to see how our environment survives but I hope that my children and grandchildren will have the protection of elected members of parliament who have the foresight to see beyond the next election .
Yours Sincerely
Laurel O'Toole for my 6 grandchildren

Name: LAUREL O'TOOLE
Organisation: BREAKFAST POINT RESIDENT

Address:
41/77 Peninsula Drive
Breakfast Point 2137
NSW

IP Address: 186.132-50-210.dynamic.mbb.syd.iprimus.net.au - 210.50.132.186

Submission for Job: #1311 Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhiive.com/index.pl?action=view_site&id=865

Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
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E: Chris.Ritchie@planning.nsw.gov.au

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Anna Bradley - Online Submission from Frances Morgan (object)

From: Frances Morgan <fmorgan@gtlaw.com.au>
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 29/11/2010 8:43 AM
Subject: Online Submission from Frances Morgan (object)
CC: <assessments@planning.nsw.gov.au>

I oppose the Kendall Bay Marina Project on the grounds that I think it will severely impact on residents of Breakfast Point in terms of noise and traffic. The 58 space carpark will be hard pressed to cope as one would assume it will also provide visitor parking for Hunters Wharf, Silkstone, the Verandahs buildings, Observatory Hill and the buildings that comprise the Plantations Precinct (7 buildings) as there is very little onstreet parking in this area. The residents of the Verandah buildings, Hunters Wharf and the freestanding houses fronting Kendally Bay would bear the brunt of the noise but other residents would also be affected by traffic and pedestrian noise from people arrivng and departing the marina. I also oppose the project on the grounds that the development of Kendall Bay would severely impact on the local rowing clubs as this stretch of river is constantly used by the rowers.

Name: Frances Morgan

Address:
41/17 Orchards Avenue
Breakfast Point NSW 2137

IP Address: - 203.20.79.230

Submission for Job: #1311 Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhiive.com/index.pl?action=view_site&id=865

Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
F: 02 9228 6466
E: Chris.Ritchie@planning.nsw.gov.au

Powered by Internetrix Affinity

Department of Planning
Major Development Planning
GPO Box 39
SYDNEY 2001

Ms Paddy Fitzgerald
40/68 Village Drive
Breakfast Point NSW 2137

Attn: Felicity Greenway

Kendall Bay Marina
MP 07_0006

Dear Ms Greenway,

We are writing to object to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347. The proposal will have a major impact on Breakfast Point and surrounding areas of Mortlake, Cabarita and Concord. A major concern relates to the non-remediation of the polluted sediment in the Bay, which contain chemicals, which pose significant risk of harm to human health. Remediation is not proposed despite a remediation order being issued by EPA. I am concerned that the proposal to place a "blanket" over part only of the area will not meet the declaration requirements and leave the site, and thus residents and water users, exposed to not only carcinogens but other pollutants. My other concerns relate to the construction of a large commercial public marina operating 24/7 immediately adjacent to a residential area with the consequential intrusion into the lives of BP residents.

Such a large enterprise will bring with it inherent problems of traffic, parking, noise, pose safety issues for walkers along the waterfront and generally interfere with the ambience of what has been described as a peaceful waterside walk. There has been little communication from the developer in regard to the proposal and in the absence of any consultation we find it impossible to support the proposal in any way.

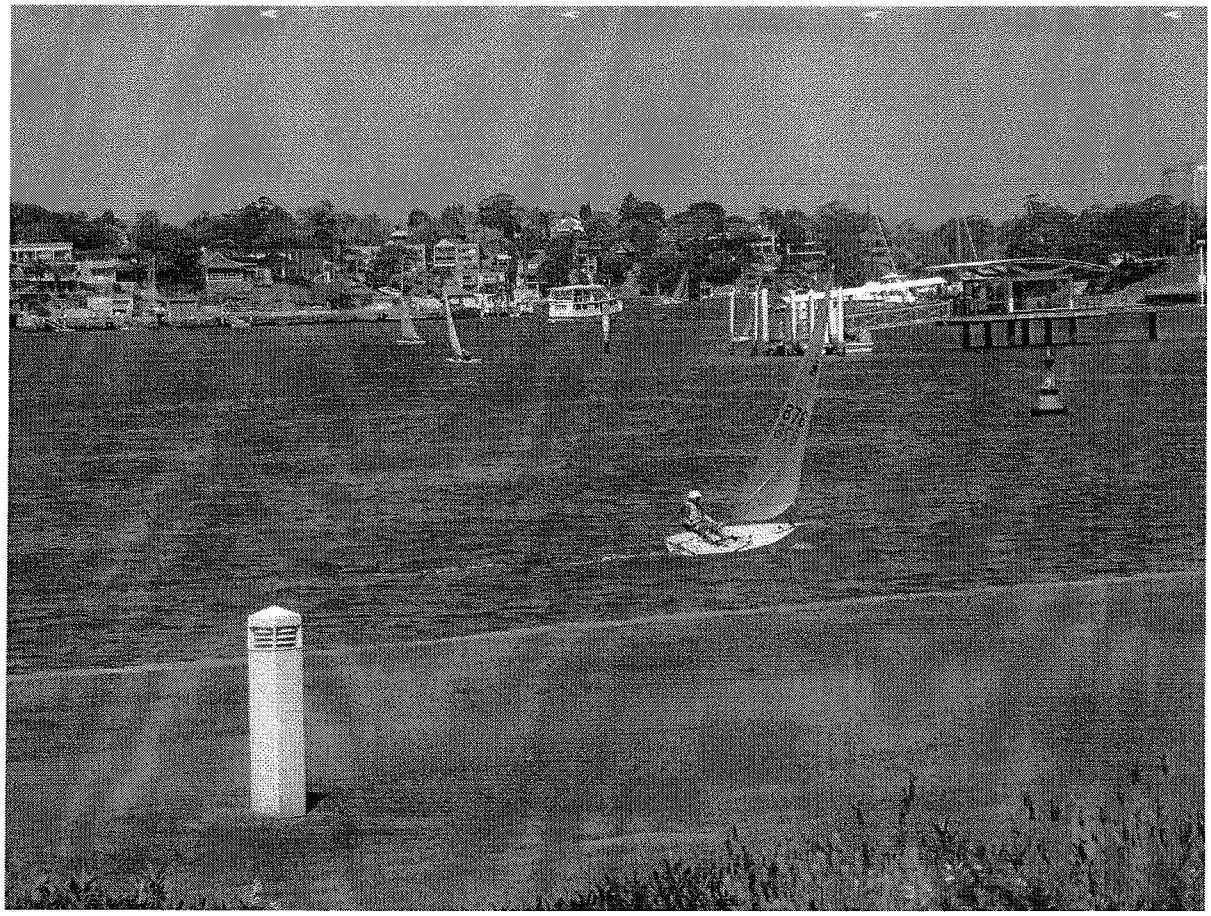
Our greatest personal concerns are environmental health impacts and the impact on traffic. The Breakfast Point estate has a large population of children and a marina of this size will radically increase the traffic movements on the estate and present safety issues. There will also be an impact on parking as there is only a small provision for marina parking. Once the estate is completed there will be insufficient on street parking for residents never alone boat owners coming on to the estate. In addition the roads in Breakfast Point are privately owned by the estate and the developer has made no provision for boat owners to pay a fee to use our roads in order to ensure upkeep of the roads due to the additional traffic movements.

We ask that the proposal be denied and that Kendall Bay be remediated and returned to its natural state.

Yours faithfully,

P Fitzgerald 29/11/10

Ms Paddy Fitzgerald and Mr James McFarlane



b) Noise

- The marina will provide 24/7 access for noisy power boats and large party boats. It would not be unusual for marina patrons, returning from a day on the water, to be inebriated and noisy. Their access to the car park at the rear of the Hunters Wharf Building may well be across unfenced private property and in close proximity (within 4 metres) to our apartment or other homes in the Hunters Wharf complex.
- There will be increased noise from numerous sources associated with the proposed marina e.g. clicking and clanging of sail ropes on masts.
- The kiosk which will be approximately 150 metres from our home has been designed to accommodate fifty patrons from 7am – 6pm (at this stage). The noise will travel directly across the water, and will be significantly above the current background levels for Kendall Bay. It should be noted that a **50 seat** kiosk may well become a café / restaurant with hours of operation in excess of those outlined in the application.
- Many boats leave refrigerators and freezers on all the time with cooling water gushing out the side of the hulls.
- Electrical power water blasters are used for cleaning and power tools are used for polishing. Most boats would be cleaned at least once per month.
- The noise associated with the pile driving during the construction phase will be considerable and over a long construction period.

c) Safety & Security

- The use of golf cart type vehicles to take supplies and rubbish to and from the kiosk will be along/across the public cycleway and the walkway which has high usage mornings and afternoons Monday-Friday, and all day Saturdays and Sundays. This pathway is in front and along the side boundary of our home.
- There is a risk of serious fires (which have occurred at various marinas recently) spreading to homes, including ours, which are less than 70 metres from the marina. The most common prevailing wind during the summer months would be toward our home.
- The risk of vandalism and theft will increase significantly with no on-site management or security services being provided by the operators of the marina after normal operating hours. Our home is within five metres of one of the walkways that will be used by patrons of the marina.

2. Breakfast Point and General Community Impact

a) Environmental

- The remediation of the Bay needs to be completed before any consideration is given to the construction of a marina to ensure that the marina does not impact on the full remediation of the Bay.
- Need more details as to where the proposed geotextile membrane with rock ballast has been used and, if so, is it an equivalent application to the Kendall Bay proposal, and how long is it expected to last in the proposed application?
- Kendall Bay is polluted, the number of additional power boats entering and exiting the marina will disturb the pollution and the blanket (if it works) only covers a small part of bay.
- Need more details on how the pile driving and construction of the marina will not disturb the pollutants in the sediment of Kendall Bay.

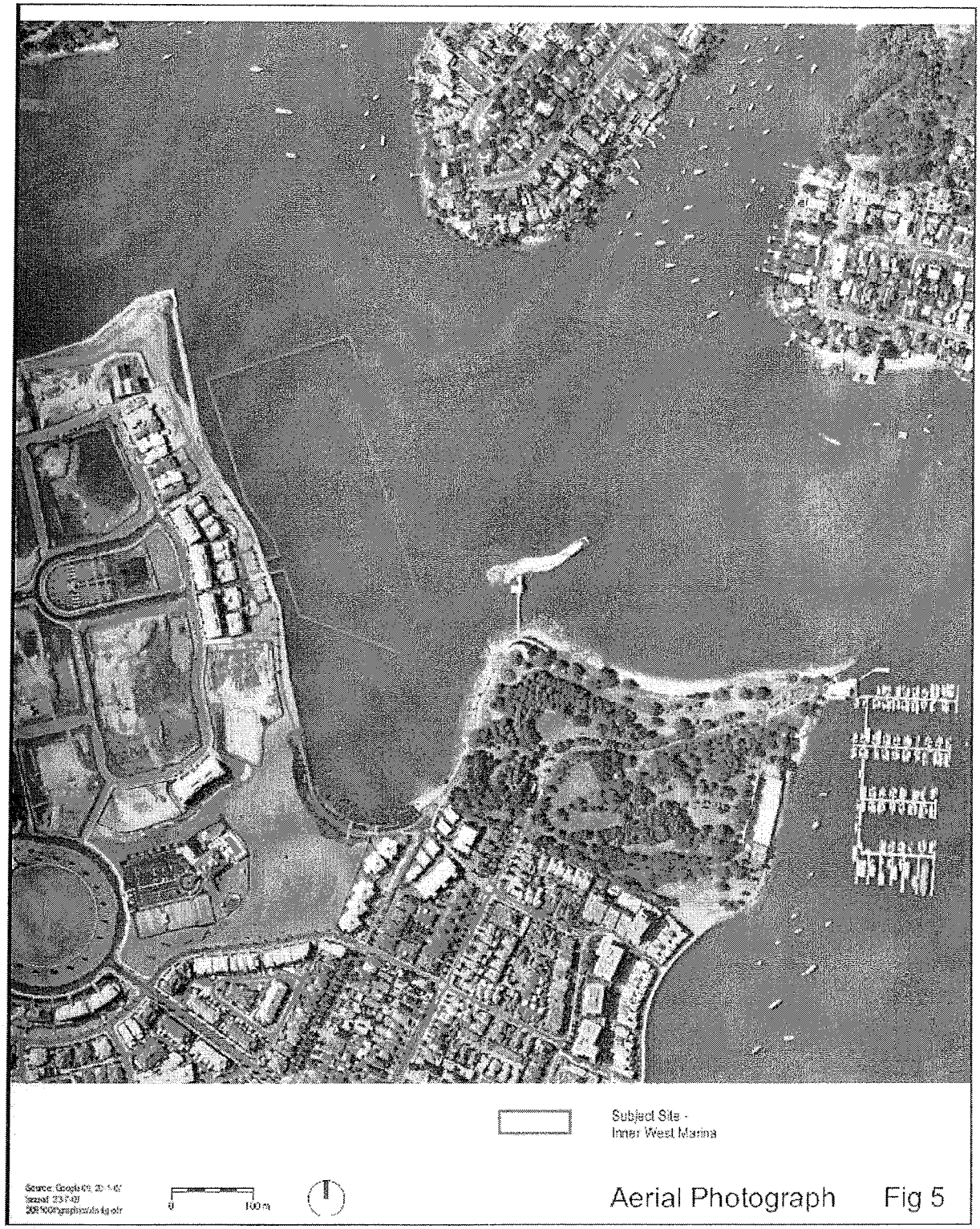
b) Social Impact

- No commercial marina in the Sydney Harbour area is accessed through a privately owned and maintained residential property and Kendall Bay/Breakfast Point must not set a precedent.
- The general public currently have access to a wide pathway / cycleway around Kendall Bay with panoramic views of a clear open bay and the main body of Parramatta River.
- As it is one of the few remaining large open water expanses left on the Parramatta River, Kendall Bay is used by schools, clubs, and individuals for a variety of water based activities including rowing, sailing, and kayaking. The marina will not only stop these activities but it will also force more congestion into the main part of the river in line with the significantly altered path of the Rivercat.
- Traffic will increase on the roads maintained by the Breakfast Point community, and despite the dedicated parking area, parking issues in the already congested streets near Hunters Wharf will also increase on peak days.

c) Location & Other Options

- The marina is to be located within 700 metres of another large commercial marina at Cabarita as detailed in the aerial plan Figure 4 below.

Figure 4 – Aerial View of D'Albora Marina in Relation to Proposed Kendall Bay Marina



- On the basis that the demand for marina berths as quoted in the Project Application is valid (NSW basis versus Sydney Harbour), surely the Homebush Bay Marina as

announced by Nathan Rees in 2009 is a better option as it is not located in very close proximity to private homes and access would be via publicly maintained roads.

- The residents of Breakfast Point are financially responsible for the maintenance of all the Community property. This includes all the roads, the riverside walkway, the sea wall, the parks and gardens. Other sites, inclusive of the one in close proximity at Cabarita, are accessed by public roads with public car parking facilities.

3. Summary

The proposed 172 berth commercial marina and kiosk may go some way to satisfying the significant commercial aspirations of the Developer, but it will definitely have a significant negative impact on the lifestyle of ourselves, the many other owners and residents of Breakfast Point, and also the many people in surrounding areas who enjoy the use of the walkway around one the few remaining large open bays on the Parramatta River, and the water based activities on Kendall Bay itself.

On the assumption that there is demand for additional marina berths in the western parts of the Parramatta River, surely there are better options than building a large commercial marina in such close proximity to private homes, and on a Bay that has so many environmental issues that are not adequately addressed by the Developer. In addition, this section of the Parramatta River already has a large commercial marina, with kiosk and restaurant facilities, which has the capacity to expand further and still not be in close proximity to private homes or private property.

We trust that you consider our submission favourably.

Yours sincerely,

Peter & Marilyn Ryrie.

Phone: +61407208764
+61287650328
e-mail: maz_ryrie@bigpond.com
pryrie@kcc.com

107 / 6 Peninsula Drive
BREAKFAST POINT NSW 2137

28th November 2010

Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY 2001

Kendall Bay Marina; MP 07_0006

Dear Sir/Madam

We are recent residents of Breakfast Point, purchasing and moving in part due to the beautiful surroundings and foreshore walks available to the community residents. We were concerned about the prospect of a marina being developed, and so attended a community information session on 1 November 2010.

As a result of the meeting, we feel compelled to write to you to register our strong objection to the concept of the marina as it currently stands. We believe the project is being unnecessarily rushed and has not been fully scoped nor appropriately assessed by the responsible parties. In particular, we were concerned to hear that the independent urban planning consultants could not offer an opinion one way or the other due to the volume of the submission and the time required to fully assess its impact.

On the face of the information available, we are also concerned about the adequacy of the proposed 58 space car park to service a 172 berth marina; we are unconvinced by the developer's assurances that there will be no vehicular traffic on the foreshore pedestrian paths, when it is obvious a 50 seat kiosk and the boats themselves will require considerable logistics support in the delivering of supplies and removal of waste. And we are gravely concerned about the developer's seemingly blasé assurances that an untested geotextile 'blanket' will appropriately remediate against potential pollution, especially when independent environmental consultants express significant concerns about likely side-effects.

We request the marina development remain non-approved until appropriate time and effort has been spent by independent experts to fully assess the various environmental, urban and social impacts of any development. We urge consideration of all options, including full remediation of the site, and a smaller marina of approximately 40 berth-size. As a society, we will only have one chance to provide an appropriate legacy for our children and we should not rush to sacrifice their future on the basis of short term economic gain for a few large business interests. After all, it was that attitude over the last century which led to the wide-spread environmental pollution in the Parramatta River in the first place.

Yours sincerely,

William and Anne Cowham
Cypress

Anna Bradley - Submission regarding MP 07_006 Proposal to establish a commercial marina at Kendall Bay

From: "Ray Lane" <relane@bigpond.net.au>
To: <plan_comment@planning.nsw.gov.au>
Date: 28/11/2010 6:56 PM
Subject: Submission regarding MP 07_006 Proposal to establish a commercial marina at Kendall Bay
CC: "Gail Conder" <gconder@aapt.net.au>

Raymond Lane and

Gail Conder

C/- 8 Sydney Street

CONCORD NSW 2137

28 November 2010

The Manager

Major Development Assessment

Department of Planning

GPO Box 39

Sydney NSW 2001

(emailed to plan_comment@planning.nsw.gov.au)

Dear Sir/Madam,

Submission regarding MP 07_006 Proposal to establish a commercial marina at Kendall Bay

Objection.

We wish to advise you of our *strong objection* to this proposal.

Reasons for objection.

Our involvement in the Kendall Bay area.

We both own nearby residences in the City of Canada Bay and walk to, and around the Kendall Bay/Breakfast Point walkway on an average five times a week.

Our view of the Kendall Bay area.

At present the Kendall Bay area, with its excellent pavement, attractive landscaping, night lighting, and security patrols represents a safe haven of peace and serenity, remote from the passage and noise of heavy traffic through many other parts of Canada Bay. The area is used by many people, both locals and visitors, as a marvellous place to relax, exercise, train a child to ride a bike, or walk a dog.

We understand Kendall Bay is one of the last bays in Sydney Harbour not to be blighted in the 21st century by some form of commercial development.

Our knowledge of the proposal.

We have read information provided by Council and took the trouble to attend the community meeting held on 1 November. We now know that the proposal is vastly greater than what we expected and if proceeded with will certainly destroy the amenity of Kendall Bay as we know it.

Issues.

Scale and nature of proposal

We dispute that there is justification for any marina in Kendall Bay. But if there *has* to be a marina it should be much smaller than proposed and it should not be a commercial operation.

Proposed pollution remediation.

We understand that the remediation measures proposed for the marina are untried and that there are several possible undesirable effects from this action, according to Council's advisers. In our view this is something of a fairy story and alone it should be enough to cancel this project, and leave the bay as is, until a proper cleanup can be conducted.

Traffic.

As local residents we see two traffic issues, one is the ever increasing local traffic in the narrow streets leading to Mortlake, this will add a further load. And as frequent users of the walkway we cannot see how it can remain safe for pedestrians when it is bisected by a road for access to the marina. We were told at the meeting that all crossing of the walkway would be by plastic trolleys, not motor vehicles, yet it was not explained how incoming provisions and outgoing garbage from 172 vessels plus day tripper boats and the kiosk could sensibly be handled in this manner. The developer was poorly represented at the community meeting and gave no plausible reply on this point, or on how the 172 berths, kiosk, manager, etc. would require only 58 car spaces. Another fairy story?

Safety on the river.

With the rapid growth of demand for Rivercat services there is a lot of traffic on the river created by these big vessels. Their involvement in accidents is increasing and with many services calling at the adjacent Cabarita wharf when moving both up and down the river there would be a lot of traffic quite close to where the marina patrons enter and depart from their moorings. This combined with numerous sailing and powered vessels, canoes, kayaks etc. already using the waterway increases the risk of accidents. An example of at risk boating traffic is that just last Sunday a group of scouts

crossed the river to picnic on Kendall Bay beach in about ten canoes.

Breakfast Point residents.

We do not reside in Breakfast Point, but know people who own homes there. They aren't stupid, and we can only conclude that the developer misrepresented the nature of the possible marina development and caused them to invest a lot of money in homes which could now be blighted by overlooking or being nearby to this monstrosity. Somehow there is supposed to be a lot of loading and unloading of the previously mentioned plastic trolleys involving vans, garbage trucks, etc. plus accessing of the marina carpark which will presumably be adjacent to their homes. No-one could be pleased to have this commercial operation installed in front of, or adjacent to, their residence, and we feel great sympathy for them. A measure of their faith in "the system" taking care of their needs is that a number of Breakfast Point residents have advertised their homes for sale. We feel that the Department of Planning should protect their rights and deny this proposal.

Conclusion.

Council's documents indicate that this developer is seeking to increase the number of dwellings at Breakfast Point by 39% over the originally approved number in 1999. Further that we should not accept statements from Breakfast Point Pty Ltd that they will not do this or not do that, and that if it is in the application it will happen.

At the community meeting Breakfast Point residents raised a number of issues involving alleged misrepresentation by Breakfast Point Pty Ltd

It is apparent that the only beneficiary of this proposal is Breakfast Point Pty Ltd and its marina customers, and that all other parties such as the residents of Breakfast Point, residents of Canada Bay, and other visitors to the area, will have their present amenity ruined.

In all of the circumstances we ask that the wishes of local residents be listened to, and that this proposal be denied.

Yours faithfully,

Raymond Lane

8 Sydney Street

Concord NSW 2137

Gail Conder

12 Salt Street

Concord NSW 2137

Anna Bradley - Online Submission from Patricia Huggett (support)

From: Patricia Huggett <prash5@optusnet.com.au>
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 29/11/2010 10:05 AM
Subject: Online Submission from Patricia Huggett (support)
CC: <assessments@planning.nsw.gov.au>

I write as a future resident of Breakfast Point, having purchased an apartment "off the plan", completion expect late 2011.
I am in general, in favour of the develoment of a marina, but with reservations.
I feel that the size of the marina is unnecessarily large for the area of Kendall Bay, which is quite a small inlet.
I am concerned that there may be conflict with movements of recreational boats and the Rivercat Ferry services.
Remediation of the waterways of Kendall Bay is paramount, and must be of the highest prioity.
I feel that a "boutique" marina with facilities for the residents also, ie a cafe, would be a benefit to the amenity of Breakfast Point
major prority, and done ust be undertaken

Name: Patricia Huggett

Address:
7 Inglewood Road,
Grays Point 2232

IP Address: hamax2-178.dialup.optusnet.com.au - 203.164.62.178

Submission for Job: #1311 Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhiive.com/index.pl?action=view_site&id=865

Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
F: 02 9228 6466
E: Chris.Ritchie@planning.nsw.gov.au

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Tony Phillips and Fernlei Reece
27 Kendall Inlet
Cabarita NSW 2137

28th November 20101

The Director General,
Department of Planning
GPO Box 39
Sydney 2001

To the Director General

Ref: Project application number MP07_0006

The following submission is in relation to the above application number for a Marina in Kendall Bay.

We have participated in two of the town hall meetings that have been organised by the City of Canada Bay Council where both sets of views have been invited and submitted. At neither meeting where we persuaded that this marina is what is needed for the community.

We are opposed to this development for the reasons outlined below:

1. Inadequate action on the remediation of Kendall Bay and the potential impact on residents of Kendall Inlet arising from lack of action on this issue
   - It is recognised by that there is heavy pollution of Kendall Bay, resulting from the working practices of the old gas works..... Remediation of the whole of Kendall Bay needs to be undertaken.

2. Impact on existing river users
   - As the Parramatta River works its way to the west it becomes narrower and does not allow a lot of room to manoeuvre when it has commercial craft (river cat, party boats), private pleasure craft, sailing craft, canoes, kayaks and row boats. If the marina was to be built, there would be additional congestion and everyone's safety on the water would be jeopardised. The river is not wide enough to allow all of these extra pleasure craft.
   - It was noted at the last community meeting by Worley Parsons that they had held meetings with local schools where they had shown interest for using the marina to do water based activities including canoeing and sailing[1]. With a 172 berth marina and the extra speed boat activity, the River Cat approaching or leaving Cabarita Wharf, this would not be a 'safe' launching spot to train school children on water skills.

3. Potential impacts of the marina operation on ferry services
   - As river cat commuters to and from the city, we have experienced on several occasions pleasure boat drivers total lack of water awareness and it has only been the skill of the river cat captains that has averted further crashes on the river.
   - It is in our opinion that lives would be put at risk by having this marina – a major safety example is when the river cat is coming back into the city as it rounds the point towards Cabarita Wharf, just where the marina will be placed. The other important thing to note is that every vessel arriving and leaving this marina will cross the ferry path at right angles.

4. Impact on traffic onto the peninsula.
   - The traffic into and out of the peninsula has risen dramatically over the last 5 years. There has been no upgrade of access roads. With the development of Breakfast Point there are issues with cars turning right from Mortlake Street into Cabarita Road (which is the main road into the area). Drivers have difficulty at times turning right and at others just consider that they have the right of way and will turn right in front of cars that drive down Cabarita Road. With the Marina there will be further pressure put on the traffic flow at this intersection.

[1] Page No: 10 – transcript from 1st November Kendall Inlet Community meeting transcript – www.canadabay.nsw.gov.au

- Kendall Inlet shares an access point with Breakfast point – Medora Lane. Whilst the developers maintain that the main access point to the Marina will be via Tennyson Road, as a resident of Kendall Inlet we are more than aware that Medora Lane is used as a major access point to and from Breakfast Point. Medora Lane is just that – a lane and is not suitable for the traffic flow it currently sustains and it is becoming increasingly dangerous to drive into and out of Kendall Inlet using Medora Lane.

5. Noise arising from the operation of the marina
   - The area surrounding the proposed marina is residential. The marina will be in operation 24 hours a day and there will be considerable noise associated with normal usage. It is also proposed that commercial craft operate from the marina resulting in high levels of comings & goings with the resulting noise.
   - The proposed 50 seat kiosk will add to the general inappropriate mix of commercial operations within a residential setting and will add noise.
6. Potential pollution issues arising from the operation of the marina
   - We have concerns over the potential of increases in pollution that will come with the marina and the proposed 50 seat kiosk.
   - We already have a bay that needs major remediation, to add to that mix boat propellers, fuel, rubbish disposed into the water from boats, bilge dumping and sewerage discharge (note: only 50% of boats have holding tanks or pumping capability for sewage) into Kendall Bay.
7. Parking
   - As residents of Kendall Inlet development, we already experience issues with parking within our own development due to the overflow from Cabarita Park especially during the warmer months and any major celebration day (mothers' day, fathers' day etc..).
   - As Kendall Inlet is in close proximity to the proposed marina, there is the possibility of "overflow" parking being sought in Kendall Inlet. Such "overflow" is likely to arise on those occasions when there are major events on Sydney Harbour or as raised in a. above.
   - The number of parking spaces proposed for the development is not adequate when looked at in relation to Australian Standard 3962 – 2002, as it is at the lower end of those requirements. In addition, there appears to be no parking provision for the proposed kiosk.
   - With the operation of charter vessels they are likely to create an increased demand for parking. In the circumstances, the provision for parking for the entire development is inadequate.
8. Impact on views from Kendall Inlet
   - Residents of The Ridge currently have splendid views over the tranquil Bay. Apart from those with small craft and fledgling rowers who occasionally enter the shallow waters, there is little to disturb the tranquillity. One needs little imagination to assess the visual and auditory impact that 172 + birth, commercial marina, together with its 50 seat "Kiosk" and a Day Trippers' wharf, will have on Kendall Inlet. In terms of overall social impact, after the eastern "shoreline" residents of Breakfast Point, the residents of Kendall Inlet, particularly those who abut the Bay, will be the next most adversely affected community.
9. Impact on our enjoyment of the lifestyle we have in Kendall Inlet
   - Substantial effort has gone into the re-development of the old AGL & Dulux sites that surrounded Kendall Bay. The area is now a pleasant residential area where the waterfront is also accessible to all members of the public. The proposed introduction of a large commercial facility into the centre of a residential area will impact on the lifestyle of residents and all members of the public that make use of the foreshore walk.

Yours sincerely

Tony Phillips

Fernlei Reece

Anna Bradley - Major Development Assessment Kendall Bay Marina

From: "Nicole Bradshaw" <nicbradshaw@gmail.com>
To: <information@planning.nsw.gov.au>
Date: 28/11/2010 11:26 PM
Subject: Major Development Assessment Kendall Bay Marina

Dear Sir / Madam

I have sent the following objection to our Premier the Honourable Ms Kristina Keneally as well as all Members off NSW Parliament and all Shadow Ministers and the Mayor Of Canada Bay Mr Tsirekas and the Mayor of Ryde Cr Etmekdjian.

I would like to also advise you of my objections (see below) to the proposed marina in Kendall bay and would request that you act in your capacity as the assessors of Major Development at the Department of planning to ensure that the marina development is stopped.

Many thanks

Kind Regards

Nicole Bradshaw

Dear Premier Keneally,

Re Proposed Marina in Kendall Bay

I am writing to you to ask for help because you chose a job which is supposed to be for the service of the public, the people who vote you into your positions of power. We, the people who vote you in do so in the hope that they have made the right choices and that their government will always do the right thing. No exceptions. I hope and trust that this email is received by a caring compassionate Premier of my Government and is given the appropriate consideration.

I am a resident living in Breakfast Point where the developer Rosecorp currently has an application in for the construction of a 172 berth commercial marina on private land. There are a number of objections that I have to this travesty which is about to befall upon one of the last bays in Sydney Harbour currently without any boat moorings, an area which has residential homes within metres of the proposed marina.

My objections:

1. The noise: Boats starting their engines at all hours, the sound of masts and the ropes on them banging, boats rubbing against the wharves / pontoons they are attached to 24 hours a day just metres from residences. The noise of people coming and going at all hours, most likely with a high level of alcohol in their system after a day out on the harbour. The noise of people calling out to one another at all hours, the noise of boats departing before dawn for a days fishing etc etc. I have had rheumatoid arthritis since the age of seven, I sleep fitfully

and the increased noise is likely to enormously disturb my sleep patterns, increase my fatigue and as always happens when I don't get sufficient sleep, increase my pain levels.

2. The traffic and parking issues: A large percentage of the one and two bedroom apartments that Rosecorp is now building in Breakfast point have one parking space, and the three bedroom apartments in the new waterfront building nearby have tandem parking which means that those with more than one car will park on the street. Already parking is at a premium in the area. The developer proposes providing parking for 58 cars – the minimum apparently for a Marina of this size. Already it is difficult for our visitors to park near our home. The marina is likely to make this impossible. For example if just thirty boats go out with two cars per boat then the car park is over capacity. Where will the overflow park?

3. Traffic: There will be a significant increase in the amount of traffic within as well as to and from Breakfast Point. Currently the traffic in and out of the area is significant and will increase enormously as the population increases. There are single lane roads out of Breakfast point towards Concord. This will be combined with the increased traffic of people using the marina. The wear and tear on the roads is currently paid for by the owners of homes in Breakfast Point, the Community will be responsible for up keeping the roads that are used by people using the marina.

4. Safety on the waterfront: I have a disability and ride either my mobility scooter or my three-wheeled bicycle (designed for people with disabilities and balance problems) on the level path out the front of Hunters Wharf where the Marina is proposed to be. Apparently (we have been told) there will be no cars but my question is, how will they remove garbage from the marina? Additionally feeling unsafe will lead me to not feeling free and comfortable to use the foreshore walk as there will be a large number of strangers in the area, people who have been out on boats enjoying themselves and drinking. People who take risks and do silly and thoughtless things when intoxicated. I have already been badly injured by someone who was intoxicated meaning they lost all sense of safety and the right behaviour. The injury I sustained is still with me years later as is the fear of being around intoxicated people in public spaces. Currently I ride my mobility scooter with my niece and nephew as they cycle or scooter ahead of me SAFELY and in plain view as there is currently no risk of a car, a delivery truck, a garbage truck or a drunk person running in front of them. This will not be the case if a marina is allowed to be built in Kendall Bay.

5. Contamination of Kendall Bay: The developer proposes to lay a mat on the floor of the river to contain the contaminants. At a recent meeting we were advised that the mat had a life expectancy of 100 years. Are they intending to simply pass this problem down to future generations, literally sweep it under the carpet? Will future generations have to dig up the mat and the marina and fix the problem created by the developer being given approval for

the marina? Who will be responsible if in future years it is discovered that there is a cluster of some sinister illness possibly due to the contaminants still in Kendall Bay?

6. Burglaries: I was a member of the Access committee in Hunters Hill and was told by Councillors that the majority of the burglaries on the Hunters Hill peninsula were carried out by people approaching by boat and mooring out the front of homes, robbing them and fleeing by boat. With day-tripper spaces and ready access to the waterfront by people in boats there could be a significant increase in burglaries in the area. We live in a ground floor apartment so that in an emergency I can exit the building more easily despite my disability. I am home alone most of the time during the day and I will definitely feel less safe in my home if there is a commercial marina only metres from my bedroom door.

7. Alternatives to a marina in Kendall Bay: Why can't the current marina at Cabarita be extended if there really is such an enormous shortage of places for people to moor their boats? The marina could be extended out from the current marina towards Abbotsford and along the waterfront in front of a public park and a public swimming pool, not in front of private residential property which would be the case if a marina were approved in Kendall Bay.

Thank you for taking the time to read, respond to and act on this email. I sincerely hope that it has reached a person with the compassion and foresight to realise that development and big business is not always for the benefit of many. Instead development can be simply a money-making exercise whereby developers are blinded by the fiscal benefits and blinkered to the damage that can be caused to both the environment and to the people who are directly affected by the arbitrary decisions of people who are far removed from and completely unaffected by the situation which we residents of Breakfast point have found ourselves in with the proposed marina in Kendall Bay.

Thank you once again, I look forward to your response.

Yours sincerely

Nicole Bradshaw

Nicole Bradshaw
12/77 Peninsula Drive
Breakfast Point NSW 2137
Phone 0412 486 170

Anna Bradley - Inner West Marina Sydney project application number MP 07_0006

From: "Steve JURD" <steve@jurd.com.au>
To: <plan_comment@planning.nsw.gov.au>
Date: 29/11/2010 9:57 AM
Subject: Inner West Marina Sydney project application number MP 07_0006
CC: <ashley@breakfastpoint.com>

Dear Sir,

I am an owner & resident in Breakfast Point and I am writing this letter in regards to the above application.

The community facilities and the proposed marina at Breakfast Point were a major factor in attracting me to Breakfast Point and as a boat owner I have always assumed that I would be able to purchase a berth for my boat here and save me driving to its present location, thus saving me time, fuel, & the associated impact on the environment.

In general I support the proposed marina but I believe that if approved as per the application that it will create parking problems for residents & their visitors as the car park is way too small. I believe that as a bare minimum there should be at least one car space per berth plus an allowance for employee & restaurant patrons & other visitors. I am fully aware of parking problems at Marina's as where my boat is presently berthed the allocated parking is way too small & I often have to park between 500 & 700 metres away in residential streets which is inconvenient to me & probably also a constant annoyance for the locals.

Prior to seeing this application I was always been under the understanding that this would be a private marina with berths available to be purchased by owners of Breakfast Point. If this was to be a private marina available only for owners & residents of Breakfast Point the parking would not be such an issue as most boat owners would walk to the marina.

Regards,
Steve JURD
Unit 95, 17 Orchards Ave.,
BREAKFAST POINT. NSW. 2137.

SUBMISSION: To Object to the Building of a 172 Berth Marina in Kendall Bay

Project Application Number: MP 07_0006

Name: Charles Persson

Address: 4 Correys Square
Cabarita 2137

To: Major Development Assessment, Department of Planning
plan_comment@planning.nsw.gov.au

OBJECTION

I object strongly to the building of the proposed marina and associated infrastructure including a manager's office, 58 space carpark, fixed jetty and pontoon at Kendall Bay by Breakfast Point Pty Ltd for the following reasons:

I do not live in Kendall Bay or in the Breakfast Point Development but I do live nearby and am affronted that a pristine area of the Parramatta river could be destroyed by the building of a large, public, commercial 172 berth marina which would operate 24 hours a day. There is already a marina close by at Cabarita which services this area.

The Bay is highly contaminated due to previous industrialization in the area and until the entire area is remediated environmental experts argue that it would be dangerous to build any structure in the bay. Also, the method of covering an area of the polluted river floor with a geotextile blanket as suggested by Breakfast Point Pty Ltd would create new problems and will certainly affect the marine life beneath it. It would also have flow on effects to other areas beyond the marina. Undoubtedly the number of boats using the marina would create their own pollution: paint and anti-fouling pollutants, sewage, bilge water, not to mention the increase in rubbish that would be generated and that would have to be disposed of. Rubbish would encourage an increase in vermin.

Visually a marina of this size would be an abomination. It would seem to me that we have committed enough atrocities on the foreshores of our harbour and rivers and these are usually the result of greed. I have no objection to marinas per se, but Kendall Bay is the wrong place to build one.

Further to this, the marina would have a huge impact on people who live at Breakfast Point, particularly those people whose apartments and houses would be only metres from the boats. The noise and the activity created by the marina would be detrimental to the living conditions of all those who live close to and whose dwellings face the marina, not to mention the psychological impact. People in this position are already suffering a high degree of anxiety which would be ongoing.

Also impacted would be the huge numbers of people who currently use that walkway around the bay as a method of recreation. The physical obstacles and the visual impact resulting from building a marina will be monumental. In fact, a marina of the size proposed would have a detrimental impact on the whole area in terms of increased traffic and inadequate parking. There would also be an increase in the number of taxis and buses accessing the marina. Already the overdevelopment of the area means that the infrastructure, roads etc are already strained. The number of cars on small internal roads would increase hugely and create a range of problems for local residents. I understand that access would be through privately owned residential property and that this would also impact financially on local residents.

The whole marina project is totally and utterly ill-advised. I also have grave concerns about safety on many levels. I worry about:

- Those who use the foreshore walk who will have to contend with vehicles
- Rowers, many of whom are school children who use this part of the river
- Rivercat collisions with the boats using the marina
- Cyclists of all ages being at risk from traffic to the marina
- Inebriated boat users who may create unpleasant situations
- No adequate access for emergency vehicles
- Damage to the seawall
- The possibility of fire or even explosions because of fuel

It would be refreshing to see a decision made that was based on what is best for the environment, both natural and built in the Kendall Bay, Breakfast Point area, a decision that had some integrity. There is a high degree of skepticism that the project is a foregone conclusion due to political influence and that it is being rushed through before the State Elections next year. If the marina is approved I personally would consider it the offensive legacy of a Labor government, a government that has previously had my support.

There could not possibly be one argument in favour of building a massive 172 berth marina in Kendall Bay. Building such a marina would be a grave mistake, the detrimental effects of which, people who live in the area would have to endure for years to come. The marina, however, would first and foremost be an insult to the natural beauty of the river and to marine life. It would be a blight on the landscape.

Haven't we destroyed enough? I propose that **no marina** be built on the one of the last unused bays in Sydney, Kendall Bay. Save Kendall Bay.

Yours faithfully

Charles Persson
charles@enactenergy.com.au

SUBMISSION: To Object to the Building of a 172 Berth Marina in Kendall Bay

Project Application Number: MP 07_0006

Name: Laura Cario

Address: 4 Correys Square
Cabarita 2137

To: Major Development Assessment, Department of Planning
plan_comment@planning.nsw.gov.au

OBJECTION

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The Bay is highly contaminated due to previous industrialization in the area and until the entire area is remediated environmental experts argue that it would be dangerous to build any structure in the bay. Also, the method of covering an area of the polluted river floor with a geotextile blanket as suggested by Breakfast Point Pty Ltd would create new problems and will certainly affect the marine life beneath it. It would also have flow on effects to other areas beyond the marina. Undoubtedly the number of boats using the marina would create their own pollution: paint and anti-fouling pollutants, sewage, bilge water, not to mention the increase in rubbish that would be generated and that would have to be disposed of. Rubbish would encourage an increase in vermin.

Visually a marina of this size would be an abomination. It would seem to me that we have committed enough atrocities on the foreshores of our harbour and rivers and these are usually the result of greed. I have no objection to marinas per se, but Kendall Bay is the wrong place to build one.

Further to this, the marina would have a huge impact on people who live at Breakfast Point, particularly those people whose apartments and houses would be only metres from the boats. The noise and the activity created by the marina would be detrimental to the living conditions of all those who live close to and whose dwellings face the marina, not to mention the psychological impact. People in this position are already suffering a high degree of anxiety which would be ongoing.

Also impacted would be the huge numbers of people who currently use that walkway around the bay as a method of recreation. The physical obstacles and the visual impact resulting from building a marina will be monumental. In fact, a marina of the size proposed would have a detrimental impact on the whole area in terms of increased traffic and inadequate parking. There would also be an increase in the number of taxis and buses accessing the marina. Already the overdevelopment of the area means that the infrastructure, roads etc are already strained. The number of cars on small internal roads would increase hugely and create a range of problems for local residents. I understand that access would be through privately owned residential property and that this would also impact financially on local residents.

The whole marina project is totally and utterly ill-advised. I also have grave concerns about safety on many levels. I worry about:

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It would be refreshing to see a decision made that was based on what is best for the environment, both natural and built in the Kendall Bay, Breakfast Point area, a decision that had some integrity. There is a high degree of skepticism that the project is a foregone conclusion due to political influence and that it is being rushed through before the State Elections next year. If the marina is approved I personally would consider it the offensive legacy of a Labor government, a government that has previously had my support.

There could not possibly be one argument in favour of building a massive 172 berth marina in Kendall Bay. Building such a marina would be a grave mistake, the detrimental effects of which, people who live in the area would have to endure for years to come. The marina, however, would first and foremost be an insult to the natural beauty of the river and to marine life. It would be a blight on the landscape.

Haven't we destroyed enough? I propose that **no marina** be built on the one of the last unused bays in Sydney, Kendall Bay. Save Kendall Bay.

Yours faithfully

Laura Cario
laura@impactcommunications.com.au

SUBMISSION: To Object to the Building of a 172 Berth Marina in Kendall Bay

Project Application Number: MP 07_0006

Name: Sheryl Persson

Address: 4 Correys Square
Cabarita 2137

To: Major Development Assessment, Department of Planning
plan_comment@planning.nsw.gov.au

OBJECTION

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The Bay is highly contaminated due to previous industrialization in the area and until the entire area is remediated environmental experts argue that it would be dangerous to build any structure in the bay. Also, the method of covering an area of the polluted river floor with a geotextile blanket as suggested by Breakfast Point Pty Ltd would create new problems and will certainly affect the marine life beneath it. It would also have flow on effects to other areas beyond the marina. Undoubtedly the number of boats using the marina would create their own pollution: paint and anti-fouling pollutants, sewage, bilge water, not to mention the increase in rubbish that would be generated and that would have to be disposed of. Rubbish would encourage an increase in vermin.

Visually a marina of this size would be an abomination. It would seem to me that we have committed enough atrocities on the foreshores of our harbour and rivers and these are usually the result of greed. I have no objection to marinas per se, but Kendall Bay is the wrong place to build one.

Further to this, the marina would have a huge impact on people who live at Breakfast Point, particularly those people whose apartments and houses would be only metres from the boats. The noise and the activity created by the marina would be detrimental to the living conditions of all those who live close to and whose dwellings face the marina, not to mention the psychological impact. People in this position are already suffering a high degree of anxiety which would be ongoing.

Also impacted would be the huge numbers of people who currently use that walkway around the bay as a method of recreation. The physical obstacles and the visual impact resulting from building a marina will be monumental. In fact, a marina of the size proposed would have a detrimental impact on the whole area in terms of increased traffic and inadequate parking. There would also be an increase in the number of taxis and buses accessing the marina. Already the overdevelopment of the area means that the infrastructure, roads etc are already strained. The number of cars on small internal roads would increase hugely and create a range of problems for local residents. I understand that access would be through privately owned residential property and that this would also impact financially on local residents.

The whole marina project is totally and utterly ill-advised. I also have grave concerns about safety on many levels. I worry about:

- Those who use the foreshore walk who will have to contend with vehicles
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It would be refreshing to see a decision made that was based on what is best for the environment, both natural and built in the Kendall Bay, Breakfast Point area, a decision that had some integrity. There is a high degree of skepticism that the project is a foregone conclusion due to political influence and that it is being rushed through before the State Elections next year. If the marina is approved I personally would consider it the offensive legacy of a Labor government, a government that has previously had my support.
Save Kendall Bay.
There could not possibly be one argument in favour of building a massive 172 berth marina in Kendall Bay. Building such a marina would be a grave mistake, the detrimental effects of which, people who live in the area would have to endure for years to come. The marina, however, would first and foremost be an insult to the natural beauty of the river and to marine life. It would be a blight on the landscape.

Haven't we destroyed enough? I propose that **no marina** be built on the one of the last unused bays in Sydney, Kendall Bay. Save Kendall Bay.

Yours faithfully

Sheryl Persson
spersson@bigpond.net.au

Anna Bradley - Inner west marina Sydney project application number MP 07_0006

From: "Peter Calligeros" <peterc@ans.com.au>
To: <plan_comment@planning.nsw.gov.au>
Date: 29/11/2010 9:11 AM
Subject: Inner west marina Sydney project application number MP 07_0006

I support the proposed marina development.
As a extensive user of Sydney Harbour and our waterways it would be nice to finally have somewhere to actually go when using the Parramatta River. At the moment the Parramatta river is not a destination venue for users of Sydney Harbour as there is nowhere to visit or temporally moor a boat on the river. It would be so nice to be able to take my family for a run on our boat up the river to grab a cup of coffee and a sandwich have a walk maybe watch some rowing and enjoy many things I am sure the River can offer.

Cheers,
Peter George Calligeros

Calligeros Hotel Group
peterc@ans.com.au
Ph: 9922 4945 Fax: 9922 1950
M: 0413 771 000

Anna Bradley - Project Application MP 07_0006 Attention Andrew Hartcher and Anna Bradley.

From: "Nicole Bradshaw" <nicbradshaw@gmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 29/11/2010 9:06 AM
Subject: Project Application MP 07_0006 Attention Andrew Hartcher and Anna Bradley.

Dear Mr Hartcher and Ms Bradley

I have sent the following objection to our Premier the Honourable Ms Kristina Keneally as well as all Members off NSW Parliament and all Shadow Ministers and the Mayor Of Canada Bay Mr Tsirekas and the Mayor of Ryde Cr Etmekdjian.

I would like to also advise you of my objections (see below) to the proposed marina in Kendall bay and would request that you act in your capacity as the assessors of Major Development at the Department of planning to ensure that the marina development in Kendall Bay is stopped.

Many thanks

Kind Regards

Nicole Bradshaw

Dear Premier Keneally,

Re Proposed Marina in Kendall Bay

I am writing to you to ask for help because you chose a job which is supposed to be for the service of the public, the people who vote you into your positions of power. We, the people who vote you in do so in the hope that they have made the right choices and that their government will always do the right thing. No exceptions. I hope and trust that this email is received by a caring compassionate Premier of my Government and is given the appropriate consideration.

I am a resident living in Breakfast Point where the developer Rosecorp currently has an application in for the construction of a 172 berth commercial marina on private land. There are a number of objections that I have to this travesty which is about to befall upon one of the last bays in Sydney Harbour currently without any boat moorings, an area which has residential homes within metres of the proposed marina.

My objections:

1. The noise: Boats starting their engines at all hours, the sound of masts and the ropes on them banging, boats rubbing against the wharves / pontoons they are attached to 24 hours a day just metres from residences. The noise of people coming and going at all hours, most likely with a high level of alcohol in their system after a day out on the harbour. The noise of people calling out to one another at all hours, the noise of boats departing before dawn for

a days fishing etc etc. I have had rheumatoid arthritis since the age of seven, I sleep fitfully and the increased noise is likely to enormously disturb my sleep patterns, increase my fatigue and as always happens when I don't get sufficient sleep, increase my pain levels.

2. The traffic and parking issues: A large percentage of the one and two bedroom apartments that Rosecorp is now building in Breakfast point have one parking space, and the three bedroom apartments in the new waterfront building nearby have tandem parking which means that those with more than one car will park on the street. Already parking is at a premium in the area. The developer proposes providing parking for 58 cars – the minimum apparently for a Marina of this size. Already it is difficult for our visitors to park near our home. The marina is likely to make this impossible. For example if just thirty boats go out with two cars per boat then the car park is over capacity. Where will the overflow park?

3. Traffic: There will be a significant increase in the amount of traffic within as well as to and from Breakfast Point. Currently the traffic in and out of the area is significant and will increase enormously as the population increases. There are single lane roads out of Breakfast point towards Concord. This will be combined with the increased traffic of people using the marina. The wear and tear on the roads is currently paid for by the owners of homes in Breakfast Point, the Community will be responsible for up keeping the roads that are used by people using the marina.

4. Safety on the waterfront: I have a disability and ride either my mobility scooter or my three-wheeled bicycle (designed for people with disabilities and balance problems) on the level path out the front of Hunters Wharf where the Marina is proposed to be. Apparently (we have been told) there will be no cars but my question is, how will they remove garbage from the marina? Additionally feeling unsafe will lead me to not feeling free and comfortable to use the foreshore walk as there will be a large number of strangers in the area, people who have been out on boats enjoying themselves and drinking. People who take risks and do silly and thoughtless things when intoxicated. I have already been badly injured by someone who was intoxicated meaning they lost all sense of safety and the right behaviour. The injury I sustained is still with me years later as is the fear of being around intoxicated people in public spaces. Currently I ride my mobility scooter with my niece and nephew as they cycle or scooter ahead of me SAFELY and in plain view as there is currently no risk of a car, a delivery truck, a garbage truck or a drunk person running in front of them. This will not be the case if a marina is allowed to be built in Kendall Bay.

5. Contamination of Kendall Bay: The developer proposes to lay a mat on the floor of the river to contain the contaminants. At a recent meeting we were advised that the mat had a life expectancy of 100 years. Are they intending to simply pass this problem down to future generations, literally sweep it under the carpet? Will future generations have to dig up the

mat and the marina and fix the problem created by the developer being given approval for the marina? Who will be responsible if in future years it is discovered that there is a cluster of some sinister illness possibly due to the contaminants still in Kendall Bay?

6. Burglaries: I was a member of the Access committee in Hunters Hill and was told by Councillors that the majority of the burglaries on the Hunters Hill peninsula were carried out by people approaching by boat and mooring out the front of homes, robbing them and fleeing by boat. With day-tripper spaces and ready access to the waterfront by people in boats there could be a significant increase in burglaries in the area. We live in a ground floor apartment so that in an emergency I can exit the building more easily despite my disability. I am home alone most of the time during the day and I will definitely feel less safe in my home if there is a commercial marina only metres from my bedroom door.

7. Alternatives to a marina in Kendall Bay: Why can't the current marina at Cabarita be extended if there really is such an enormous shortage of places for people to moor their boats? The marina could be extended out from the current marina towards Abbotsford and along the waterfront in front of a public park and a public swimming pool, not in front of private residential property which would be the case if a marina were approved in Kendall Bay.

Thank you for taking the time to read, respond to and act on this email. I sincerely hope that it has reached a person with the compassion and foresight to realise that development and big business is not always for the benefit of many. Instead development can be simply a money-making exercise whereby developers are blinded by the fiscal benefits and blinkered to the damage that can be caused to both the environment and to the people who are directly affected by the arbitrary decisions of people who are far removed from and completely unaffected by the situation which we residents of Breakfast point have found ourselves in with the proposed marina in Kendall Bay.

Thank you once again, I look forward to your response.

Yours sincerely

Nicole Bradshaw

Nicole Bradshaw
12/77 Peninsula Drive
Breakfast Point NSW 2137
Phone 0412 486 170

Anna Bradley - Submission Response: MP 07_0006

From: "Andrew, Wendy & Karina Davis" <davis_family3@bigpond.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 28/11/2010 11:43 PM
Subject: Submission Response: MP 07_0006

Please disregard my earlier submission from 27th Nov in lieu of this one.

I wish to make a submission in regard to project application MP 07_0006 (Kendall Bay Marina).

I OBJECT to the proposal for the following reasons:

- The Cabarita area is serviced by an existing commercial marina, less than a 3 minute drive from the proposed site. Why, therefore, does the project propose the need for a new commercial marina and one with such a large number of berths? In addition, there is already a reasonable degree of boat movements within and around Kendall Bay due to the location of the Cabarita wharf as well the as the public boat ramp. Having a marina located close to both of these facilities will increase the likelihood collision, which could even result in death.
- The amount of car parking set aside for the marina is inadequate, even though it may meet the Australian standards. A visual check of the streets adjacent to the proposed site will reveal that the street parking is already unable to cope with the resident and visitor demand of the area and having a greater number of cars attracted to that precinct will make it worse. It cannot be expected that 100% of people coming to the marina by car will make use of the designated marina car park, thus the cause for this concern.
- Construction of the marina will cause loss of the pristine outlook of the bay, which is one of the few bays left in this part of Sydney harbour where there are no permanent moorings. This factor should be a critical consideration in determining the outcome of the project, as once the marina is installed, no matter what the size, it is unlikely to ever be removed.
- The proposal to lay a geotextile blanket over the sea bed in the vicinity of the marina is unproven and therefore cannot be known with 100% certainty to achieve the containment of existing pollution. Who will have responsibility if the blanket fails at some future point and what will be the process to regularly inspect all parts of the blanket to be able to ensure early detection of any problems? Will the NSW Government carry a potential future liability for issues associated with the sea bed pollution if this proposal is approved?
- Finally, it is quite evident that the overwhelming majority of the existing residents of Breakfast Point and surrounding areas are against the proposed marina. Irrespective of the marina being part of the master plan, it is clear that the mood of the community is not to have a marina and that this view continues to gain momentum. Has there been any attempt by NSW Department of Planning to poll the local residents and get feedback first-hand?

Canada Bay Council, based on community feedback, has already declared it's objection to the marina and now is the time for the NSW Government to do the same. Please let me know if you need any more information and I look forward to seeing the project application rejected.

Regards,
Andrew Davis (Breakfast Point resident)

80/68 Village Drive
Breakfast Point, NSW, 2137

Anna Bradley - Fwd: Re Inner West Marina Application Number MP07_0006

From: Michael Quinn <edskoss@ozemail.com.au>
To: <plan_comment@planning.nsw.gov.au>
Date: 28/11/2010 10:40 PM
Subject: Fwd: Re Inner West Marina Application Number MP07_0006

-------- Original Message --------
Subject: Re Inner West Marina Application Number MP07_0006
Date: Sun, 28 Nov 2010 22:38:23 +1100
From: Michael Quinn <edskoss@ozemail.com.au>
To:plan comment@planning.nsw.gov.au

I support the above Marina Application, as I am a boat owner and the current options for berthing my boat are very limited and also provide me with a better quality of life, as a resident of Breakfast Point.
Thank you
Michael Quinn
15 Sutherland Avenue
PADDINGTON NSW 2021

Major Development Planning
GPO Box 39
SYDNEY 2001
Attention: Andrew Hartcher

26th November 2010

Re : Kendall Bay Marina - MP 07_0006

We are in receipt of your letter of 24th September advising that Breakfast Point Pty Ltd has lodged a major project application and environmental assessment for a large public commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347.

We own a property and live in Breakfast Point and our submission is broken up into three sections, the first section deals with the issues pertaining to the impact on our home and our lifestyle. The second section deals with more general concerns with respect to the marina development, and the impact on the Breakfast Point and general community. The third section is a general summary of our concerns.

1. Personal Impact

a) Visual Impact
b) Noise
c) Safety & Security

2. Breakfast Point and General Community Impact

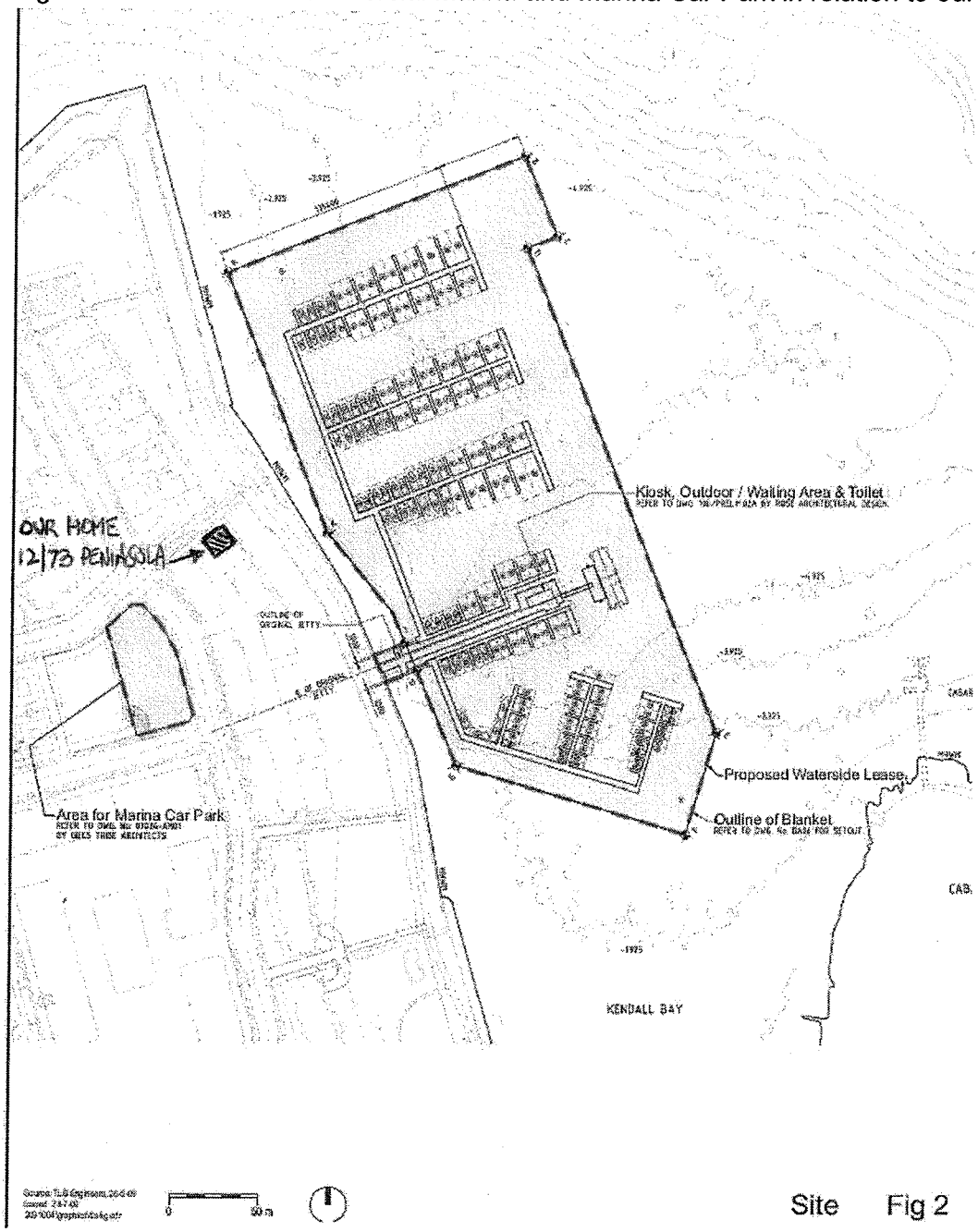
a) Environmental
b) Social
c) Location and Other Options

3. Summary

1. Personal Impact

We live in a ground floor apartment in Hunter Wharf (SP 75666) which is just one of many strata properties making up the Breakfast Point community, but probably the one that will be impacted the most given it is less than 70 metres to the west of the planned commercial marina, and the associated marina car park is directly across the road to the west of our complex as per the diagram below.

Figure 1 – Location of Commercial Marina and Marina Car Park in relation to our home.



Site Fig 2

a) Visual Impact.

The Visual Assessment in the Project Application is **deficient in that it has no ground floor photomontages looking east from Hunters Wharf (SP75666) e.g. VP 19**. The assessment has many photos, photomontages, and tables relating to almost irrelevant viewing points, to 'hide' the significant visual impact from positions in close proximity to the proposed marina e.g. our home which is less than 50 metres and only ~ 2 metres above the high water line.

As detailed on page 106 of Volume 5 of the Project Application, the visual impact has been rated **high** in terms of the effect on the visual character of the view, and also the scenic quality of the view, from locations such as our home and other homes along the Kendall Bay foreshore.

The significant issues include:

- The height and the number of boats will eliminate our current panoramic water views to at best water glimpses through a maze of boats and yachts.
- There will be reflection and glare off the large number of boats which may necessitate door and window blinds to be closed on our home during daylight hours.
- Lighting of the marina will be at significantly higher illumination levels than current at night.

The two figures below show some of the current water views from our home.

Figure 2 – Part of the Current 180 Degree View of Kendall Bay from 12/73 Peninsula Drive Breakfast Point.

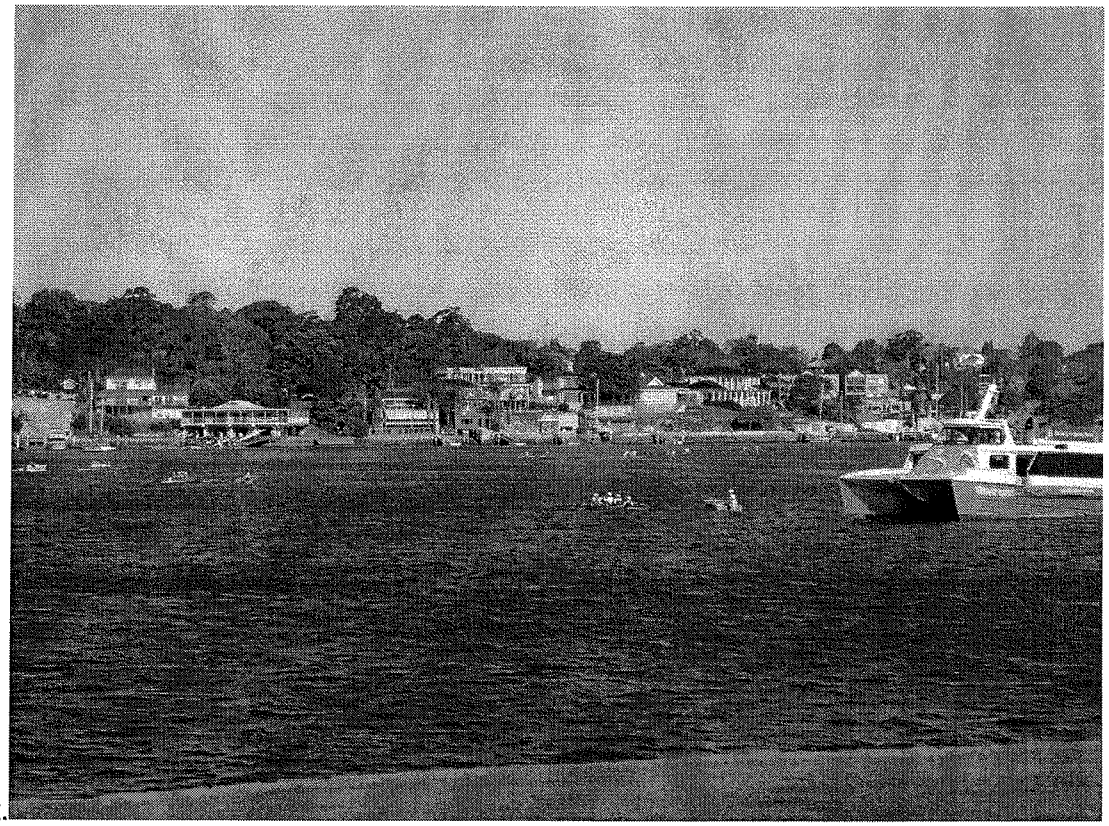


Figure 3 – Current View of Kendall Bay with Recreational Use as seen from 12/73 Peninsula Drive Breakfast Point.

breakfast point residents group

Major Project Assessments
Dept of Planning
PO Box 39
SYDNEY 2001

Attn : **Chris Ritchie**

MP 07-0006 – KENDALL BAY MARINA

Please find attached Vol 1 (Executive Summary and Conclusions) of Breakfast Point Residents opposing submission regarding the marina at Kendall Bay. Copies are being delivered to your department.

We understand from your presentation at the public meeting on November 1 that this information could be submitted.

Should you require any additional information please contact us (8765 8490)

Yours faithfully

J Clarke
Secretary
20 December 2010

PO Box 3089
North Strathfield NSW 2137

Breakfast Point Residents Group Inc
www.bpresidents.com.au

breakfast point residents group

This is a **Summary and Conclusions** of the Objections submitted by THE BREAKFAST POINT RESIDENTS GROUP Inc. to the Major Project Application MP 07-0006.

The site for the proposed Kendall Bay marina is an area of interest to the *Breakfast Point Residents Group Inc,* in its representative capacity;

(i) for all the residents of Breakfast Point within The Communities DP270347, DP 270299, DP 270300, DP 270262 and the adjoining houses in Brays Rd, Bishop St, Medora St and Adams St and on behalf of;

(ii) the general public including;

- residents of Kendall Inlet,
- residents of the surrounding area such as Glades Bay,
- users of the Parramatta River in general,
- rowers and similar users of the Parramatta River
- walkers and cyclists
- the many visitors who use the waterfront walk

STATEMENT OF POSITION

THE BREAKFAST POINT RESIDENTS GROUP Inc IS OPPOSED TO THE PROPOSAL (MP07-0006), BY BREAKFAST POINT PTY LTD FOR;

- REMEDIATION WORKS AND METHODOLOGY over part of Kendall Bay as set out in The Major Project Application MP 07-0006
- CONSTRUCTION OR OPERATION OF A PUBLIC MARINA in Kendall Bay as set out in The Major Project Application MP 07-0006
- CONSTRUCTION OR OPERATION OF ANY CAR PARKING FACILITIES associated with a public marina in Kendall Bay as set out in Major Project Application MP 07-0006

PO Box 3089
North Strathfield NSW 2137

Breakfast Point Residents Group Inc
www.bpresidents.com.au

Kendall Bay looking towards the area to be obscured by the proposed marina.

OPPOSING SUBMISSION LODGED BY THE BREAKFAST POINT RESIDENTS GROUP INC. TO MP07-0006

EXECUTIVE SUMMARY AND CONCLUSIONS

VOLUME 1

EXECUTIVE SUMMARY
BREAKFAST POINT RESIDENTS GROUP Inc OBJECTION TO MP 07-0006

STATUTORY CONTROLS AND DIRECTOR GENERALS REQUIREMENTS (p 24)

1. The *aims* of the *Harbour REP* set out in *regulation 2(1)(a) are;*
   ""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"

2. In its present state Kendall Bay is an unencumbered "public asset" (whether considered in its own right or as part of Sydney Harbour) but if a commercial marina is constructed on it a significant portion of the bay will be in private hands in contravention of the aims of the *REP*

3. The proposal puts the needs/wants of 172 boat owners and 1 commercial marina operator above the requirements of the *Harbour REP* which are aimed to service the Public Good.

4. Other aims of the Harbour REP are;
   "(b) to ensure a healthy, sustainable environment on land and water,
   (c) to achieve a high quality and ecologically sustainable urban environment,"
   A commercial marina in Kendall Bay will never satisfy *regulation 2(1)(b) and (c)*. The bay is already contaminated to an unhealthy level for humans and animals. A commercial marina will add to the pollutants and to the pollution level.

5. The proposal does not meet the requirements of the Planning Principles for Harbour catchment areas. These distinguish between general principles (*reg 13*) and principles applicable to foreshores and waterways. Of these principles the more pertinent ones that are not met are found in *reg* 13 (a), (b), (c), (f) and (j).

6. The heritage conservation principles that underpin the Harbour REP are found in reg 15 and have not been met. There are three that directly apply to Kendall Bay. These are sub-reg (a), (d) and (e).

7. No direct Community Consultation took place with local communities prior to the lodging of the Environmental Assessment (EA) as required by the Director General

8. Rather than making a 'positive contribution' the activities of the proposed marina will alienate the public from using and enjoying the public walkway around the Bay.

EXECUTIVE SUMMARY
BREAKFAST POINT RESIDENTS GROUP Inc OBJECTION TO MP 07-0006

BERTH DEMAND (p 36)

1. The proponent has failed to demonstrate that there is a "need for the project" as required by The Director General.

2. Occupancy rates for existing marinas used for calculations on demand are misleading as they include boats for sale and boats for repairs.

3. Over 78% of applications for berths are in the "High Rate Area" East of the Harbour Bridge indicating a very low desire for West Sydney storage. The proposed Kendall Bay marina is towards the west extreme of the "Medium Rate Area".

4. Demand for Southern Shore moorings is lowest due to the inadequate protection offered from weather into southern shore Bays.

5. About 80% of the moorings west of the Harbour Bridge are closer to the Harbour Bridge than Kendall Bay and hence more desirable as they have superior access to the Harbour and the ocean.

6. Kendall Bay is West of the Harbour Bridge AND on the Southern shoreline of the Parramatta River.

7. The latent demand calculations are based on a false premise. The actual latent demand is 2 not the 1,213 claimed.

8. The approximate "dead time" of travel from Kendall Bay to the Harbour Bridge will be about ½ hour for moderate speed vessels. This will prove a disincentive to boat owners.

9. The proposal does not take account of the impact on demand if/when the Homebush Bay or the Berry's Bay marinas proceed.

10. Sydney Harbour vessel registrations have decreased since 2004 when compared with State-wide totals. The proposal concludes this is due to a lack of suitable boat storage but does not provide any supporting evidence for this assumption.

11. The inadequacy of car parks (58 spaces for 172 boat owners, crew and guests) which is clearly inadequate is a disincentive for potential users.

12. The new road networks built for the Sydney Olympics are around OR to and from Sydney Olympic Park. The NSW State Government has announced that a Marine Park, with berths, brokerage, fuelling and repairs, will be built at Homebush Bay. The road networks around Breakfast Point have not had any major upgrades at all.

EXECUTIVE SUMMARY
BREAKFAST POINT RESIDENTS GROUP Inc OBJECTION TO MP 07-0006

CONTAMINATION AND REMEDIATION - ESTUARY DYNAMICS – VOLUMES 6 AND 9 (p 41)

1. The design of the Sediment Protection System (SPS) does not comply with the requirements of the NSW Planning Departments Director General's requirements.

2. The design of the SPS does not satisfy the concerns raised by DECC.

3. The design and construction fails to satisfy the requirements of the EPA Remediation Order issued in 2007.

4. The provision of the SPS is a remediation project, not just a civil engineering project.

5. The proponent has not followed international guidelines to design the SPS. The USEPA (2005) provides detailed guidelines.

6. A 50 year ARI applies to marina structures. A 200 year ARI should be applied to remediation projects especially when undertaken under a marina.

7. The erosion threshold velocity for unconsolidated sediments is 0.15 m/sec lower than the 0.3 m/sec adopted.

8. There is no justification for accepting that only the top 100 mm of sediment will be disturbed during the SPS and marina construction.

9. Because of uncertainties associated with low strength sediments and laying the SPS below water, the SPS thickness should be increased by 50% (USEPA complying design).

10. There are significant questions regarding the sediment and geotextile tests.

11. The geotextile selected fails the retention and susceptibility to down slope migration tests. The bed slope in Kendall Bay is too steep for the SPS – it is not feasible.

12. The absence of measured sediment geotechnical properties means guesswork has been used in the SPS design and performance.

13. The SPS design is not consistent with acceptable practice as defined by USEPA.

14. The proponent severely underestimates the amount of sediment disturbance after the marina operational phase.

15. The as designed SPS provided fails to mitigate the disturbance of the sediments – it is inadequate.

16. The case studies presented by the proponent do not include a marina.

17. The SPS thickness of other projects mentioned vary between 0.8 and 1.52 metres, significantly thicker than the 0.3 metre thick blanket nominated for Kendall Bay.

EXECUTIVE SUMMARY
BREAKFAST POINT RESIDENTS GROUP Inc OBJECTION TO MP 07-0006

CONTAMINATION AND REMEDIATION - OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN (OEMP) - VOLUME 7

1. **The Sediment Protection System (SPS) fails to extend to the Mean High Water Mark (MHWM**) for the whole length of the Marina Lease. This is a most critical risk zone yet commonly 20 to 30 m width is without protection (See BPRG comments on Clause 1.3.1)

2. **Inadequate SPS lifetime guarantee/warranty and no provision of a monetary security deposit** for case of failure and urgent remediation required. (See BPRG comment clause 1.3.1)

3. **No Basalt armour layer durability or "fit for purpose" tests with NATA certification** are proposed. (See BPRG comments clause 1.3.1)

4. **Failure of OEMP to meet its stated objective** of "mitigate sediment disturbance and adverse affects on environment and human health". For example inadequate and impractical measures to eliminate damage to SPS (see BPRG comments clauses 1.5 and 3.13)

5. "**Alienation of Public Walkways**" by proposed regular movement of waste bins and marina delivery traffic etc. (see BPRG comments clause 3.8)

6. **Inadequate proposal fro Marina operator clean up of marina generated water borne and land waste and refuse** (see BPRG comments clause 3.11.1 and 3.12)

7. **No public interest monetary bond or security for liquidation of Marina operator or decommissioning of Marina** including failure of SPS (see BPRG comment clause 3.15)

8. **Inadequate environmental monitoring**. (see BPRG comments clause 4.1 and 6.4)

9. **No ban in anchors during marina operation but DA defines total ban for anchors during construction**. However an operational ban for anchors cannot be guaranteed or enforced. Anchors will damage SPS (See BRRG comment on Cl1.5.p 2.9).

EXECUTIVE SUMMARY
BREAKFAST POINT RESIDENTS GROUP Inc OBJECTION TO MP 07-0006

CONTAMINATION AND REMEDIATION - CONSTRUCTION MANAGEMENT PLAN (CMP) - VOLUME 8

1. Drawing CMP01 shows a 70 m plus "Openable Sections of Silt Curtain"; It will be regularly opened to allow access of all construction vessels and materials. **This opening will promote escape of the water suspended contaminants, which will be further exacerbated during out flowing tides.** (See BPRG comments clauses Dwg. CMP01)

2. The CMP provides **no proof how the silt curtain will seal against the irregular SPS Basalt layer, or the sloping floor, or the bed deposits without disturbance**. (See BPRG comments clause 5)

3. **The very limited success of silt curtains in containing sediments** or contaminants for the marina velocity of tidal/and propeller wash currents is frequently illustrated **in USA reference** "Silt Curtains as a Dredging Project Management Practice" (see separate BPRG quotation listing).

4. CMP Dwg CMP01 shows **silt curtain fixed to Community seawall without authorisation of seawall owner** (nor any form of indemnity for damage) (see BPRG comment clause 5 and dwg CMP01).

5. **The CMP fails to require meaningful Basalt durability tests with NATA endorsement** of such tests. (See BPRG comments clause 2.3).

6. **Inadequate warrant or guarantee provided by CMP for SPS**. (See BPRG comment clause Appendix 12).

7. **No CMP consideration of introducing contaminants into water column during temporary pile withdrawal**. (See BPRG comment clause 2.4).

8. The CMP drawing CMP01 shows **the SPS fails to cover the critical high risk area of generally 20 to 25 metres out from Mean High Water Mark**. (See BPRG comment clause CMP01).

EXECUTIVE SUMMARY
BREAKFAST POINT RESIDENTS GROUP Inc OBJECTION TO MP 07-0006

CONTAMINATION AND REMEDIATION - CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP) – VOLUME 7

1. The report provides **no "STOP" or "HOLD" points when NON Compliances occur** (See BPRG comments clauses 2.3,3.3.2 etc).

2. **"No contingency plans" for "Non Compliance" events**. (see BPRG comments clauses 2.3,3.2.1,3.3.2,7.1,1.8 Appendix C)

3. **Proposal is only for monitoring and testing of "surface water**" yet whole water column especially near SPS demands regular testing. (See BPRG comments clause 2.3)

4. **No independent auditor verification of AECM** (yet they are the consultant who allowed the omissions in the CEMP). Also **no independent audit of contractors monitoring or testing**. (See BPRG comments clause 1.7)

5. **No explanation how the "Silt Curtain" will seal contaminate escape on irregular floor** (See BPRG comments clause 3.2.1)

6. The CELM proposal includes **unauthorised fixing of ends of silt curtain to others (ie. Community) land**. (See BPRG comments clause 3.1.2.1)

7. **No proposal for independent NATA Basalt durability tests to confirm it is "fit for purpose"** (See BPRG comments clause 3.2.1)

8. **No consideration of the lifting of contaminants and "suck out" effect when temporary piles are withdrawn**. (See BPRG comments clause 3.2.2.)

9. **Failure to extend the SPS to Mean High Water Mark (MHWM)** to contain contaminates in highest risk area (See BPRG comments clause 1.8)

10. **No DA risk evaluation by established scientific methodology i**e. Assess all hazards; assess all consequences to life, environment and property,assess probabilities, complete risk analysis and bench mark against engineering/scientific standards. Some critical issues requiring such risk analyses are; do nothing, versus "do marina', versus "remediate similar to Jemena proposal, DA design for SPS failing USA design guidelines, SPS geotextile leaks contaminated sediment, etc

EXECUTIVE SUMMARY
BREAKFAST POINT RESIDENTS GROUP Inc OBJECTION TO MP 07-0006

CONSULTATION (p 105)

1. The consultation process failed to meet the intent of the Director Generals requirements.

2. The pre-application consultation for the community was computer based and the web site presented some information and invited participation in the survey.

3. The pre consultation process is,
   - (i) a sham 'consultation' process and does not meet the G's requirements,
   - (ii) slanted to produce a desired result rather than elicit the true thoughts and feelings of the respondents,
   - (iii) it fails as a neutral and independent process,
   - (iv) it comes nowhere near at presenting both sides of the argument and in particular fails to address the impact on the residents of Breakfast Point, Kendall Inlet, local residents and river users such as rowers.
   - (v) it fails to mention one negative impact of having a commercial marina encroaching on and entirely dependent on community association facilities, and
   - **(vi) it fails to mention one negative impact on the public and the residents of Breakfast Point.**

4. It discouraged and/or prohibited public interaction.

5. Some of the information provided was misleading.

6. Questions were presented with a fixed series of answer so as to restrict additional comments.

7. The process discouraged verbal participation and information sharing.

8. There are fourteen Q & As on the website and, for the most part, the answers continue to perpetrate the slanted nature of the consultation.

9. **Not once does the survey (website) disclose that it is a commercial marina that is under consideration.**

10. It fails to consider that Kendall Bay is one of the few remaining unused bays west of the Harbour Bridge that does not have a marina in place.

11. **It is meagre in scope and fails to mention the alienation of public land that will occur over the dedicated Foreshore Walkway**.

EXECUTIVE SUMMARY
BREAKFAST POINT RESIDENTS GROUP Inc OBJECTION TO MP 07-0006

ACCESS AND LANDOWNERS CONSENT (p 115)

1. **For the purpose of removing any doubts it is stated clearly and unambiguously that, because the proposed marina and its associated services structures and facilities must cross the boundary line (encroach) into the *Community Association parcel and/or property,***

a. the *Community Association* will need to be an applicant to the proposal.

b. because the Community Association is not an applicant the consent of NSW Maritime does not cover the entire proposal and is insufficient for the proposal to succeed.

c. the City of Canada Bay Council needs to give land owner's consent because the proposed structure encroaches on the foreshore walkway over which it has title and without this consent the consent of NSW Maritime is insufficient for the proposal to succeed.

d. The City of Canada Bay Council needs to give its consent as the consent authority over that part of the marina that crosses (encroaches) the Community Association parcel boundary line because that part is not covered by the previous **Part 3A** approval nor by the current Part 3A and since it has not given this consent the proposal cannot be considered.

e. the Minister, in general, and under *Part 3A* in particular, does not have the power to give to the developer access to, or use of or in any way interfere with the rights, title and interests of property owners covered by the *Community Association* without their consent. The argument here is very simple. The Minister cannot give development rights to person A over the rights title and interests in the property of person B without person's B consent or without going through the process of acquisition or resumption to first take away the rights, title and interest of person B and then transferring them to person A.

f. The process of getting on and off the marina is subject to the Community Association control and permission has not been granted.

2. The proponent is attempting to create an entry point along an easement at Hunters Wharf from land that is not part of a dominant tenement and along which, pursuant to the *Community Land Management Act s 116,* there should be a dividing fence. This is not permissible. It amounts to a substantial interference with the rights of the servient lot owner and an excessive use by a non party to the easement. The use proposed by the developer is "in substance" a use for the benefit of non-dominant land and this is contrary to the very notion of an easement.

3. There is no easement for access over the open access ways and/or over the foreshore walkway that includes the seawall; and the easements over the open access ways and the foreshore walkways are limited in their use for the purpose of recreation and for anyone to claim or assert a greater right e.g., to use it for the purpose of a commercial marina would be inconsistent with the proprietorship and possession of the servient land because it would be giving more than a limited right to use it.

SOCIAL IMPACTS (p 132)

The applicant has not submitted a social impact assessment or a social plan or a local action plan with regard to how this large commercial marina will impact on the rights of the general public to access the pubic walkway and associated views and how it will be integrated into an established high-density residential community.
Social impact is based on the idea that public good should have precedent over commercial interests whenever change is proposed to Sydney Harbour and its foreshores.

1. The brunt of the social impact will fall on the public who use the public dedicated foreshore walkway, residents of Hunters Wharf, the residents of the houses north of them and the future residents to the south of Hunters Wharf and to a lesser extent on other residents of Breakfast Point.

2. Kendall Bay is polluted with polycyclic aromatic hydrocarbons and total petroleum hydrocarbons. The proposed remediation works and the operation of a large public marina for private commercial gain over the contamination pose unacceptable risks.

3. The marina results in an increase in the number of persons on the Community Association parcel. They will be boat owners and guests and passengers from private ferries and Kiosk users. Some will be workers and service providers. They will be walking on and making use of facilities which they would not do if the marina was not there. The privacy of adjacent residents will be detrimentally impacted.

4. All persons going to and leaving the marina represent a potential security risk for the residents of Breakfast Point. Similarly, all persons who are attracted by the marina and find their way onto the Community Association parcel represent an increased risk to persons and property.

5. There are no proposed structures or facilities for use by the Police, Fire (including hydrants) and Ambulance Services in case of emergencies.

6. It is not in the public interest to impose major running costs on the private property owners at Breakfast Point for the benefit of the commercial marina owner.

7. It is not in the public interest to interfere with the rights title and interest of private property owners (the Community Association DP No 270347) to provide a developer a financial benefit.

8. **The public interest will best be served by allowing Kendall Bay to be remedied and left in its natural state**.

9. The “public interest” needs to consider the potential risk imposed to navigation and conflict between marina users and others using the bay (rowers and small craft sailors) as well as the potential conflict between marina users and day trippers and local residents

VISUAL IMPACTS (p 149)

1. The submission rightfully makes the point that the assessment of visual impacts requires a degree of subjective judgment and is not completely objective

2. The applicant has constantly sought to contrast the prior "industrial nature" of the bay and the surrounding area from the present "clear water" nature of the bay and residential surroundings to justify the impacts of the marina on the bay. **However, that old industrial status has come and gone and one has to consider Kendall Bay as it is now.**

3. The proponent constantly refers to the past industrial nature of Breakfast Point and offers the old wharf, with its build up of spilt coal, as the excuse to ruin the vistas and views. **The wharf has been removed and one has to consider Kendall Bay as it is now.**

4. Such will be the extent of the obstruction by the marina, including boats of all sizes, there will be more obstructed views than there were when an industrial wharf was in place.

5. **Kendall Bay is one of the last unused bays** in Sydney Harbour (Parramatta River) and is vegetated on its Southern end by a stand of growing and expanding mangroves and by Cabarita Park.

6. There **will** be significant exposure of the proposed development from the Public Domain including from some adjoining streets and foreshore reserves and walkways.

7. There will be significant exposure of the proposed development from the Private Domain because of the residential developments of Kendall Inlet and Breakfast Point which surround Kendall Bay.

8. Claims that private views affected are from residences which were bought by people who had a reasonable expectation that there would be a marina are misleading. People at Kendall Inlet never knew of the proposal. People at Breakfast Point were told that there MIGHT be a small private marina. The developers advertising continues to be misleading; many plans and current montages from the developer omit the marina.

9. A marina will represent a reversal in the enhancement process that was initiated by the closure of the gasworks, the removal of the old wharf and the paint factory and the subsequent residential developments.

10. The EA photomontages are misleading and do not present a true representation of the impacts that the marina will create.

EXECUTIVE SUMMARY
BREAKFAST POINT RESIDENTS GROUP Inc OBJECTION TO MP 07-0006

MARINA MANAGEMENT PLAN, NAVIGATION, SAFETY HAZARDS AND RISKS (p172)

1. The marina will be a 24/7 operation with limited Office hours being a maximum of 10 hrs in summer and 9 in winter**. It will be operating within** 15 **metres of privately owned residential property**

2. The manager will be in attendance only during office hours. For between 14 and 15 hours a day there will be no 'management' of the marina.

3. The marina carpark is some 250 metres away from the marina with private residences, in effect, sandwiched between them.

4. The management plans cannot adequately address the social issues that will arise from the marina, its carpark or from those travelling between them.

5. Any suggestion that a "Contact person", outside the limited 'management' hours, is the solution to issues and problems does not pay due regard to the impacts that the marina will have on the public or nearby residents.

6. It is suggested that a set of rules will address most of the 'noise' issues that will arise and disturb nearby residents. Noise cannot be controlled by edict or rule.

7. "Marina users will be directed to preserve the amenity of the Marina and surrounding area" but there will be no means of policing this 14 to 15 hours a day.

8. The carpark will be used 24/7 by marina users. It is some 250 metres from the land access point to the marina. It will house industrial rubbish bins for collection of the general marina and kiosk rubbish. These will be regularly emptied during the early hours of the day.

9. The carpark will be used for loading and unloading activities associated with the marina and kiosk.

10. Nowhere in the Environmental Assessment is there any mention of, or care taken to protect, nearby residents from emergencies that will happen on the marina.

11. It is proposed that all vessel owners will be given a plan setting out the navigation channels to ensure that the contaminated sediments not covered by the 'mat' will not be disturbed. By necessity, in particular weather and wave conditions, other channels will be safer to use and these might include over contaminated sediments. "Day Tripper" vessels will not be aware of the 'channels'.

12. The proposed exit and approach channels are directly across proposed Rivercat travel lanes and will add significantly to the risks and hazards associated with this marina.

13. There is no mention of the use of the Bay and adjoining River by the local rowing and sailing clubs. The marina will unnecessarily introduce new safety hazards.

14. The above issues alienate public space and amenity.

EXECUTIVE SUMMARY
BREAKFAST POINT RESIDENTS GROUP Inc OBJECTION TO MP 07-0006

TRAFFIC AND PARKING (p 191)

REVIEW OF TRAFFIC AND PARKING ISSUES

The adequacy of proposed parking and traffic arrangements in the application has been assessed against relevant legislation and requirements. It has been determined that:

1. **The proposed arrangements, for parking and traffic, are seriously deficient, in the following respects:**
    - **a) Unacceptable impacts on public safety:**
        - a. Safety for pedestrians and cyclists:
            - i. It is proposed to drive golf buggies and other vehicles on the existing pedestrian walkways and foreshore walk/cycleway, between the proposed carpark and marina – which is blatantly unsafe (and if it is planned to upgrade these, no information has been provided)
            - ii. Pedestrian safety in the surrounding roads (Tennyson Road, Magnolia Drive and Rosewater Circuit) is already grossly inadequate, and will be made worse by the addition of marina traffic.
        - b. Safety for road users – Tennyson Road is of insufficient width (by at least 1.5 metres) to perform its current function, and will be made more unsafe by the addition of marina traffic
    - **b) Insufficient and poorly-designed parking – which will inevitably cause significant parking and traffic conflicts:**
        - a. Insufficient parking provided – less than half of the numbers required (a shortfall of at least 64 spaces, plus additional parking needed for the proposed ferry wharf and launching ramps)
        - b. No parking provided, in the carpark, for many classes of vehicles – visitors, "golf buggies", the public accessing the proposed ferry wharf and launching ramps.
        - c. The carpark is 250 metres away from the marina, with a residential building in the middle. Serious parking conflicts, with existing residential visitor parking, are inevitable.
        - d. The carpark entry and exit are restricted by boom gates, without provision for casual access, or stacking zones for waiting vehicles.
        - e. No parking provided at the marina for "golf buggies" or garbage removal vehicles.
    - c) **The carpark design fails to provide essential facilities** (in spite of claims to the contrary)
        - a. Loading / unloading areas for large or small vehicles, including garbage trucks.
        - b. Storage areas for garbage or trolleys
    - d) **The carpark location will result in unacceptable amenity impacts for surrounding residents** (being surrounded on 4 sides by medium density residential development, with minimal screening)
    - **e) Traffic from the marina will cause unacceptable amenity impacts on several affected streets within Breakfast Point** – affecting many hundred residents.
2. **The report and plan provided fail to address many of the Director General's requirements, the requirements of authorities, and provide insufficient detail for assessment in the following respects:** parking required for the proposed ferry wharf, estimates of final daily vehicle movements in affected streets and roads, assessment of traffic impacts on safety, amenity, road capacity, the application is based on incorrect governing legislation (AS3962 rather than specified RTA guidelines) and no bicycle parking is provided.
3. **These deficiencies are so fundamental that they cannot be resolved by further traffic studies- at least, a complete re-planning of the whole development is required.**

IMPACTS ON ACQUATIC BIODIVERSITY (Vol. 3) (p 210)

1. **It is misleading to state in the summary of project impacts that "*given that the organisms found by Cardno were generally not typical of the area and that there are extensive areas of these habitats elsewhere in the estuary, these were not considered of significant ecological value" (p. 72, Vol 1***.

2. **The geotextile blanket does not meet the requirements of the Remediation Order.** as fine sediment particles will still pass through the blanket (p.v, Vol. 3).

3. **High levels of contaminants and further increase of these levels:**

More such contaminants would be released into the surrounding sediment and water by pile driving (including for support structures during construction), laying the geotextile blanket (over at least 30 weeks) and resuspension of sediments after laying the blanket. This would push the levels of these contaminants even more closer to, or above, the higher ISQB values. The application downplays the impact of this increase on biodiversity considerably.

4.Release of Acid Sulphate Soils such soils will be released to the surface during pile driving, including for the support piles during construction?

Point 2-4 above clearly demonstrate that the application fails to meet the requirements of the Remediation Order!.

5.Significant increase in copper contamination. The copper concentration in the waters of Kendall Bay exceeded the ANZECC 95% trigger values at all sites measured by Cardno (in 2009) and the treating of boats with copperbased antifouling paints (known as the best paints).There will thus be the inevitable release of these paints into the water with the resultant increase in concentration levels of copper.

6.Pollution of bay water from the boats' sewage and bilge water. The report confirms that such pollution is likely (p vii, Vol. 3)

7.Pollution of bay water via engine exhausts. The report confirms that boat engine exhausts will introduce hydrocarbon contaminants and heavy metals into the water of Kendall Bay (p3, Vol. 3). Levels of these substances are already too high

8.Accidental spills of sewage and organic pollutants. With such a high number of boats frequenting the proposed marina, there would be a high chance of accidental spills of sewage or organic pollutants, such as fuel, motor or other oils (p. 3, Vol. 3).

9. I**ntroduction of non-indigenous fish and marine vegetation is listed as a Key Threatening Process (KTP) under the *TSC Act*.** The application acknowledges the considerable danger of such introduction and the only mitigation measure proposed is the education of boat owners. . Also, there seems to have been no study on which non-indigenous species occur in the bay at present.

10,Introduction of non-indigenous fish and marine vegetation is listed as a Key Threatening Process (KTP) under the *TSC Act*. The application acknowledges the considerable danger of such introduction and the only mitigation measure proposed is the education of boat owners. Also, there seems to have been no study on which non-indigenous species occur in the bay at present.

11.Destruction of food chain: Most organisms within or on the surface of the soft sediment would perish shortly after the geotextile blanket will be laid (p V, Vol 3).

There is not enough data to predict if, and when, the basalt rock above the geotextile blanket would ever be colonised by organisms similar to those occurring in the sediment today.

12,There are not enough areas elsewhere in the estuary to make up for the loss of habitat.

13.Impacts on mangroves and protected areas through changes in water circulation and sedimentation patterns. The report suggests that such impacts are likely (p3, Vol. 3) but does not discuss this any further. There will be impacts via the construction of the marina,jetty,and reduced circulation of stormwater.

14.The provisioning of novel habitat in the form of new pillars, jetties etc should not be used as an argument in favour of the marina.

15.The application does not consider the impacts on climate change. It has been acknowledged that photosynthesis of marine algae and other organisms considerably reduces the amount of CO_2 in the atmosphere. The geotextile blanket will completely destroy all benthic algae, of which several different species occur in the bay (see p. 7, Vol. 3)..

16.The proposed silt curtains propose a risk for free swimming fauna and won't completely stop contaminated matter leaving the area.. Daily opening of panels in the curtains are supposed to allow movement of boats and mobile organisms. During such openings, contaminated material will also exit the enclosed area. In addition, mobile organisms are unlikely to wait for the daily opening.

17.The application wrongly claims there would be no removal or destruction of marine vegetation (p. 13, Vol. 3). This is incorrect if marine algae are also considered marine vegetation..

18.Insufficient survey efforts. The acquatic assessment by Cardno was conducted during May 2009 (a colder month) and not repeated at any other month of the year. . No discussion is provided on the seasonal change of flora and fauna assemblage,

In addition, the Protected Matters Report has only been conducted for Canada Bay LGA, not for Ryde City LGA on the other side of Parramatta River.

AQUATIC FLORA, FAUNA AND AVIAN FAUNA

REVIEW OF IMPACTS ON AVIAN FAUNA (VOLUME 10 OF THE APPLICATION)

EXECUTIVE SUMMARY
BREAKFAST POINT RESIDENTS GROUP Inc OBJECTION TO MP 07-0006

1. **The desktop study by Aquenal did not result in the correct assemblage of bird species visiting the tidal mudflats in Kendall Bay.** The study is confusing as it is not clear why a birds' record for Kendall Bay is not proof enough for it's occurrence in the proposed development area. Also, a lack of survey results for Kendal Bay is no reason to argue that this area is not important for birds, and a proper fauna survey needs to be conducted. Additional bird data has been added to this submission, obtained by one specialist and Ann Goeth during random observations.

2. **Three bird species visiting the mudflats listed in Appendix 1) are protected by Commonwealth legislation (EPBC Act) and this is not mentioned in the report.**

3. The three species are Painted Snipe, Terek Sandpiper and Australian Painted Snipe. The report ignores the legislative status of the first and second, and provides no discussion on the impact on the third species.

4. **Two bird species visiting the mudflats listed in Appendix 1) are protected by NSW legislation (TSC Act) but not mentioned in the report. Two others listed under the TSC Act are mentioned, but not discussed further.**

5. The report fails to list the Painted Snipe as Endangered and the Black-tailed Godwit as Vulnerable under the TSC Act. It does mention two other avian species listed under the TSC Act, the Pied Oystercatcher and Terek Sandpiper (both vulnerable), but provides no discussion whatsoever on the potential impacts on these listed species.

6. **The value of the mangrove area and adjacent mudflats as bird habitat is not acknowledged in the application.** The figure included in Aquenal's report does not include these areas and there is no discussion of these areas being important feeding and roosting areas. They are likely to be inhabited by the Black Bittern, which is listed as vulnerable under the TSC Act. Volume 3 demonstrates that impacts on the mangroves from the proposed marina are likely.

7. **Eighteen of the bird species listed in Appendix 1 are protected by international agreements for the protection of migrating birds. These agreements receive no mentioning at all in the application.** This is a major omission as Australia has agreed to adhere to these agreements for the protection of migrant birds, especially shore birds.

8. **The proposal downplays, or even ignores, several impacts on birds visiting the tidal mudflats.** The discussion of impacts is kept very short and potential impacts are being ignored throughout the report. This section is unacceptable and more discussion needs to be provided.

9. **The proposal ignores several other bird species that visit the open waters of Kendall Bay for feeding.** These include cormorants, pelicans, terns, ducks, herons, spoonbill and gulls. No discussion on the impacts of these birds is provided.

10. **The survey effort for birds is insufficient; a desktop study is not enough**. The data provided in the report is insufficient to discuss the potential impact on birds. A proper field survey by an expert consultant needs to be carried out.

11. **The cumulative impact of habitat destruction in several bays along the Parramatta River on migrating shorebirds has not been considered**. The estuary is already so built up that few bays with undisturbed tidal flats remain for feeding, and this is not considered in the application.

12. **Choice of consultant questionable.** It has to be asked why the applicant chose to use Aquenal Pty Ltd as a consultant, given that this consultant is based in Tasmania, never seems to have visited the area and has no local knowledge of the area.

Conclusion

The proposed development is not only contrary to the interests of the local residents comprising the Community Association, but is also **contrary to the prevailing "Public Good**" which is the primary objective of the relevant Planning Controls. Whilst the Applicant may contend that the proposed Marina will further the interests of Marina users, the **negative impacts** on the interests of the Community Association and, more importantly, the **interests of the public** who extensively use the foreshore walk far outweigh any benefits to Marina users.

In terms of the interests of the Community Association, the proposed development will also have a range of significant adverse impacts including the use of Community Association facilities for the commercial gain of the marina operator. The marina will also introduce a range of undesirable social and amenity impacts such as noise, congestion, security

The Director General's requirement to establish a "need" for the project has not been met.

Due and proper consideration has not been given to the impact of the proposal on the Statutory Provisions set out in The Sydney Harbour REP.

The Environmental Impacts have been understated because the proposed Sediment Protection System will not address the requirements of the Remediation Order. **The proposed SPS has never been used under a marina in a contaminated bay** anywhere that we can find worldwide.
The Operational Environmental Management Plan, the Construction Management Plan and The Operational Environmental Management Plan do not address all the potential impacts on the disturbance of contaminated marine sediments. The proposed measures that would be implemented to avoid, minimise, mitigate, offset, manage, and/or monitor the impacts of the project are inadequate and sometimes invalid. The Statement of Commitments, outlining environmental management, mitigation and monitoring measures will not succeed.

The assessment of **the visual impact of the proposal** (height, scale and lighting) on the local and regional area and on adjoining land owners along the foreshore areas of Putney, Tennyson Point, Gladesville and Cabarita and water uses of Parramatta River and significant vantage points in the public domain **have been understated**.

No data has been provided on the number of local rowers and sailors from nearby clubs that use Kendall Bay and the adjoining river and the resulting Navigation and Safety issues have been ignored.

All land including Open Access ways (roadways) adjoining the marina is land that is privately owned or owned by the local council for use as a dedicated foreshore walkway. **Land Owners consent has not been given** for the proposal by Community Association DP270347 or by The City of Canada Bay Council.

The proposed arrangements, for **parking and traffic, are seriously deficient**, in the following respects;

- -they create unacceptable impacts on public safety:
- -there is insufficient and poorly-designed parking.
- -the carpark design fails to provide essential facilities (in spite of claims to the contrary) for;
  - -Loading / unloading areas for large or small vehicles, including garbage trucks.
  - -Storage areas for garbage or trolleys
- -the carpark location will result in unacceptable amenity impacts for surrounding residents because it is/will be surrounded on 4 sides by medium density residential development.
- -traffic from the marina will cause unacceptable amenity impacts on several affected streets within Breakfast Point.
- -proper details and impacts on access between the marina and the car park are not provided nor assessed.

The assessment of impacts on critical habitats, threatened species, populations or ecological communities and their habitats in the region were not undertaken with due regard;

- the desktop study by Tasmanian based Aquenal did not result in the correct assemblage of bird species visiting the tidal mudflats in Kendall Bay

- three bird species visiting the mudflats are protected by Commonwealth legislation and this is not mentioned in the report.

- two bird species visiting the mudflats listed in Appendix 1) are protected by NSW legislation (TSC Act) but not mentioned in the report. Two others listed under the TSC Act are mentioned, but not discussed further.

- the value of the mangrove area and adjacent mudflats as bird habitat is not valued in the application.

- eighteen of the bird species listed are protected by international agreements for the protection of migrating birds. These agreements receive no mentioning at all in the application

- the cumulative impact of habitat destruction in several bays along the Parramatta River on migrating shorebirds has not been considered.

-

The proposal is clearly not in the public interests and also not in the interests of the local community.

We strongly consider that the proposed development should be refused for the reasons outlined in this submission.

breakfast point residents group

Major Project Assessments
Dept of Planning
PO Box 39
SYDNEY 2001

Attn : **Chris Ritchie**

MP 07-0006 – KENDALL BAY MARINA

Further to Breakfast Point Resident Group submission regarding the above matter' attached is an addendum to the original submission. This paper corrects a number of minor editorial errors.

Yours faithfully

J Clarke
Secretary
20 December 2010

PO Box 3089
North Strathfield NSW 2137

Breakfast Point Residents Group Inc
www.bpresidents.com.au

Addendum to Opposing Submission to MP07-0006 submitted by The Breakfast Point Residents Group Inc.

Location	Statement made in Submission	Should Read as Follows
P99 line 4	Note in this survey that XXX, or xx% of those, were non-residents of Breakfast Point	Note in this survey that 123, or 52%, of 233 who signed a petition against the marina were non-residents of Breakfast Point
P142	Petitions Owners Users	Delete.
P150 (iv)	(iv) fuel pumps	Delete.
P185 paragraph 1	(XX See Section Alienation of Public Land)	(See Section 'Alienation of Public Land')
P 188 Paragraph 4	(See Attachments XXX)	(See Attachments 65 to 67.1)

Canada Bay Greens
PO Box 239, Concord West, NSW 2138

29 November 2010

Ms. Felicity Greenway
Department of Planning
Major Development Planning
GPO Box 39
SYDNEY 2001

Fax: 02 9228 6455

Dear Ms Greenway,

Re. Kendall Bay Marina MP 07_0006

I make representation on behalf of the members of Canada Bay Greens to object to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347.

The proposal will have a major impact on Breakfast Point and surrounding areas of Mortlake, Cabarita and Concord.

Our concern relates to the non-remediation of the polluted sediment in the Bay, which contains chemicals which pose significant risk of harm to human health. Remediation is not proposed despite a remediation order being issued by EPA. We are concerned that the proposal to place a "blanket" over part of the area will not meet the declaration requirements and leave the site, and thus residents and water users, exposed to not only carcinogens but other pollutants.

We have consulted the residents near the proposed Kendall Bay Marina and our other concerns relate to the construction of a large commercial public marina operating 24/7 immediately adjacent to a residential area with the consequential intrusion into the lives of Breakfast Point residents.

Such a large enterprise will bring with it inherent problems of traffic, parking, noise, pose safety issues for walkers along the waterfront and generally interfere with the amenity of the foreshore walk.

There has been little communication between the developer and the residents in regard to the proposal and in the absence of any consultation we find it impossible to support the proposal in any way.

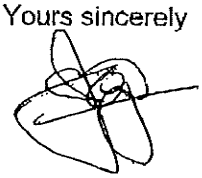
Please send email correspondence to Email: cejmail54-cbg@yahoo.com.au

Our greatest concerns are the effects on the nearby residents and the environment. There are serious pollution risks; the main one is the increased disturbance of pollutants as a result of continual disturbance of the river floor. The contaminants, primarily from the former gas works, include: coal tar waste, VOCs, hydrocarbons, heavy metals, cyanide and tar emulsions.

We ask that the proposal be denied and that State Government undertake investigations for the purpose of drawing a detailed plan of management and remediation and that Kendall Bay then be remediated and returned to its natural state.

We would ask for a response to our request, in writing, at your earliest convenience.

Yours sincerely



Charles Jago
For the Canada Bay Greens

Please send email correspondence to Email: cejmail54-cbg@yahoo.com.au

JUDY CASTALDI

34/6 ADMIRALTY DRIVE
BREAKFAST POINT 2137

21st November, 2010

The Hon. Tony Kelly, MLC
Minister for Planning
Parliament House
Macquarie Street
SYDNEY 2000

Dear Sir

RE PROPOSED KENDALL BAY MARINA MP 07 0006

I am a resident of the Breakfast Point community and I am writing to you re the above. I wish to advise that I am lodging my objection to this proposed development as I feel it will seriously impact the way of life in our area, primarily for the reasons listed below.

I understand that this project is considered to be a 'State Significant' sight which may have a wider social, economic or environmental significance for the community. As I see it this proposal only offers a social and economic significance to a selected few – that is the developers (Breakfast Point Pty. Ltd.), the 172 boat owners and their guests, and the proposed kiosk which will have seating for 50 people.

ENVIRONMENTALLY the proposed mega 'Inner West Marina' offers NO benefits at all. This is a very important issue – a great concern of all residents.

Kendall Bay contains highly polluted sediment left behind by the workings of the AGL Gasworks. This sediment contains heavy metals, hydro-carbons etc. which as you would be aware pose significant risk and hazard to human health. Remediation is not being proposed by the developers despite a remediation order being issued by EPA. The developers plan to lay a "geotextile blanket' over only part of the area which I believe is untried technology. What effect will all this have on the marine and bird life, and the future of the bay?

Kendall Bay is regarded as one of the last unused and uncluttered bays in Sydney Harbour so therefore surely this is of SIGNIFICANCE. The foreshore is very much enjoyed by hundreds of walkers, dog walkers, cyclists and families each week. The foreshore links up with the picturesque Cabarita Park which is full of bird life, so the entire area is serene and natural. The proposed mega marina will surely change this vista.

The marina is also being constructed in very close proximity to a residential area.

Access to the marina will be through privately owned land, immediately adjacent to the residential area so will surely intrude into the lives of Breakfast Point residents.

There will be constant movement and noise from the marina 'around the clock' as access to the jetty and marina berths is 24/7. NOISE travels 'over water', so residents on both sides of the river will be subjected to this. There is talk that party boats will be permitted to use the proposed pontoon which will result in buses, taxis and the noisy patrons moving through the residential area (day and night) – more stress for the locals!.

Another concern is that with so many people being able to access this congested area, rubbish and waste removal will present a constant problem and will surely attract rats, seagulls and other vermin – not environmentally friendly at all!!

I have enclosed copy of my letter to the Department of Planning.

Thanking you for taking the time to read my letter and noting its content.

Yours faithfully,

J Castaldi

(MRS) ***JUDY CASTALDI***

Encl.

Email: jcastaldi@bigpond.com

Dear Mr Kelly

I will open this email by telling you a couple of things about myself. For the record I also sent a similar email to M/s Keneally when she was the Planning Minister;

Firstly, I am a marina user (not Sydney Harbour but the northern beaches) and have been a constant marina user for some 35 years, as such I believe marinas serve a useful recreational purpose provided that they are properly planned, designed, managed and **located**. I also understand the pitfalls and shortcomings of marinas from both a community and environmental perspective and there are a number of these.

Secondly, I am a Breakfast Point resident and the entrance to the proposed marina is 30 metres from my rear land boundary and 40 metres from my back door. There is no planned public road or noise mitigation buffer. There are some 18 other ground floor residences and more than that number of first and second floor residences that will be within similar distances from the planned marina entrance with no physical barriers such as fences to prevent trespass, ratbaggery and the like. The Cruising Yacht Club's marina at Rushcutter's Bay together with d'Alboras Marina in the same location, which are generally disliked by the residents of New Beach Road, at least have the buffer of New Beach Road and marina and club buildings to provide some noise and trespass mitigation. There is nothing like this proposed at Breakfast Point. The fact that the NSW government is even considering the approval of a **commercial** marina of this magnitude directly attaching to a residential development is not only madness but demonstrates your government's and particularly the local Labour parliamentary member's absolute disregard for its constituents and the local community. My research has failed to locate another **commercial** marina in NSW that attaches directly to a residential development .

The point of providing you with this information is to demonstrate that I am not just a disgruntled resident but that I understand both sides of the marina argument and have a genuine interest in the right outcome for the proposal at hand and all stakeholders. In this case the appropriate outcome is that the marina, as planned, should **not be approved**.

As an aside, I am aware that section 3A of the P&AA obliges any marina application for over 30 berths to fall under this legislation however from a community and social/cultural perspective it is ludicrous that a parking lot for the" toys" of circa 177 "silvertails" should be classified as a development of State significance, particularly by a Labour government. The proposal should be classified **"State shame".**

I note that Tripodi & Co (when responsible for NSW Maritime) readily dropped their pants on this issue, no doubt driven by a cash strapped government's need to raise revenue and there seems little doubt (in my mind at least) that you will be required to generally follow the party line, particularly as a previous NSW Labour government erroneously (in my opinion) zoned Kendall "Commercial Marina" apparently giving no thought or consideration to the fact that a commercial marina could (or would) **directly and adversely impact** on the surrounding residential development.

Before submitting my solution I draw your attention to the following valid (accepting some emotion) points made by the **No Kendal Bay Marina** group (source: group website).

"**A:** The issues arise because this is a proposed major commercial activity that will alienate a large public asset from the public for the good of a few boat owners.

It is immediately adjacent to privately owned residential property. This will cause conflict forever between residents and mega marina users and sightseers.

It has very restricted access and the only way that its users can gain access to the mega marina will be by using privately owned land as there are no public roads feeding directly to it. To partly overcome this problem Breakfast Point Pty Ltd propose to use the existing dedicated public walkway around the bay for car, bus and truck access to the mega marina.

It will destroy the purpose and public enjoyment of the dedicated waterfront walk and cycle way around Kendall Bay because Breakfast Point Pty Ltd have retained for themselves the right to allow cars and trucks to use the walkway to service the proposed mega commercial marina.

It will ensure that the cars, trucks and busses servicing the marina, sightseer vehicles, pedestrians and cyclists will compete for the dedicated foreshore walkway use thus endangering

the public generally who use the dedicated foreshore walk for exercise, cycling, sightseeing and pleasure-walking.

It will increase traffic use of local surrounding roads creating further congestion and disturbance to local residents and it will increase the shortage of parking in the immediate surrounds.

It will totally destroy the views across and the ambience and peacefulness of one of the last unused bays in Sydney Harbour, Kendall Bay. This will eventually directly impact on over 5,000 nearby residents.

It will generate noise 24 hours a day that will disturb both nearby and surrounding neighbours. Noise is the major source of conflict around Sydney Harbour.

It will upset the natural environment for marine and bird life in the Bay and disturb underwater sediments and regress the recovering mangroves and marine life around it. Migratory birds and waders will stop using the bay for food and rest and will need to find ever diminishing alternative locations in the harbour.

It will increase litter onshore and outfall and discharge into the bay as well as attract vermin and other 'fossickers' into the area around the bay. It will require a 'bank' of large industrial bins for general, recyclable and sewage waste and will require 'out of hours' and noisy regular industrial waste collection activity.

It will add to the reduction in our air quality with fuel, exhaust and rubbish fumes/smells.

It will disrupt ferry lanes and certainly disrupt kayakers, rowers, sailors and small pleasure craft and it will add a whole series of safety issues that currently do not exist in this part of the harbour.

It is immediately adjacent to privately owned residential property. This will cause conflict forever between residents and mega marina users and sightseers.

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It will disrupt ferry lanes and certainly disrupt kayakers, rowers, sailors and small pleasure craft and it will add a whole series of safety issues that currently do not exist in this part of the harbour.

It will cause the current pollution in the bay to be constantly stirred up. The pollution will travel to all parts of the harbour and to the edges of the bay where it currently abounds."

As I mentioned above I have considerable experience as a marina user and the issue that really makes my skin crawl in this matter is the fact that the marina WILL (no doubt) attract air, land and water borne vermin – rats on the land and cormorants (water birds akin to sea going rats) and Ibis in the water and in the air and there is nothing you or anyone else can do to completely prevent that. The downstream affect of vermin is worrying – feral cats for example and it goes on from there; the impact list is long. I currently live in a clean vermin free environment and want to keep it that way as I'm sure my neighbourhood does. Further, there is the issue of fuel and effluent spills, mostly deliberate, from vessels berthed at the marina. Unthinking, selfish and just plain arrogant and ignorant boat owners WILL (no doubt) pump their bilges and effluent tanks at the marina. Dirty bilges invariably contain fuel and oil (and possibly other chemicals and solvents). It's a fact of marina existence and no amount of legislation or wrist slapping will stop it as it generally occurs in the dark of night. As a result, assuming that some level of marina berth approval is granted, the proposed marina operator must be held directly accountable for an immediate clean up, notwithstanding the time of day. I and I'm sure my fellow residents don't want the stench of diesel fuel impregnated bilge water and effluent being blown into our homes when the north east wind blows, not to mention the adverse affect on sea and bird life and the environment generally.

Given that, in my opinion, you will be required to approve a marina of some kind in Kendal Bay by the parliamentary machine, notwithstanding any personal view you may or may not have, I urge you to approve a facility that has the minimal impact on the Breakfast Point community, particularly the Hunters Wharf residents who will bare the brunt of the adverse impact and diminution in the value of their properties. Possibly your Administration would care to compensate those property owners adversely affected if you push ahead as planned – (and pigs may fly).

I want Kendall Bay to remain untouched and any "inner west" marina located away from direct contact with residential development, however if the NSW Labour Government is hell bent on a marina in Kendall Bay it MUST be supported by appropriate planning and infrastructure and this is not available or planned to support the current proposal. You should seriously consider the following amendments to the proposal;

1. The number of marina berths is limited to around 80, significantly reducing the visual and environmental impact on Kendall Bay. Notwithstanding the expected protestations from the developer and NSW Maritime (as a result of reduced revenue) the marina enterprise could still be viable at this level of berths.

2. The developer be required to provide a car parking and truck/tourist bus facility of not less than 60 spaces (55 cars and 5 buses/trucks) from its own land holdings, not the Breakfast Point community. The estate roads adjacent to Hunters Wharf will not cope with the significant increase of parking traffic that would be attracted by an almost 200 berth marina as the roads already struggle with visitor parking on weekends. Such a notion is further madness.

3. The entrance to the marina is re-located to the southern end of Kendall Bay, off public land, away from direct residential development thereby reducing the possibility of disruption and trespass to Hunters Wharf residents. Marina user cars, buses and trucks be restricted to one dedicated and tarred area instead of ruining the lovely sandstone walkways in front of Hunters Wharf with oil and other chemicals jettisoned from motor vehicles as currently proposed. The insult to injury addition to the current proposal is that the developer expects the Breakfast Point residents to maintain the walkways soiled by vehicles associated with the marina. This must be clearly inequitable, even to a cash strapped government.

4. Under no circumstances should fuel or gas storage tanks, either above or underground be allowed. This would be suicidal in such a densely populated area. Fuel is available at d'Alboras Marina down river to the south east, some 600 metres away, which is surrounded by parkland that would be much less affected in the case of fuel explosion or fire.

5. No use of the marina as a collection/drop off point for ferries and commercial operators. There is a perfectly good public wharf 200-300 metres to the south east that is removed from direct residential property. The "late night" drunken and loutish behaviour that normally accompanies embarkation from such vessels would have significantly less adverse affect on the Breakfast Point/Cabarita community if it were to occur in a parkland environment.

Mr Kelly, I ask on behalf of myself and the majority of the Hunters Wharf residents that ideally you do not approve the development or at least the development as proposed, for all the reasons outlined above. I find it difficult to fathom that the NSW Government and particularly the local parliamentary member would alienate the local community for the sake of 177 "silver tails". If it was a 20,000 seat sports stadium or similar I could understand the Government ignoring local opinion, but not 177 "silver tails" (crazy).

In the end "what will be, will be" but I urge you to give serious consideration to either declining the application for a 177 berth marina in Kendall Bay in its entirety or at least approving a significantly reduced and re-designed facility.

Yours sincerely

Bill Davis

11/59 Peninsula Drive, Breakfast Point 2137
| GPO Box 3570 Sydney NSW 2001
| **Tel** +61 2 9233 9578 **Direct** +61 2 9233 9564
| **Fax** +61 2 9233 9572 **Mobile** +61 0419 215 527
| **Email** wdavis@allfinancefunding.com.au

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12/1 Bayside Tce
Cabarita
NSW
2137

22 November 2010

PROJECT APPLICATION NUMBER MP 07_0006

The Hon. Tony Kelly, MLC
Minister for Planning,
Parliament House,
Macquarie Street,
SYDNEY. NSW 2000

Dear Hon. Kelly,

PROPOSED COMMERCIAL MARINA - KENDALL BAY

We do not support the proposal as it would be impractical to have a Commercial Marina within a Residential development. There appears to be very little consideration of the residents, who already live close by this proposed Marina, in looking through the Environmental Assessment for Kendall Bay Marina Project, it is almost as if there are no residents already in the area, they do not exist!!

Kendall Bay and Inlet are contaminated and unfortunately the Government does not appear to be pushing the polluter AGL to commence a total remediation.

This goes against the natural law i.e. "IF YOU MAKE A MESS, CLEAN IT UP"

Covering the sea bed with a blanket so as not to disturb the contamination, and a Commercial Marina built is aiding and abetting the polluter AGL, who is responsible for the mess in the first place. When that happens Kendall Bay will not be able to be remediated.

We believe Kendall Bay and Inlet should be used for passive recreation i.e. rowing, kayaking, canoeing, and the walkway used by pedestrians, and cyclists and that the sea bed be left undisturbed.

Having been a member of the CYC in Rushcutters Bay and the Middle Harbour Yacht Club, and a boat owner, in the past we have an understanding of what is involved when stocking a boat and entering and leaving a Marina usually with a number of guests.

The small number of car spaces available for Marina users, is pitiful and at a minimum. The streets of Breakfast Point are not overly wide and already crowded with cars of owners and visitors, even without a Commercial Marina being constructed.

A Commercial Marina open 24/7 in Breakfast Point residential area is unacceptable. Any Marina area with a dining café on the water will attract many visitors from outside the area, apart from boat owners and residents nearby.

Cabarita Park and D'albora Marina is open 24/7, and experiences high levels of anti social behaviour, particularly in the summer, spring and autumn months around the Wharf and Park as well as close by the outdoor Thai restaurant and Sanders café.

Do we really want two close focal points of anti-social behaviour in our area during the warmer months? We do not.

The Police are loath to respond to such matters unless there is a bashing or stabbing taking place. It has been confirmed to us quite recently at the Maritime's "Clean Safe Wharf Forum" held 10 November at Concord Library, by the LAC Rod Smith that anti-social behaviour is on the bottom of their list.

12/63 Peninsula Drive
Breakfast Point NSW 2137
23rd November, 2010

Minister for Planning
The Hon. Tony Kelly MLC
Level 34
Governor Macquarie Tower
1 Farrier Place
Sydney NSW 2000

Received
24 NOV 2010
The Hon. Tony Kelly MLC

Dear Minister

Objection to Commercial Marina in Kendall Bay by Breakfast Point Pty Ltd

I refer to the development proposal (MP 07_0006) for a 172 berth commercial marina in Kendall Bay by Breakfast Point Pty Ltd (BPPL).

I am writing, as an owner of an apartment in Hunters Wharf, to lodge my very strong objection to the above proposal.

As a resident of Hunters Wharf, this proposal will have direct negative consequences for me and the fellow residents of Kendall Bay. This letter outlines the many serious concerns that I have about the proposal of a commercial marina in Kendall Bay.

Changes to ambience of Kendall Bay

1. Every day many, many residents and members of the public enjoy the quiet, serene, picturesque area of Kendall Bay with its ever changing nature and wonderful views. Many adults and children walk their dogs, ride their bicycles or just stroll along this beautiful, peaceful and safe dedicated walkway along the edge of Kendall Bay.

   If a commercial marina was to be built in this area as proposed, it would be a disaster for me and many hundreds of people who use this area on a daily basis, and who enjoy the ambience and safety. This proposal will have a huge impact on the quality of our day to day life, and the feeling of wellbeing that this area generates will be destroyed. Kendall Bay is one of the few untouched bays remaining in Sydney. If the proposed development goes ahead, the beauty, tranquility and safety of Kendall Bay will be permanently lost, never to be regained.

   The views of the bay from my ground floor apartment will be seriously interrupted by a marina of this magnitude.

   Roads and pathways are owned by the residents of Breakfast Point. I am concerned that the costs of maintenance and repairs from the wear and tear associated with the marina will be paid by residents.

Threat to personal health of residents

2. Kendall Bay is contaminated with hydrocarbons, polycyclic aromatic hydrocarbons, arsenic, chromium, copper, zinc mercury and lead. It is widely accepted that all these pollutants exceed current guidelines for human safety.

   The geotextile blanket that BPPL is proposing to lay is untried and unproven technology, and will not address the requirements of the remediation order (no. 23022) imposed on AGL on 22 June 2007. This remediation order covers an area around 10 times the size of the marina.

   The blanket will impact severely on the biodiversity of the area and will destroy all life beneath it. The process of laying this blanket will disturb the riverbed and allow even more toxins to be released into the waterway.

   The development proposal states that divers will check the blanket only for the first five years.

   Additionally, boats in the marina will further pollute Kendall Bay, adding pollutants such as exhaust particles, copper, sewerage and bilge water. Liquid wastes from boats will be pumped out at one outlet. All of the other boats will discharge their waste and sewerage directly into Kendall Bay. Solid waste will be discharged at the fixed jetty which will attract vermin, seagulls, and ibis, generate foul smells, as well as threatening the personal health of residents of Kendall Bay.

Threat to personal safety of residents

3. Within the 172 berths of the proposed marina, there are five public destination berths and a ferry terminal proposed. This will allow party boats to operate 24 hours a day, seven days a week. This carries with it revelers and the possibility of bad behaviour. Disrespect for, and encroachment onto our private property will no doubt occur.

   There will be no provision for security outside the manager's office hours; 8-6pm in summer and 9-5pm in winter. The public will have access to the fixed jetty and ferry pontoon permanently. Berth holders will also have full access.

   Breakfast Point Pty Ltd have retained the right for all vehicles including buses, construction , deliveries, and waste disposal vehicles to access and use the dedicated walkway around Kendall Bay. This will make a previously safe activity for pedestrians and cyclists risky and dangerous, as they will need to compete for space with the vehicles and clutter that will accumulate around the entrance of the marina.

   More than once have there been explosions and fires associated with refueling of motor boats in marinas.

These are all real concerns. All these aspects will erode the privacy and safety of Kendall Bay residents and create unacceptable noise levels at night.

Impact on wider community

4. The river is used by many schools and clubs for rowing and kayaking. These activities already have some risk negotiating other water vehicles. To add to that, the potential of a large number of water vehicles, including those up to 25 metres will greatly increase the risk for these users of the waterway.

   The Rivercat stops at Cabarita wharf regularly already has to negotiate the water vehicles using the river. It regularly needs to do a U turn to come into the wharf. This needs a significant amount of space, which would be impinged upon with a 172 berth marina.

When many residents bought apartments in Breakfast Point, the truth of the proposal was not disclosed. Many were told that the marina would be a small marina which would be for the use of the residents. Others were told nothing at all. The attempts to have consultation with Mr R. Rose have been met with refusal to do so.

The greed of a large affluent corporation to make yet more millions of dollars seems to overshadow the needs of many ordinary people who feel the right to continue to enjoy the environment and to live in a happy, peaceful and safe place.

Please consider my objection.

Yours Sincerely

Denise White

Michael Oxenham

209/9 Admiralty Drive,
Breakfast Point, NSW 2137
Australia
Telephone: (02) 9743 4402
Mobile: 0402 146 381
Email: moxenham@iinet.net.au

Tuesday, 2 November 2010

FN
LN 2010148567

Premier's Office
05 NOV 2010
RECEIVED

Ms Kristina Keneally, MP
Premier of NSW
Parliament House
Macquarie Street,
SYDNEY NSW 2000

Dear Premier,

Re: **Proposed Kendall Bay Marina**

I would like to repeat my objection to the proposed marina and emphasise to you the deep concern of Breakfast Point, Kendall Inlet and surrounding communities who oppose this marina.

The concern was shown last night at a community meeting where over 250 people were in attendance to express their concerns caused by this matter. Also attending was a media and press/TV crew to record the public interest generated from this proposal.

There are many good reasons why this proposal should not be approved by your Government:

- The remediation of the pollution made in Kendall Bay in the past by industrial activity of Jemena (formerly AGL) needs to be carried out immediately and such remediation will never be done if a marina is constructed.
- The proposed method of covering the toxic and carcinogenic pollution with a blanket is an untried, unproved technology and according to an expert remediation consultant may cause even greater pollution in the longer term.
- The impact of this pollution on my health and the quality of my life is unsure, except that we have been told by the EPA that close contact with the water should be avoided. Chemical odors from the bay foreshore are always present at low tide.
- Given these circumstances the thought of your Government approving this proposal is in my view not acting in the best interests of our community.
- This pollution needs to be cleaned up now for my future and that of generations to come. We have a chance to address this issue now and we should force Jemena (formerly AGL) take full responsibility for their past actions and clean it up. After it is clean up, Kendall Bay should be kept as it is and not turned over to commercial purposes for use by a privileged few.
- Construction of a marina will impact existing and future residents significantly by creating a great big parking lot for boats that will generate excessive noise (24x7), create pollution by unlawful dumping raw sewage into the harbor, interfere with local rowing club activities and create excessive traffic movements in and around the marina in an area which has not been designed for a large commercial marina.
- I appeal to you has one of my elected representatives that you do your utmost to inform your other Government ministers of my concerns and reject this proposal.

Yours faithfully,

Michael A Oxenham

premier

From: William Cowham [abcowham@hotmail.com]

Sent: Sunday, 28 November 2010 7:01 PM

To: <plan_comment@planning.nsw.gov.au>, <premier@nsw.gov.au>, <sharon.armstrong@lpma.nsw.gov.au>, <enquiries@treasurer.nsw.gov.au>, <drummoyne@parliament.nsw.gov.au>

Cc: <annie.cowham@morganstanleysmithbarney.com>, <bill.cowham@defence.gov.au>

Subject: Project Application MP 07_0006 - Save Kendall Bay Marina

Attachments: Marina Letter.jpg

Dear Department of Planning, Office of the Premier, Minister for Planning, Minister for Ports and Waterways and Member for Drummoyne,

Attached please find our letter in response to proposed project applicatoin MP 07_0006.

Kind regards,
Bill & Annie Cowham
Cypress
Peninsula Drive
Breakfast Point

From: abcowham@hotmail.com
To: abcowham@hotmail.com
Subject: Marina Letter
Date: Sun, 28 Nov 2010 07:34:58 +0000

107 / 6 Peninsula Drive
BREAKFAST POINT NSW 2137

2-8th November 2010

Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY 2001

Kendall Bay Marina; MP 07_0006

Dear Sir/Madam

We are recent residents of Breakfast Point, purchasing and moving in part due to the beautiful surroundings and foreshore walks available to the community residents. We were concerned about the prospect of a marina being developed, and so attended a community information session on 1 November 2010.

As a result of the meeting, we feel compelled to write to you to register our strong objection to the concept of the marina as it currently stands. We believe the project is being unnecessarily rushed and has not been fully scoped nor appropriately assessed by the responsible parties. In particular, we were concerned to hear that the independent urban planning consultants could not offer an opinion one way or the other due to the volume of the submission and the time required to fully assess its impact.

On the face of the information available, we are also concerned about the adequacy of the proposed 58 space car park to service a 172 berth marina; we are unconvinced by the developer's assurances that there will be no vehicular traffic on the foreshore pedestrian paths, when it is obvious a 50 seat kiosk and the boats themselves will require considerable logistics support in the delivering of supplies and removal of waste. And we are gravely concerned about the developer's seemingly blasé assurances that an untested geotextile 'blanket' will appropriately remediate against potential pollution, especially when independent environmental consultants express significant concerns about likely side-effects.

We request the marina development remain non-approved until appropriate time and effort has been spent by independent experts to fully assess the various environmental, urban and social impacts of any development. We urge consideration of all options, including full remediation of the site, and a smaller marina of approximately 40 berth-size. As a society, we will only have one chance to provide an appropriate legacy for our children and we should not rush to sacrifice their future on the basis of short term economic gain for a few large business interests. After all, it was that attitude over the last century which led to the wide-spread environmental pollution in the Parramatta River in the first place.

Yours sincerely,

William and Anne Cowham
Cypress

Cheryl and Laurie Ihnativ
12/61 Peninsula Drive,
BREAKFAST POINT NSW 2137

13 October, 2010

Mr. Phillip Costa, MP
Level 34 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

RECEIVED
14 OCT 2010
BY:

RE: Major Project Application Kendall Bay Marina
MP 07_0006

Dear Mr. Costa, MP

Please find a copy of a letter that we recently sent to Major Developments, Planning NSW concerning the application by Breakfast Point Pty Ltd to build a 172 berth commercial marina in Kendall Bay adjacent to the residential development of Breakfast Point on The Parramatta River.

The letter seeks an extension of time for submissions on the Environmental Assessment and Application on the grounds of the unique circumstances of owners at Breakfast Point and the complex nature of the environmental and planning issues involved. Hopefully it is self explanatory.

The purpose of this letter is to make you aware of the proposal, which comprises 10 volumes of highly complex issues because of the pollution in Kendall Bay, and the impossible task that has been set for meaningful and informed submissions from those wishing to comment.

We are seeking your cooperation to pressure the Dept of Planning and Minister Kelly to have the time for submissions extended until February 28, 2011.

We would also ask that, on our behalf, you raise the matter of complexities and scale in Parliament and seek a just outcome to our request.

The sediments in Kendall Bay are heavily contaminated from the previous AGL gasworks and in our view the proponents submission does not give due regard to this matter. Attached is copy of a letter sent recently sent to the NSW Dept of Planning.

Please do not hesitate to call us on 0408 662 770 or email us on lozza1950@hotmail.com if you require further information.

Thank you in advance.

Yours faithfully

Cheryl and Laurie Ihnativ

Laurie Ihnativ
12/61 Peninsula Drive
BREAKFAST POINT NSW 2137

October 8, 2010

NSW Department of Planning,
Major Development Assessment
GPO Box 39
SYDNEY NSW 2001

Attention: Anna Bradley

SUBJECT: NOTIFICATION OF EXHIBITION
KENDALL BAY MARINA PROJECT, BREAKFAST POINT
(MP07_006)

Dear Anna,

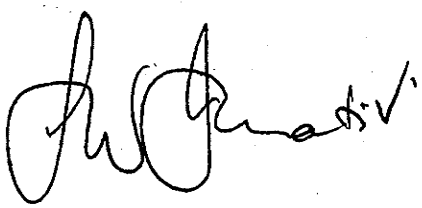
I refer to DOP's letter dated September 24, 2010 and referenced S07/0082 regarding the subject property. I reside in Breakfast Point and am a professional engineer with experience in some of the issues raised in the DA submission.

There are ten (10) large volumes of information in the DA submission that need to be digested and addressed. After a first quick read, I am of the opinion there are many areas where the submission can be challenged including some of the technical material provided to support the project. In order to make an informed well documented reply to the DA it will "take a lot more time" than the exhibition period allows, particularly when one has a full time job.

In order that due process can be fairly and equitably achieved, I request that the exhibition period be extended to at least February 2011.

Thank you for the opportunity to input into this project.

Yours sincerely,



Laurie Ihnativ, BE, MEngSc, MBA, FIE Aust.

Don and Bonnie McKenzie 41/25 Market Street Breakfast Point NSW 2137

Mrs. Barbara Perry, MP
Level 32 Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

RE: Major Project Application Kendall Bay Marina MP 07_0006

Dear Mrs. Perry,

You will have received a copy of a letter recently sent to Major Developments, Planning NSW concerning the application by Breakfast Point Pty Ltd to build a 172 berth commercial marina in Kendall Bay adjacent to the residential development of Breakfast Point on The Parramatta River.

The letter seeks an extension of time for submissions on the Environmental Assessment and Application on the grounds of the unique circumstances of owners at Breakfast Point and the complex nature of the environmental and planning issues involved.

The purpose of this letter is to make you aware of the proposal, which comprises 10 volumes of highly complex issues because of the pollution in Kendall Bay, and the impossible task that has been set for meaningful and informed submissions from those wishing to comment.

We are seeking your cooperation to pressure the Dept of Planning and Minister Kelly to have the time for submissions extended until February 28, 2011.

We would also ask that, on our behalf, you raise the matter of complexities and scale in Parliament and seek a just outcome to our request.

There has been no direct or active consultation with the Breakfast Point community at any stage of this proposal in over 4 years. There are serious issues with this proposal regarding access right and ownership of adjoining land, not to mention grave environmental concerns and occupational health and safety issues that this proposed marina brings to the community and that this application does not address adequately.

Please do not hesitate to call us on 0418402956 or email us on ppm_aust @bigpond.net.au if you require further information.

We have appreciated your interest in the past and hope it continues.

Regards,

Don and Bonnie McKenzie
Breakfast Point Residents Group

GF and ML McGrath
11/77 Peninsula Dr
Breakfast Point NSW 2137

Oct 13, 2010

Mrs Barbara Perry, MP
Level 32 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

RE: Major Project Application Kendall Bay Marina

MP 07_0006

Dear Mrs Perry

Please find a copy of a letter that we recently sent to Major Developments, Planning NSW concerning the application by Breakfast Point Pty Ltd to build a 172 berth commercial marina in Kendall Bay adjacent to the residential development of Breakfast Point on The Parramatta River.

The letter seeks an extension of time for submissions on the Environmental Assessment and Application on the grounds of the unique circumstances of owners at Breakfast Point and the complex nature of the environmental and planning issues involved. Hopefully it is self explanatory.

The purpose of this letter is to make you aware of the proposal, which comprises 10 volumes of highly complex issues because of the pollution in Kendall Bay, and the impossible task that has been set for meaningful and informed submissions from those wishing to comment.

We are seeking your cooperation to pressure the Dept of Planning and Minister Kelly to have the time for submissions extended until February 28, 2011.

We would also ask that, on our behalf, you raise the matter of complexities and scale in Parliament and seek a just outcome to our request.

Enclosed as well is a copy of a recent article from the Sydney Morning Herald concerning the proposed marina and remediation issues in case you missed it.

Please do not hesitate to call us on 0404 868886 or email us on gfmcgrath@gmail.com if you require further information.

Thank you in advance.

Yours faithfully

GF and ML McGrath

RECEIVED
14 OCT 2010

GF and ML McGrath
11/77 Peninsula Dr
Breakfast Point NSW 2137

13th October 2010

Major Development Planning
GPO Box 39
SYDNEY 2001
Attn: Felicity Greenway

Kendall Bay Marina
MP 07_0006

We are in receipt of your letter of 24th September advising that Breakfast Point Pty Ltd (BPPL) has lodged a major project application and environmental assessment (EA) for a large public commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347. The marina and its associated car park are immediately to the east and west of our property.

We are greatly concerned that the two months given for the lodgement of objections by Nov 30 is grossly inadequate and should be extended until Feb 28, 2011. The reasons for this request are set out below;

Breakfast Point overwhelmingly comprises blocks of strata title apartments and the Executive Committees of the various Owners Corporations of these apartments have an obligation to protect the interests of their members. Each of these apartment blocks sit within a community parcel which belongs to the residents, the Community Association (CA), and for which an Executive Committee also has responsibility. The workings of both executive Committees are governed by statutory obligations set out in various acts and require that major decisions are made at General Meetings. Thus, if any of these bodies decide to engage experts to advise them on the application and to then make a submission a series of meetings need to be arranged and held to approve any proposed course of action and the funding that may be required. In the case of the Community Association, the body most likely to be affected by legal issues surrounding the proposals, a meeting cannot be held unless 3 weeks clear notice is given and a meeting is not likely to be called without prior approval at an Executive Committee meeting. This requires a further 3 days notice. These 2 processes alone can take up to 4 weeks which leaves only 4 weeks to engage experts, review the 10 volume complex application and prepare a submission. The matter has not yet been considered by the Executive Committee of the CA. We would put it to you that in this case the departments demand that objections be lodged by 30 Nov is unreasonable and a denial of natural justice.

In addition to the above, many residents have commenced analysis of the ten volumes of documentation which have taken the Developer many years to prepare. The Developer, in preparing these, has consulted with Government Agencies, Council and consultants. The Developer has not consulted directly or actively with either local or surrounding residents nor have they consulted directly or actively with the residents of Breakfast Point despite numerous requests that they do so. In fact many meetings with BPPL were agreed to on condition that the 'marina issue' not be discussed. We further believe that the consultation process that was undertaken is not in accordance with the department's own guidelines and that, despite this matter having been brought to the attention of the department last year, no changes were made in the process.

Bottom of harbour plan to put toxins under a mat

Matthew Moore URBAN AFFAIRS EDITOR . Sydney Morning Herald

October 8, 2010

A DEVELOPER wants to carpet more than five hectares of the harbour floor to prevent polluted mud in Kendall Bay being stirred up by boats using a planned marina.

Under the proposal, 40-metre-wide strips of a geotextile blanket would be laid across 56,000 sq m of the bay to stop propellers disturbing silt contaminated by the former Mortlake gasworks that operated for 100 years.

To prevent tides and boat wash moving the blanket, a company called Breakfast Creek Pty Ltd, half-owned by Rose Group, has proposed burying it in a layer of "basalt rock armour" about 400 millimetres thick.

A spokesman could not confirm if such a plan had been used in other marina developments.

Residents around the Breakfast Point housing development say the marina should not proceed before the company responsible for cleaning up the pollution, Jemena Ltd, has completed remediation works.

The former Australian Gas Light Company polluted the bay from 1886 to the 1990s producing coal gas with discharged waste containing polycyclic aromatic hydrocarbons known to cause health issues including cancer.

Six years ago the Environment Protection Authority declared all marine areas within 200 metres of the gasworks a remediation site "to ensure further disturbance of contaminated sediments at the site is minimised".

In a remediation order it issued at the time it warned the "contamination in near-shore sediments ... pose a significant risk of harm" and that it was likely disturbance of the sediments would "increase the risk of harm".

Greg McGrath, from the Breakfast Point Residents Group, said the Department of Planning should refuse the marina application because of the health issues.

"We are demanding proper remediation takes place and the sediments in the bay are not spread further," he said.

He said the remediation order would have to be lifted to allow the 172-berth marina to operate and once that was done the bay would never be properly cleaned.

"The taxpayers of NSW will be exposed to the cost of remediation in the future," he said.

Jemena Ltd has applied to remediate three small sections of the bay but not the whole area covered by the remediation order.

A spokesman said Jemena would seek approval next year to carry out works that had been "agreed with the [Department of Environment]".

A spokesman for the marina played down the impact boats would have on the silt. "The majority of the remediation to be done is in sections of Kendall Bay which are separate from the area covered by the marina proposal."

The mayor of Canada Bay, Angelo Tsirekas, said the council had concerns about the proposal and wanted the Department of Planning to delay a decision while the council sought advice on a issues including an independent environmental impact study.

A spokesman for the department said "there is a need to ensure the proposed marina development does not hinder the necessary sediment remediation works in the bay", although he did not say how this would be done.

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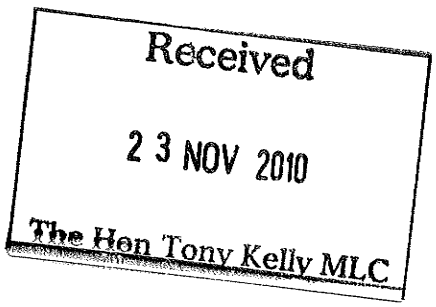
20 November 2010

Owners Corporation Executive Committee
SP 63025 The Ridge
24 Kendall Inlet
Cabarita



The Hon. Tony Kelly, MLC
Minister for Planning
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Minister,

Reference: Proposed Kendall Bay Marina (MP07_0006)

The Owners' Corporation Executive Committee (OCEC), The Ridge, Kendall Inlet, is the representative governing body for 20 strata title units on the south-eastern corner of Kendall Bay. Residents of The Ridge look directly "down" the Bay, with the view taking in all of the eastern foreshores and environs of Breakfast Point, and southern shorelines of Putney, Morrison Bay, and Tennyson. The development was occupied some 10 years ago.

Having considered the proposal for the marina in Kendall Bay, the OCEC supported unanimously the following three motions:

- ***That OCEC object in the strongest terms to the construction of a commercial marina in Kendall Bay.***
- ***That OCEC write to the Department of Planning conveying its strong objection, stating the principal reasons for the objection, and recommending follow-up action.***
- ***That OCEC write to local members and opposition candidates, other relevant members of Parliament and stakeholders, conveying its strong objection, stating the principal reasons for the objection, and recommending follow-up action.***

The principal reasons for the objection can be grouped under *four* main headings:

1. Pollution-Related Issues

It is widely known that Kendall Bay has high levels of toxicity. Further, it is understood that Jemena has an obligation to "clean up" designated areas. The arguments advanced to justify a geotextile blanket as an approach to pollution control, are reprehensibly misleading. Though couched in technical terms the story-line lacks credibility as there is insufficient attention given to the broader concerns about the levels of toxicity in the Bay as a whole, particularly in regard to the two different approaches to remediation.

> ***Recommendation 1: That, the Department of Planning undertake a thorough analysis of technical veracity of the Report's approach to pollution having particular regard to the acknowledged state of toxicity in Kendall Bay, as a whole and other initiatives designed to "clean-up" the Bay.***

17/21 Tennyson Rd,
Breakfast Point NSW 2137

The Hon. Tony Kelly MLC
Parliament House
Macquarie Street
Sydney NSW 2000

Received
23 NOV 2010
The Hon Tony Kelly MLC

Re **MP07_0006**

Dear Mr. Kelly,

I write in objection to the Breakfast Point Pty Ltd proposal to construct a new 172 berth PUBLIC COMMERCIAL marina to be known as Inner West Marina, in Kendall Bay immediately adjacent to existing and new residential buildings at Breakfast Point. An application has been lodged with the Dept of Planning.

My husband and I have lived at 17/21 Tennyson Rd, Breakfast Point NSW 2137 for 7 years, having purchased off-the-plan in 2001. At the time that we were introduced to the marketing of Breakfast Point we were led to believe that the old wharf was to be left in the bay. A marina was mentioned but under the guise of a small private one, certainly no mention of a 172 berth public marina. The potential vehicle/people traffic associated with a marina of this magnitude should have been highlighted in the early planning & selling stages of Breakfast Point.

The proposed marina at Breakfast Point would be a financial goldmine for the principals of the project & a diaster for the people of not only Breakfast Point but also the surrounding areas. The developer of Breakfast Point is a company called Breakfast Point Pty Ltd. It is a $4 company jointly owned by a developer, Rose Pty Ltd, and the Building Industry Association Superannuation Fund, Cbus. Breakfast Point Pty Ltd has applied to build the mega commercial marina of 172 berths in Kendall Bay over the area that is heavily polluted by past AGL activities. The State Government has given initial approvals even though no agreements have been reached for remediating the area.

Looking at other marinas in the Sydney and Pittwater areas that were built after the residential areas had been established are a classic example of what not to do. For example, the proposed parking for 58 cars is not sufficient; a car park for 500 cars would be more realistic, but again totally inappropriate for Breakfast Point.

Finally, the proposed contribution by the Marina to the Breakfast Point Community Association for the up-keep of the urban environment, gardens, streetscape and sea wall will not be sufficient to cover the costs associated with this marina.

Finally I reiterate my objection to the over-development of the Bay for the purposes of the Marina, due to the environmental, financial and social impact on the Breakfast Point community and residents.

Regards,

Margaret Dawes

Margaret Dawes

17/21 Tennyson Rd,
Breakfast Point NSW 2137

The Hon. Tony Kelly MLC
Parliament House
Macquarie Street
Sydney NSW 2000

Received
23 NOV 2010
The Hon Tony Kelly MLC

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Regards,

Errol Dawes

KENDALL BAY MARINA

Elizabeth Marian Ellen Buckley
23/77 Peninsular Drive lot 36
Breakfast Point NSW 2137

MP 07_0006
OBJECT TO PROPOSAL
Reasons below
22/11/10

Received
23 NOV 2010
The Hon Tony Kelly MLC

Dear Sir/Madam

Upon reading this notification letter dated 24/9/2010 it struck me initially as a gross invasion of Privacy, space, noise, over crowding, parking & security for the residents of Breakfast Point. This is contempt on the people of Breakfast Point and surrounding streets. Using the Breakfast Point residents for security and for your own gain in this way shows the people of Australia the type of people you really are.

50 seat kiosk: More like a restaurant, so we know this will increase in time or straight away. Where will these people park? Most people I know walk nowhere. How will this be prettied up for the loss of water views that some people have paid millions for. Also the noise factor and privacy has been totally ignored.

Golf buggies are these free for everyone's usage? Everyone will have 2 or 3 esky's, baggage, block ice plus food. Pullalongs have been suggested and these take many trips as they are heavy when loaded and every imperfection on the ground will be echoed. The racket these make let alone staying in a straight line will cause damage to our gardens and amenities. With these trips there will be singing out to people on the boats and car parks as it is just too far to walk back to if you don't have to.

Soundproofing of Hunters Wharf windows, fencing does not appear in your proposal. The walk through to the pools which other buildings currently utilize will have to be gated for security. Where is your offer to pay for this? Since people don't like walking especially carrying heavy items will double park to be closer and will trespass on private property to do it. If we don't have a fence who or what will stop them. The party boats and you will not stop them will pick up, drop off. What kind of security are you offering to move people on Police or useless security officers who are a joke, which hopefully you pay? Hunters Wharf is so exposed to vandalism will you be picking up the bill?

An absolute insult of offering $10,000 to the community association for full access to its facilities. It is also expected for us to keep the roads clean and in good working order and retain the sea wall for your exclusive use, for love.

The private locked open car park will have a gross impact upon me visually and is too small and should not be for private use only. We do not even have enough parking for resident's visitors let alone more boat people. Boat owner visitors will use my visitors parking and will be there all day or even weeks.

Sediment protection system, I have to leave to the experts but what has been suggested seems to blanket the problem only. It does not alleviate any risk of contamination spreading with the cover and the accidents that may occur when a large boat moors where it shouldn't be.

This has so many things wrong with this proposal; it is inconceivable to think anybody could approve this Marina. So please stop it now before anymore taxpayer's money is wasted.

Yours Sincerely,

E. Buckley

Elizabeth Buckley

MIMOSA GARDENS COMMUNITY ASSOCIATION
BREAKFAST POINT

Chairman:
Tony Rae
15 Breakfast Point Boulevard
Breakfast Point NSW 2137

Telephone: 8765 8610

Secretary:
Doug Tear
9 Breakfast Point Boulevard
Breakfast Point NSW 2137

Telephone: 8765 9121
E-mail doug.tear@bigpond.com

30 November 2010

By facsimile: 9228 6466

The Manager
Major Development Assessment
Department of Planning
PO B39
Sydney NSW 2001

Dear Sir,

Re: MP 07-0006

At a recent Meeting of the Executive of the Mimosa Gardens Community Association; the Executive discussed at some length the proposal for the construction and operation of proposed marina at Kendall bay. It was again unanimous in its decision to strongly oppose this proposed construction. Some time ago, this Association sent a formal letter opposing this proposal.

The reasons for this opposition are as follows:

- Breakfast Point streets are privately owned by the various Community Associations and as such are maintained at the Communities' own expense. The increased volume of traffic caused by the proposed marina through the Breakfast Point precinct will create significantly more wear and tear on the road surfaces which will require greater remedial maintenance to be carried out and more frequently than currently necessary.

- The necessity for the Communities to increase insurance requirements.

- The roads will be made unsafe for passive use (walkers, children, cyclist and wheel chair bound residents and visitors) by the volume of users of the marina and delivery trucks replenishing the fuel and other commodities necessary for the marina.

- Create traffic and parking problems in all of the roads within the Breakfast Point precinct in the already congested precinct as it is understood that the marina will be in operation 24 hours per day.

- The increased vehicular traffic will be excessive, it will create noise, pollution and traffic disturbance within Breakfast Point precinct and its road system.
- The increased pedestrian traffic to and from the marina.
- Possible adverse impact on the value of properties in the Breakfast Point precinct.
- The loss of the scenic views of the Parramatta River from the walkway along the river by the construction of the 174 berths and the resulting jetties and overwater walkways.

It is therefore requested that Department of Planning reconsiders its proposal to approve the construction of the marina and that the proposal be rejected.

This Association has not given any reportable political donations in the eight years of its existence.

Should you have any queries on any of the above matters, I can be contacted on 8765 9121 or 0417 370 842 at any time.

Yours sincerely,

Doug Tear

Doug Tear
Secretary

Unit 11
59 Peninsula Drive
BREAKFAST POINT 2137

29 November 2010

Major Development Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

FAX: 9228 6466

Dear Sirs

PROJECT APPLICATION: MP07_0006 KENDALL BAY MARINA

I refer to the above proposal by Breakfast Point Pty Ltd for a 172 berth commercial marina in Kendall Bay and wish to lodge an objection to this application.

I am among one of the residents most affected by this proposal as I own and reside in an apartment in the Hunters Wharf precinct. My apartment is located on the ground floor of a block which directly fronts onto the proposed marina.

I have the following objections to this proposed development:

1. It will allow the construction of a 172 berth marina with a café on the doorstep of a residential development with access to the marina and café directly through the residential development with all the associated noise created by the patrons and their guests at any time of the day or night. I cannot think of another commercial marina in Sydney which intrudes onto a residential area without the buffering effect of a road or a much greater expanse of land than here.
2. Whereas the view from my apartment presently encompasses Kendall Bay and the interesting and diverse traffic that passes by, this development will entirely block this view and I will be left with a view of an unsightly marina.
3. Although the developer has stated that the foreshore walkway which is currently used by walkers and cyclists will not be used as a road and that the carriage of all items for the marina and the café will be by trolley, it is impossible to envisage how this could possibly be feasible. In particular, it is impossible to imagine how the volume of garbage generated from a 172 berth marina and café could be removed via trolleys, unless the trolleys were running virtually non-stop.

4. The loss of privacy and the very real concerns regarding security, as there will be no separation between the marina and the front gardens of the Hunters Wharf apartments, other than the walkway and a small expanse of grass. This leaves our apartments vulnerable to anybody walking across our lawns and gardens and for undesirable people to walk right up to our windows, meaning that our doors and windows will have to be closed and locked at all times.
5. Lack of car parking for a marina of this size. Although I appreciate that not all 172 boats would be used at the same time, nevertheless parking for 55 cars seems totally inadequate. As I understand, the boat owners will be issued with some sort of key card to access the allocated parking area, however there is no provision for parking for the guests of these boat owners. This means that they will be parking in the residential streets of Breakfast Point, which are becoming very congested even now.
6. The disturbance of the contaminants in the bay during construction is another concern, together with the uncertainty of the success of use of the geotextile blanket which is proposed to cover only part of the bay.
7. Pollution can take many forms and in this proposal there are a number of different pollutants:

    a. the stirring up of the polluted sediments in the bay,
    b. the noise pollution which will occur from the patrons of the marina and café
    c. the visual pollution with the marina covering approximately two-thirds of the bay
    d. the pollution created by the vessels, i.e. fuel, waste and garbage.

Yours faithfully

KERRY DAVIS

Department of Planning
Major Development Planning
GPO Box 39
Sydney 2000
Attention: Felicity Greenway

Re: Kendall Bay Marina MP 07_0006

I am writing to object to the proposal regarding the construction of a large commercial marina, sediment mat and associated infrastructure in Kendall Bay and on private land within the Community Association of DP270347.

This proposal has, is and will have a continuing major impact on Kendall Bay, the Parramatta River, Breakfast Point and surrounding areas of Mortlake, Cabarita and the municipality off Canada bay.

The major concern is the failure of NSW government and the polluter AGL to clean up the gasworks site properly, the contaminated foreshore area and the Bay itself which are all contaminated by chemicals and carcinogenic pollutants and by-products which all pose serious health issues to humans, animals, aquatic life, and the environment generally.

AGL and now Jemena are required by law to clean up their mess and the NSW Government and their officials have allowed the polluter to evade its legal responsibilities, to not clean up and now to propose an untried, defective proposal to cover a small portion of the poisonous sediments with a 'mat' of some geofabric. This proposal if farcical and only proposed to save the polluter the millions of dollars necessary to do the job properly.

Residents and aquatic sports users and the general public including school children will continue to be exposed to dangerous chemicals for hundreds of years or more, in a similar way that was permitted at Rhodes and Homebush Bay by the NSW Government and their officials. The criminal negligence of polluters and regulatory and government officials will be exposed and made the subject of litigation as any reasonable person understands the risks.

The most serious concern relates to the total dishonesty of the developer, the polluter AGL and the EPA about their intentions since we all moved into the area in 2000/2001. We were all mislead but assured the cleanup was being carried out properly, and the small and insignificant resident marina and rowing shed associated with Breakfast Point was never deemed to be an issue. This was all misleading and deceptive conduct on behalf of all the parties involved, including the NSW State Government who are recipients of political donations from the polluters, developers and probably influenced by the Union involvement in the site's financier CBUS.

Of most serious concern appears the recent conduct of the polluter, its agents and the NSW Government Departments including Maritime, DECC and Planning who have effectively sabotaged the recent tenders and transport and treatment methodologies to clean up the sediments by having them properly and professionally removed.

P/132 Cabarita Road, Cabarita, NSW, 2137 | mobile 0417 275 939 | fax 02 9743 [illegible]

Further there is a major concern at the construction of a large commercial privately run marina operating so close to residents and dwellings which have not been acoustically constructed to minimise noise and nuisance from the marina activities and the additional public access and service vehicles. The marina and its construction and activities and visitors will all impact adversely of the communities of Kendall Inlet and Breakfast Point.

More importantly the risk of fire and explosion from the quantity of flammable craft and the fuel on board raises serious risk to residents and the public at large who enjoy the serenity of the foreshore walk. It is highly likely this marina will be allowed to install a large 110KL fuel tank such as has been recently proposed to other marinas such Birkenhead Point.

As we have seen from this developer and the authorities, no proper amplification of sewers and drainage has occurred from this development. The MWS&DB and now Sydney Water sewers are all severely impacted and overloaded as a result of the thousands of additional dwellings connected to the 1950and 60's systems. The pollution of Kendall Bay and the recent tests and results of faecal colifiorms is regularly beyond safe standards, and yet there is no action taken from the authorities whether State or Local to address this pollution. As an active rower on Sydney Harbour of over 45 years the illegal pump out of bilge water and sewerage from moored boats all around the harbour adjacent and at D'albora Marina and Iron Cove, Hen and Chicken and Jacques Bay is unacceptable and unchecked As one sculls past these vessels, some of which have people living permanently on them one can only ask where are our authorities, law enforcers and public health officials?

The matter of water craft users such as me is of prime concern too. As a past captain and Director of Drummoyne Rowing Club I have been involved with traversing the Parramatta River since the 1960's and confirm that the conduct of motor vessel operators, specially private cruisers can be contemptuous and downright dangerous to rowers, coaches, kayakers, and paddlers alike. As a driver assistant to Australian rowing coach Dr Andrew Randell since 2001 we have been subject to regular dangerous speedboat driving placing the lives of all at risk. This happens because the NSW Maritime does not have a sufficient presence on the river at all times, and is not able to be contacted to address complaints from those affected by hoons and drunks in speed boats. The use and safety of rowers in particular will be further impacted by the 177 power boats accessing the proposed marina.

There has been little proper community consultation from the developer, the polluter and the NSW Government especially the local member and her brother in law NSW Maritime minister Joe Tripodi. She has seemed to have been an advocate for this proposal as a result of her failure to properly take up any of her constituents' concerns and to support the City of Canada Bays' Mayor and Council who all oppose the proposal.

Personally and I speak for my family the whole process reeks of dishonesty, negligence , unprofessionalism and political cronyism where the NSW Government is seemingly influenced by political donations whether from polluters, developers or marina operators and overseas investors. The whole process has had unfair timelines especially for the submissions and responses and is obviously set to facilitate approval to meet the timing of the next state election.

As a professional construction project manager for almost 40years I am aware through networks and contacts of the conduct of many associated with the partial AGL site cleanup, the removal of the established trees along the foreshore walk, the illegal and unchecked

discharge of sediments and pollutants and stormwater from the many construction sites since 2001. To my knowledge the EPA, DECC and CCBC local Council have all been notified of continuous breaches of environmental matters, laws and breaches but have taken no steps to prosecute or fine polluters and contractors.

I am also advised the developer and its agents have been proceeding unchecked with the design, procurement and contractual and legal issues as though the approval is a formality.

In addition to the above I have the following concerns:

1. AS a resident of Kendall Inlet we have been left unprotected by both NSW and Local governments and Police whereby anyone can park illegally within our 24/7 open private estate. The proposed marina patrons and visitors will undoubtedly use our estate.
2. The stand of mangroves at the end of the Bay has been allowed to be scoured out by the developer's 2 metre diameter stormwater drain and NSW Fisheries and DECC and Council are all unable to be involved in protecting this vital part of the environment of the River ecology. Further boat wash will destroy the mangroves to the delight of some residents.
3. Over several years NSW governments have been aware of the impact and damage caused by boat washes to the sea walls and the shoreline. The design of Rivercats was specifically for this purpose. Now it seems the cost of repairing sea walls will be at CCBC councils' expense, i.e. from the rate payers.
4. My late wife worked at Union Carbide Rhodes plant in the 70's and died an agonising death riddled with cancer, thought likely to have been caused by the dioxins and chemicals manufactured in the plant with full NSW government knowledge and approval. Thankfully I was not required to be exposed to Agent Orange even though I was conscripted under the 'ballot' system to fight in Vietnam. The government performance here and at Barrangaroo seems similar to their conduct at Rhodes and generally with all polluters, such as Orica and AGL sites elsewhere.
5. I am concerned that an underground fuel tank will be added to this proposal by stealth, as it is clear that motor boats all require constant fuelling and the proponent will no doubt assert a need for such a fuel sale facility.
6. The design of the marina under the Australian Standard AS 3962-2001 has been conducted so as to provide a substantial oversize ability (with the sizing of channel widths and fairways) for very large vessels which would no doubt end up berthing here to discharge clients, patrons, guests and food and equipment.
7. Contrary to the size of boats proposed it seems that the berth sizes are not yet determined and are subject to review.
8. If as suggested there may be sailing craft intended on the marina there does not seem to be any rigging area allocated.
9. From my own experience using marinas at Birkenhead Point, CYC Rushcutters Bay, RMYC, Pittwater and Rose Bay I am aware that on fine weekends many boats are used each with up to 20 guests. I cannot see how the small number of parking spaces will be adequate and who will police illegal parking which is continuing unchecked and unregulated by authorities.
10. It would seem proper that the polluter and its agents and consultants should engage a proper and suitably qualified expert such as Associate Professor Dr. Gavin Birch to report on the dangers and issues with the sediments of the Bay and the proper need to clean up and remediate, not merely cover-up.

P/132 Cabarita Road, Cabarita, NSW, 2137 | mobile 0417 279 966 [illegible]

11. I am concerned that the bathymetry and levels of the Bay will be unduly impacted by any proposed mat which would undoubtedly require substantial ballast to protect and retain it.
12. I am also concerned that the proposed mat will be damaged by the vessels which anchor, moor and work and fish in the Bay.
13. The proponent has publicly stated the need for the size for Sydney Ferries access when we were advised by the Manger of Sydney Ferries that they had no discussions regarding such use or requests.
14. I am unaware of the fire safety design and fire escape steps taken to protect residents and the flammable dwellings in close proximity.
15. I also have concerns at the use of the foreshore walk for delivery vehicles, buses, emergency fire and ambulance, when the public are vulnerable and at risk.
16. As a rower and sculler operating from Kendall Inlet I find several vessels to be totally oblivious to unaccompanied scullers such as me, and especially around Dalbora there are safety issues where large motor cruisers are oblivious to personal craft.
17. I am personally concerned at the noise and nuisance which I have personal experience of when boats and pleasure craft alight and unload passengers after a long day. The noise and clatter of well behaved groups can be disruptive, but the drunken and belligerent behaviour of the minority will be the critical issue. I see no way where this marina and its operator will be able to control the problem patrons.

Thank you for the opportunity to make this submission and I look forward to the proper response and investigation into this unwanted commercial marina which should never have been considered until a proper and effective cleanup of the polluters poison is carried out. You must be aware that the conduct of AGL, Orica and Union Carbide has all been permitted by a weak willed government which is politically compromised by donations.

P. Schimke

Yours sincerely,
Paul Schimke

0417 275 939
P/132 Cabarita Rd Cabarita NSW 2137

MCU Documents - Breakfast Point Residents Group Kendall Bay Marina and Kendall Bay Remediation

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From: "Peter Ashcroft" <pja@ashlaw.com.au>
To: <information@planning.nsw.gov.au>
Date: Tuesday, November 17, 2009 4:38 PM
Subject: Breakfast Point Residents Group Kendall Bay Marina and Kendall Bay Remediation
CC: "'Greg McGrath'" <mcgrath1177@gmail.com>, "'Don McKenzie'" <dcm_edim@bigpond.net.au>
Attachments: BPRG 09059let1DirGenPlan.pdf

To the Director General

Department of Planning

Please find a letter from our Association. Your attention to the matters raised would be much appreciated.

Regards
Peter Ashcroft
President Breakfast Point Residents' Group
Apartment 110 Admiralty, 9 Admiralty Drive, Breakfast Point, NSW 2137 Australia
PO Box R353 Royal Exchange NSW 1225
Tel 61 2 8765 8451 Fax 61 2 9233 3828
****
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breakfast point residents group

Director-General Department of Planning
GPO Box 39, Sydney NSW 2001

information@planning.nsw.gov.au

Monday, 16 November 2009

Dear Sir

Development Applications by Breakfast Point Pty Limited for the Kendall Bay Marina and the Development Application by Jemena Limited for the Remediation of Kendall Bay

I am the President of the Association and I have been requested by our Association to write this letter and request your urgent consideration of the matters I have set out below.

I advise that the Breakfast Point Residents' Group is an association under the Associations Act and was formed specifically to address issues of concern in the local area to residents within Breakfast Point and its adjoining suburbs of Mortlake, Cabarita and Concord. The primary concern for the formation of the Association was however the pursuit of the remediation of Kendall Bay and to consider and if appropriate to object to any marina proposal for the bay.

Let me, however be clear, this Association objects to the approval of any DA for a marina in Kendall Bay. We assume that the DA that you have now provided to the Council from Breakfast Point Pty Limited ("BPPL") is generally in accordance with the preliminary plans by BPPL in respect to its marina proposal. This Association and all its members object to such proposal.

Last night I attended a meeting of over 100 concerned residents organised by the Canada Bay Council and co-sponsored by this Association at the Massey Park Golf Club in Concord. The meeting had been called on short notice by the Council as the Council had just received the formal Development Application for the marina from your Department.

We of course have not received any notice nor have any of our members.

Without the Council's commitment to consultation and the distribution of information this Association nor the residents would have any idea what is taking place with the marina proposal and/or the proposed remediation.

I take this opportunity to set out a number of matters to which we object at this early stage.

We have taken this opportunity to write this letter before the process enters the next stage including public exhibition of the DA and request that you take these matters into your urgent consideration.

The following issues although matters of substance only deal with this preliminary procedure. These matters in no way limit or restrict our views or opinions on other issues within the DA.

- **No Social Impact Assessment**

  The Director General's requirements did not require any social impact assessment. It is inconceivable to us that such a matter was deemed by the Department of Planning not relevant.

  - The marina if approved and constructed will have a major impact on the quality of life of all residents of the Breakfast Point Community Association ("BPCA"), residents of Breakfast Point who are not members of the BPCA, and residents of nearby Mortlake and Cabarita.

  - Particular concern should and must be given to those residents that will adjoin the marina. No consideration has been given to these people at all. A social impact assessment is required to consider these issues and address any problems that are revealed.

  - Despite a careful structure of ownership designed by BPPL to allow it to claim the marina will be attached to its land the reality is that the land to be used by all marina users is the property of the BPCA. BPPL has retained a small lot in front of the Hunter's Wharf development that is mere 1.5 metres in depth so the BPCA still retain all the obligations of maintaining the sea wall in the vicinity of the marina and particularly below all the construction of the connection of the marina to the land. This BPCA lot is also a mere 1 metre wide at its widest point. Every other piece of land between the marina and Tennyson Road (the nearest public land other than the walkway) is either the property of the Council (but all costs of its maintenance remain with BPCA, that is the water front walkway) or is simply the private property of BPCA or members of BPCA. The Director General's requirements do not require any consideration of this structure.

  - We understand the DA does not include the manner of operation of the inter-relationship between the marina, presumably by means of an owners' corporation and the BPCA. The legal structure of the BPCA is complex, confusing and inconsistent. In many instances it is poorly drafted and it is very difficult to change. There are two lots that form part of the marina, the car park lot and the waterfront lot that are within BPCA. The waterfront lot has no community entitlement and will therefore pay no costs to the BPCA for anything. This in our opinion raises major issues of fairness and equity which are not addressed in the DA.

We hereby demand that you require the applicant to prepare detailed social impact assessment in respect to its proposed development of a marina in Kendall Bay.

- **No Public Consultation**

A condition of the Director General's requirement was that the developer undertake public consultation. We would dispute that any public consultation has taken place by the developer. We understand that the developer alleges in the DA that the use of the web site "Innerwestmarina.com.au" and the forum on that web site is sufficient to constitute public consultation. We note the developer was not referred to at any point on that web site and it was not possible to correspond or discuss any issue with the developer or its consultants.

  - We submit that this type of "consultation" is thoroughly unacceptable and that the developer must convene meetings or workshops to discuss the issues of concern to interested persons and residents.

We hereby demand that you require the applicant to undertake public meetings and workshops with residents to discuss all aspects of the proposed development

- **No Consideration of the AGL Remediation and the Need to Finalise the Remediation Plans and Undertake the Work**

In October 2008 Jemena Limited a wholly owned subsidiary of AGL lodged a preliminary DA with the Department of Planning in relation to some proposed remediation of Kendall Bay. In essence that preliminary application proposed a program to remediate less than 5% of the Bay.

  - This Association worked with Council on the proposal and in May this year the Council wrote to Jemena requesting a substantial amount of additional material. No further material has been provided. Approximately 2 months ago we are aware Council officers met with representatives of consultants engaged by Jemena on site to discuss the proposal. Little progress on finalising the application appears to have taken place and we are far from encouraged that any further work of substance has taken place by that applicant.

  - When the next stage of the preliminary DA for the remediation will take place is anyone's guess.

  - Now we have the DA for the marina lodged. It appears to us that the Department of Planning and the developer intend to proceed with the DA for the marina prior to the conclusion of the process to determine the DA for the remediation. We are of the opinion this is fundamentally inappropriate. We cannot see how any responsible planning department could or should entertain the marina DA in advance of finalising the DA for the remediation.

- There remain various theoretical possibilities that must be taken into consideration in relation to remediation. If the marina was to be constructed this would restrict or indeed prevent any further remediation beneath or in the vicinity of the marina. At last night's meeting the Department of Planning officer (Mrs Anne-Marie Carruthers) advised that it was her opinion that it would be a condition of any marina DA that the remediation be carried prior to construction. This in our opinion is completely unacceptable. Both DAs or the projects the subject of the DAs are substantially connected and it is not possible in our submission to deal with the marina DA until you have completely resolved the remediation DA. Consideration should be given by the applicant in the marina DA to how its proposed sea floor matting will work with the areas remediated by AGL. This assessment cannot take place until the Jemena DA has been agreed and approved.

We hereby demand that you require the applicant to defer consideration of this DA until the DA for the remediation is determined and agreed and the work the subject of such DA is completed

We hereby request that you consider these matters as a matter of urgency.

Yours faithfully

Peter Ashcroft
President
Breakfast Point Residents Group Inc.

23 November 2010

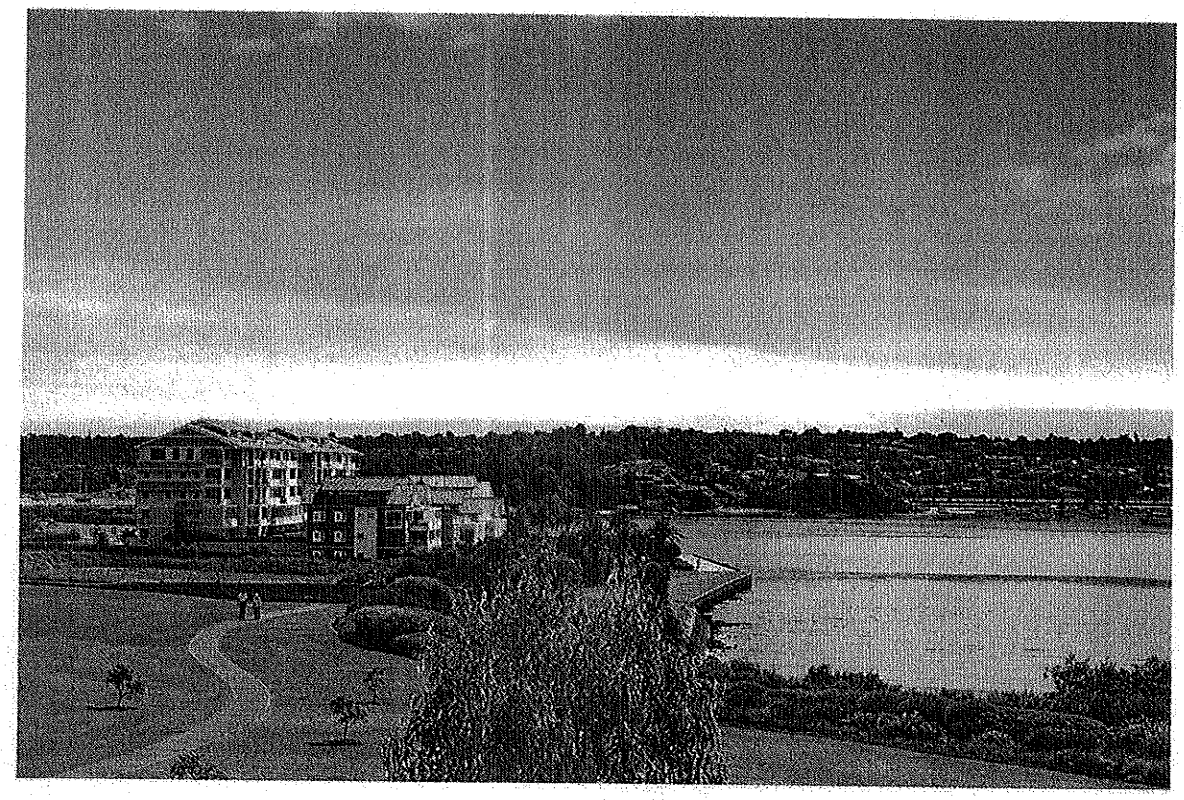
The Hon. Tony Kelly, MLC
Minister for Planning
Macquarie Street
Parliament House
Sydney NSW 2000

Greg & Dierdre Horan
302 / 1 Admiralty Drive
Breakfast Point
NSW 2137

Dear Minister,

Subject : **Kendall Bay (Breakfast Point) Marina Development DA MP07_0006**

Eighteen months ago we moved from Strathfield after 26 years to Breakfast Point to, amongst other things, enjoy this beautiful vista from out apartment balcony. The view to and of the water was a major selling point that convinced us to retire to this environment.



When we moved in we were not fully briefed on the Kendall Bay issue. We thought it was some NIMBY thing that some residents were objecting to. Well, having attended meetings organised by the Breakfast Point Resident's Action Group, now we too are committed anti-Marina residents. There are many compelling reasons to not allow this commercial development to proceed – these are our main reasons.

Reasons <u>NOT</u> to proceed with Commercial Marina Development :-

1. The greater proportion of Breakfast Point Residents who would be directly affected by the development do **NOT** want it.
2. It would be a **visual blight** on our beautiful amenity. The whole focus of the Breakfast Point development is to look at Kendall Bay and the adjacent waters. There is a walkway along the perimeter of these waterways to take in the various vistas afforded which is used by hundreds of local people daily. This would be lost forever.
3. The site itself has been under a **remediation order** for at least 8 years. No remediation has been done. Rosecorp are proposing an untried (as far as can be determined) **geotextile blanket** – to literally "**sweep the problem under the carpet**". No DA for construction of any type should even be considered before such remediation is properly completed. One would have to be naïve in the extreme to think that laying a blanket over such a seriously contaminated area will affect a safe, long term solution.
4. Not only would construction work cause unnecessary disturbance to the dormant sea-floor pollutants, but were the marina to proceed, the daily traffic of motor boats stirring up the waters would **exacerbate the pollution problem.**
5. The **proposed marina is massive** – 172 berths. There has been **no social impact study** undertaken of residents concerns by the developer Breakfast Point Pty Ltd (BPPL). Some of our concerns here include ;
    a. **Road traffic** (cars, trucks, utilities, trailers, etc) entering and leaving the Breakfast Point **private road** precinct – every day, at any time of day.
    b. The construction of a **58 space car park** to accommodate the users. The reality is marina users will park wherever they like including in spaces currently allocated for residents
    c. **Human traffic** at all hours of day and night with the incumbent:
        i. **Noise, noise, noise** from people
        ii. **Rubbish pollution**
        iii. **Drunken behaviour** post sailing trips (vomiting, urinating etc – with no respect of the people that live here)
        iv. **Party ships hoons**
        v. **Private property damage**
        vi. More **noise from outboard & inboard motors**
    d. **Fuel storage** and distribution **risks**
        i. **Fires** – refer the boat explosions at Pittwater earlier this year
        ii. Water **Pollution**

6. The Parramatta to Sydney Ferry service routinely passes across the face of Kendall Bay to pick up / drop off at the Cabarita wharf. Having boats travelling in paths at 90 degrees to each other is a **recipe for disaster**. The National Maritime Safety Committee (NMSC) reported in Dec 2009 "that 346 people lost their lives in Australian waters since 1999 and thousands more were injured".
7. This is a commercial enterprise by Rosecorp who have shown their **total disrespect for the residents of Breakfast Point** by not communicating with us on their plans to change our environment. This corporation have a history political donations on the expectation that they can achieve political favours (eg Catherine Hill Bay fiasco). It's purely and simply a grubby money making exercise.
8. **Canada Bay Council is fully supportive of the Breakfast Point No Marina stance.**
9. **Our position is clear – WE WILL FIGHT IT**

We extend to you or your advisors an invitation at any time to inspect the site and see and hear first hand our objections to the DA which is in process.

Kind Regards

Greg & Dierdre Horan
Ph: 02 9739 6600
Mo: 0418 850 564
Em: Greg@controlcomponents.com.au & dierdre302@gmail.com

From: <kelvincameron@bigpond.com>
To: <information@planning.nsw.gov.au>
Date: 02/12/2009 23:17
Subject: Kendall Bay Marina
Attachments: DG DoP Kendall Bay Marina.doc

Received
- 3 DEC 2009
M.C.U.

Dear Director General,

Please note my requests and concerns as detailed in the attached letter.

You may consider this to be a part of a mass email campaign but it truly represents my views and concerns and I would appreciate confirmation by return that you have received this email as it discusses issues that are very important to me and my family.

Kelvin Cameron

Director-General Department of Planning

GPO Box 39, Sydney NSW 2001

information@planning.nsw.gov.au

Dear Director General,

I write to you because I purchased a Unit overlooking Kendall Bay four years ago and at that time Rose Corp published information stating that there would be a small private marina in Kendall Bay. I understand that a DA has now been submitted to Canada Bay Council for a 173 berth commercial marina to operate in Kendall Bay.

I understand that the Director General's has already directed that the developer undertake community consultation. There has been no consultation even though residents like me have requested it.

We understand from our discussions with the Council that the DA is basically the same as the preliminary plan for the marina, in that it now proposes 173 berths within a major pontoon structure in the middle of Kendall Bay, together with a 58 car parking facility on the western side of Peninsula Drive.

Director General I request your intervention to ensure the following resident's requests take place before the public exhibition of the marina DA;

Our requests are as follows

Requirement for a Social Impact Assessment

We hereby request that the Minister for Planning and the Director General of Planning require the Applicant (Breakfast Point Pty Limited) to prepare a detailed social impact assessment in respect to its proposed development of a marina in Kendall Bay.

- **Requirement for Public Consultation**

  We hereby request that the Minister for Planning and the Director General of Planning require the Applicant (Breakfast Point Pty Limited) to undertake public meetings, consultation and workshops with residents to discuss all aspects of the proposed marina development including how relationship between the marina and the rest of Breakfast Point, particularly the Breakfast Point Community Association will be managed and administered

- **No Consideration of the AGL Remediation and the Need to Finalise the Remediation Plans and Undertake the Work**

  We hereby request that the Minister for Planning and the Director General of Planning defer consideration of the marina DA until the DA for the remediation is determined and agreed and the work the subject of such DA is completed

Yours truly,

Kelvin Cameron
Unit 36, 22 Admiralty Drive
BREAKFAST POINT 2137

SYDNEY HARBOUR ASSOCIATION
PO Box 265 ROSE BAY NSW 2029

Hippocampus whitei

Major Project Assessment Branch
Dept of Planning

M. P. 07 - 006. Attention Chris Ritchie

Inner West Marina @
Breakfast Point

Some thoughts on the
Visual Aspects

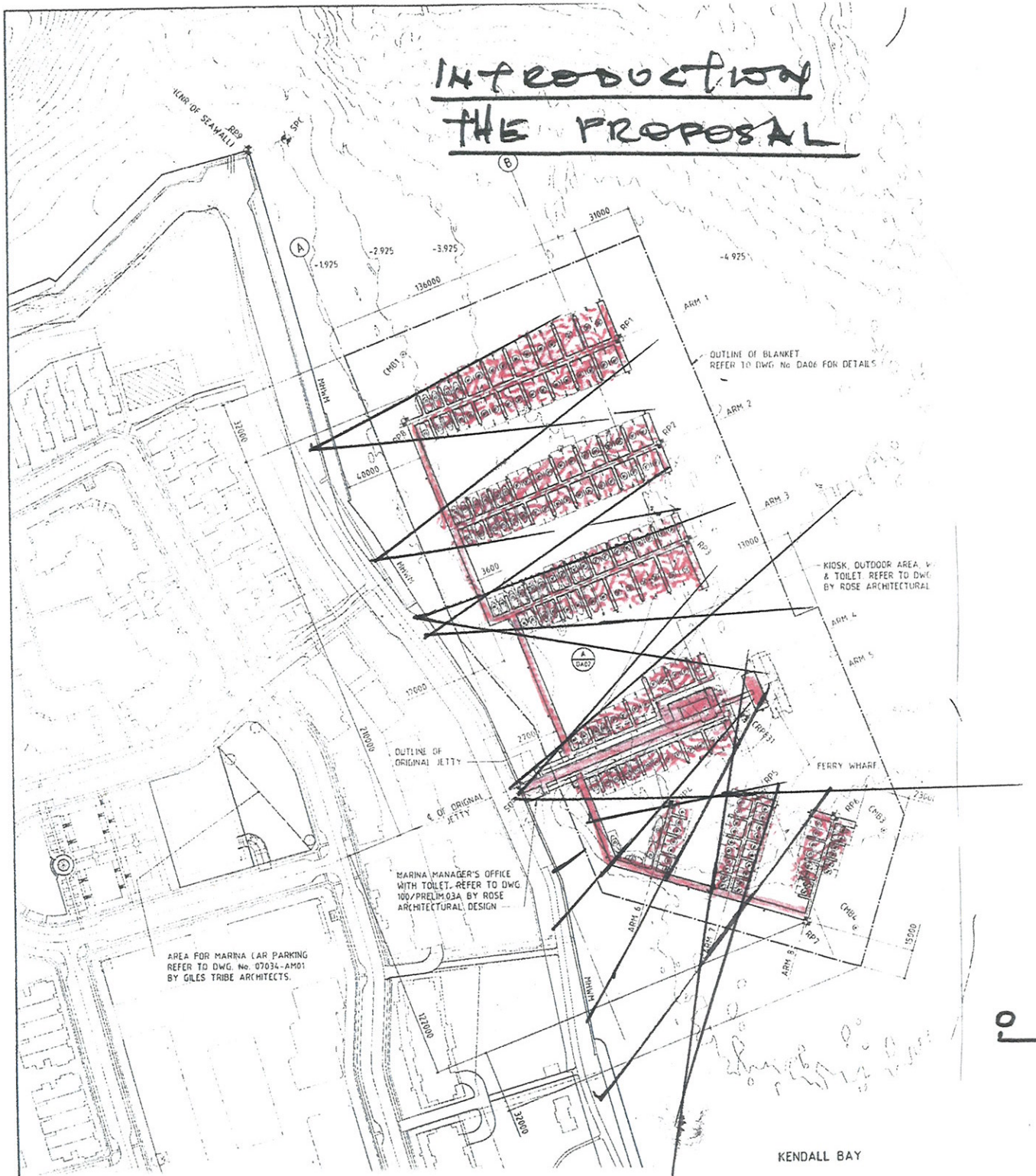
Mike Bell
9337 5038
President

30/11/10

INNER WEST MARINA
BREAKFAST POINT

* THE PROPOSAL "REGULAR ENGINEERING" NO ACCOUNT OF LOCATIONS VIEWS,
* ASSOCIATION PROPOSAL RESPONSE TO. VIEWS.
* CURTAILS, THE LENGHT OF MARINA ARMS BY APPROX 20%!

SYDNEY HARBOUR ASSOCIATION
P.O BOX 265
ROSE BAY 2029



11/K

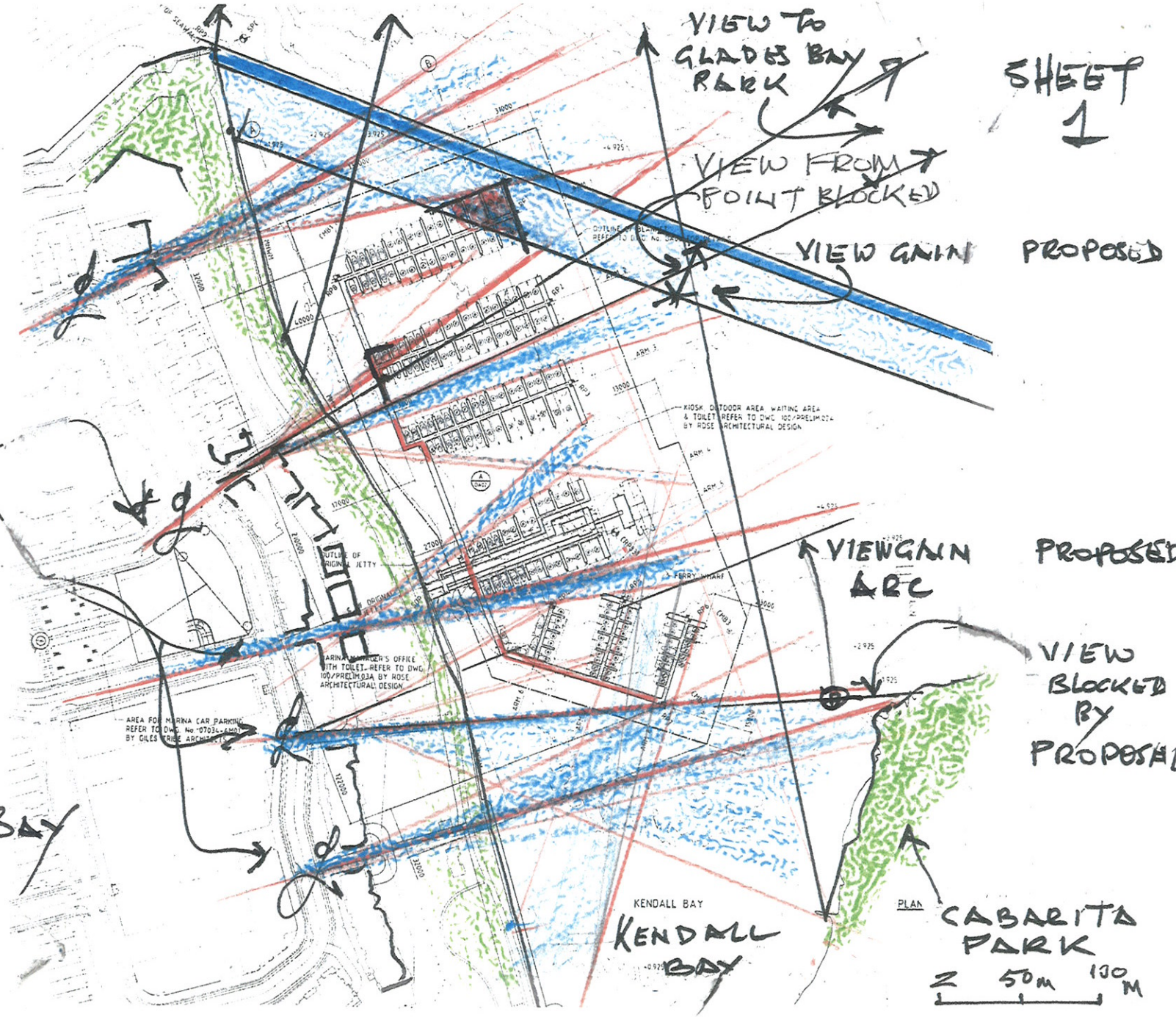
INNER WEST MARINA @ BREAKFAST POINT.

RESPONSE TO DEVELOPMENT PROPOSAL

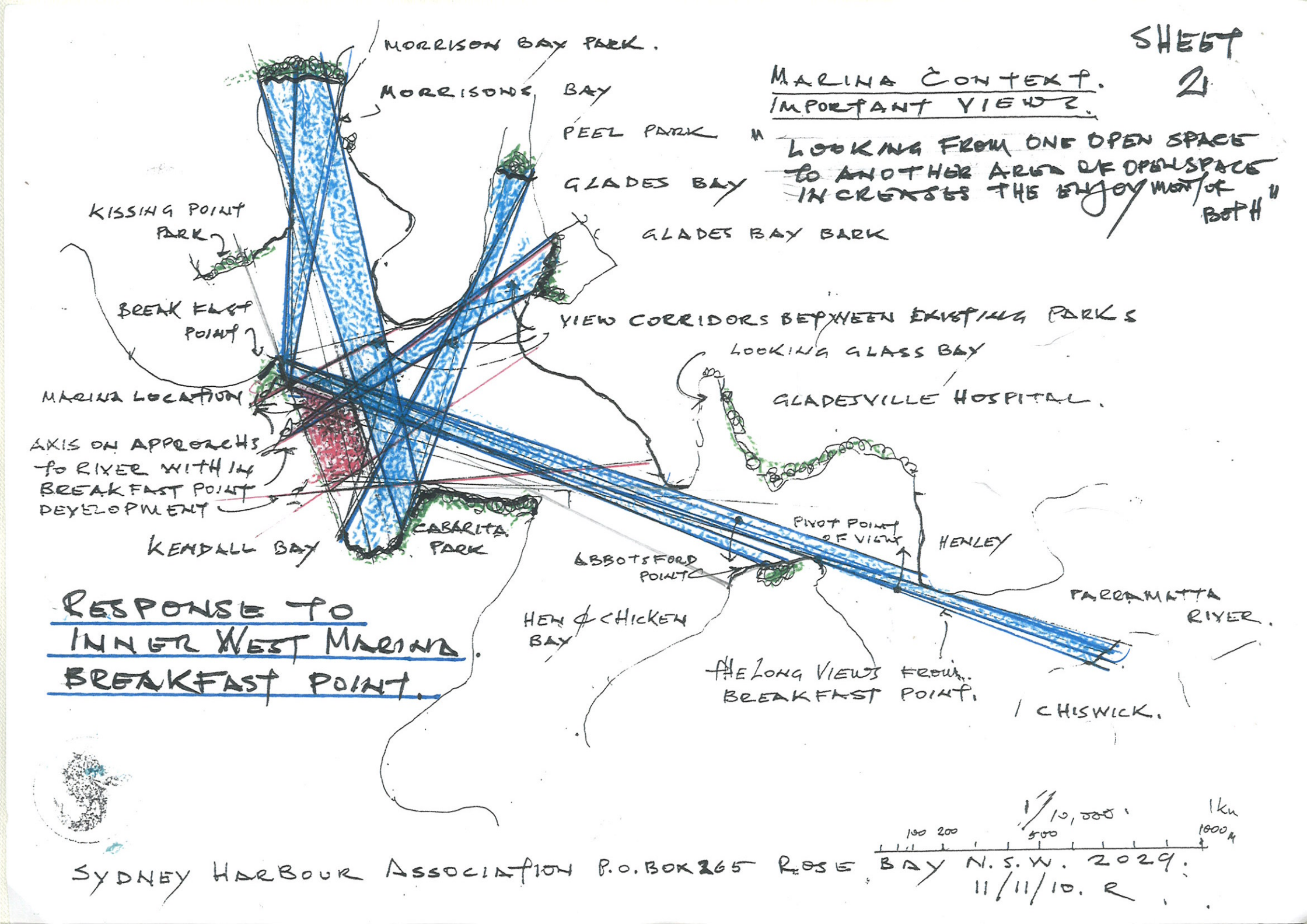
* VIEWS BREAKFAST POINT STREETS BLOCKED

LAYOUT LACKS INTEREST IN VISUAL COMPOSITION. NEEDS TO RESPOND TO VIEW CORRIDORS FROM BREAKFAST POINT, & KENDALL BAY

* VIEWS FROM KENDALL BAY BLOCKED.



SYDNEY HARBOUR ASSOCIATION P.O. BOX 365 ROSE BAY N.S.W 2029



SHEET 2

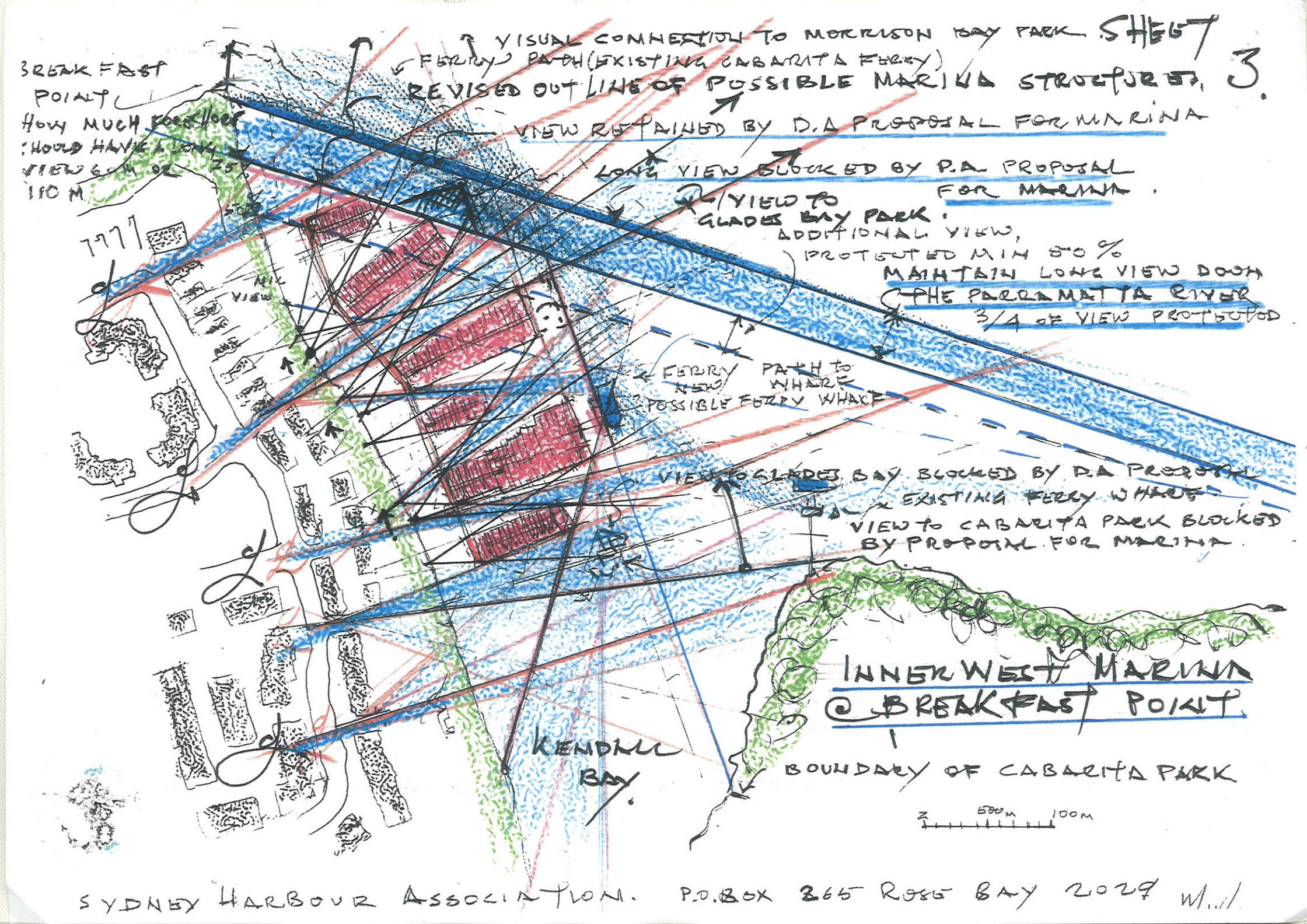
MARINA CONTEXT.
IMPORTANT VIEWS.

"LOOKING FROM ONE OPEN SPACE TO ANOTHER AREA OF OPEN SPACE INCREASES THE ENJOYMENT OF BOTH"

RESPONSE TO INNER WEST MARINA BREAKFAST POINT.

SYDNEY HARBOUR ASSOCIATION P.O. BOX 265 ROSE BAY N.S.W. 2029.

11/11/10. R.



SYDNEY HARBOUR ASSOCIATION. P.O.BOX 365 ROSE BAY 2029 W.../

Attention: Ms. Felicity Greenway
A/Manager – Industry
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

Re: Kendall Bay Marina Project, Breakfast Point (MP 07_0006)

Dear Mdm/Sirs

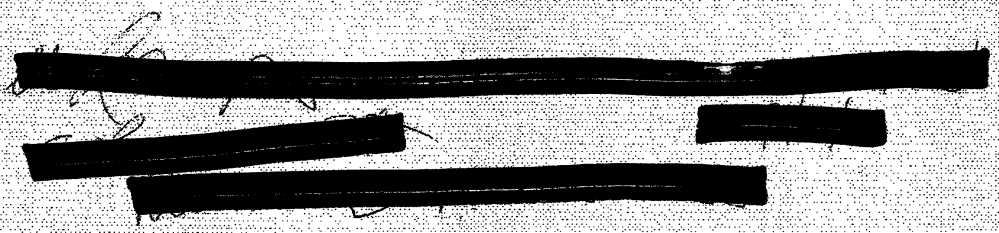
I am writing to raise my strong opposition to the commercial development for a marina at Kendall Bay. My reasons are as follows:

1. Leaves the polluted Bay, where the sediments contain carcinogens, un-remediated.
2. Allows the construction of a 172 berth public commercial marina operating 24/7 in the Bay adjacent to private residences and using private Community infrastructure
3. Will create greater traffic and parking problem in Breakfast Point and Tennyson Rd.
4. Has not been the subject of open and transparent consultation
5. Will create safety hazards along the river for ferries, rower, and to children and adults using the foreshore for recreational purposes.

There is no reason for the development of a large scale commercial marina at Kendall Bay, particularly since there is a well established commercial marina around the corner in Cabarita Park where parking spaces are available. There is also a much larger Hen and Chicken Bay around the corner from Kendall Bay and away from the waterway thoroughfare of water commuters. The government and its people have the responsibility to look after our environment and to promote healthy life style. I fervently hope that our government listens to the voice of its community.

I do not wish to have this submission made available for public viewing.

Yours truly



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I do not wish to have this submission made available for public viewing.

Yours truly

[redacted]

[redacted]

8 October, 2010

NSW Planning
GPO Box 39
Sydney NSW 2001

Dear Sirs,

Re: Kendall Bay Marina Project, Breakfast Point *('Proposal')*
Project Application Number MP 07_0006
Submission *Against* Proposal

1. Name and Address

[redacted]

2. Statement of Objection

As a resident, I *object* to the Proposal on the basis of:

(a) The *size* and *bulk* of the marina is too great for the area. 173 berths will ruin the views of the residents onto Kendall Bay, towards the city (NE direction) and the view of the Breakfast Point development as a whole.

(b) There is significant contamination on the sea bed of Kendall Bay. If a marina is approved, the sediment will be disturbed by the construction of the marina and the movement of boats which will thereby exacerbate the contamination and cause it to move.

3. Non Publication of my Name

[redacted]

Yours Faithfully,

[redacted]

Attention: Ms. Felicity Greenway
A/Manager– Industry
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

Re: Kendall Bay Marina Project, Breakfast Point (MP 07_0006)

Dear Mdm/Sirs

I am writing to raise my strong opposition to the commercial development for a marina at Kendall Bay. My reasons are as follows:

1. Environmental issues–
   a. Kendall Bay proper is in fact a very small bay, housing a healthy crop of mangrove trees. There are also marshland vegetations in the precinct of the bay. The bay attracts large variety of water birds and fishes. There was some attempt in the past to curtail the toxic settlement at the bottom of the bay to make it safe for the many families with young children to play along the sand banks of the bay. The development would endanger these natural environment and leisure seekers with oil emitted from these motor boats and toxic products stirred up by these large number of boats proposed in the new development.
   b. The proposal by Rose Corp uses untried technology to cover only part of the area of polluted sediments, some of which are carcinogenic.
   c. With this new proposal for the 172 berth marina at Kendal Bay, there is no public access to the marina. There will be increased traffic through the private property of Breakfast Point estate. This creates traffic hazard to the young children and older people in both these areas. It also encourages vandalism and the associated air and land pollution. This has well been demonstrated by the situation of Cabarita Park – or any other public park that is accessible by private vehicles.
   d. Akuna Bay in the West Head is a prime example of destruction of natural environment by the development of commercial marina. Thirty years ago, the bay was a very good picnic spot for many families. The children swim or paddle in their dingies out a long way in the clear water. There were mangrove trees around. Now with the development of commercial marina and its amenities, no family picnic there any more. The water is choked with a thick film of oil and grease. The surrounding vegetation is sick looking. Kendall Bay marina development risk bearing the same consequent and its natural beauty will never be restored.

2. Privacy and community health/safety issues –
   a. Infringement by public traffic into Breakfast Point private estate – The residents have the right to enjoy peaceful and safe environment within the estate as they contributes towards

the up keep of the parks, private roads and amenities within the estate. With increased traffic from the general public by car from far afield in the Inner West (as the marina will be named Inner West Marina), there will be noise/rubbish pollution and vandalism occurring within the estate. These problems have been well demonstrated over the years within Cabarita park and its precinct.

b. The site for the proposed commercial development of 172 berth marina is part of the thoroughfare of Parramatta river where commuter ferries and rowing/sailing boats travel through. It is also close to the site of Mortlake cable ferry and Cabarita ferry wharf. The development would pose traffic hazard to this part of the river, endangering the life of the rowers and commuters. Accidents on Sydney water has happened in recent past and has incurred tremendous financial and human/social costs to the state and individuals involved.

c. The foreshore along the Breakfast Point estate is popularly used by the residents of Breakfast Point estate and the community residents within the precinct for walking, for children playing and bike riding. Development of a large scale commercial marina would certainly discourage these healthy activities of the community at large. Yet there is no other recreational foreshore area other than Cabarita Park and Breakfast Point for the local community.

d. Where children are concerned, physical and cerebral damage from any unforeseen accidents on the congested commercial foreshore at Breakfast Point will result in tremendous emotional, financial and social impact onto the children, their families and the state. This can be prevented by not approving the Commercial Marina at our door step. It is imperative that we should take preventative measure against mishaps that can result in intellectual and physical disabilities. Surely, this is also the responsibility of our state government.

e. The proposal does not take into account the Developers May 2010 submission currently under construction by Department of planning. This increases the number of dwellings to 2298, an increase of 39% to that originally approved in 1999.

f. Traffic analysis is not based on the above-proposed amendment or subsequent amendments for future development. There is no allowance for parking for staff of kiosk, charter boats, small craft (skiffs, kayaks, etc) owners, etc. The submission of any new plans by the developer about visitor spaces is rather deceptive in that it included the road side parking. There is no visitor car parking within the compound of any of the development in Breakfast Point, and the adjacent streets are designated as "visitor" car spaces. A lot of these on street parking spaces are already occupied by residents' own car as most families living in the 1 and 2 bedrooms apartments own 2 cars.

g. There are 4 more large blocks of land in the precinct of Kendal Bay foreshore. There is no end to repeated applications by the developer for increasing the number of apartments to each of these blocks of land, plus the proposal for the marina. The streets within Breakfast Point development are private roads. (The Canada Bay Council categorically rules out any responsibility for maintenance, safety and public incidents within this private estate.) This estate would become a high density ghetto if substantial increase to the number of apartments and proposal of commercial marina are approved. This estate is bound by high

wall on Mortlake side, rows of apartments, and the river. There are limited exits out of the estate. If there is a fire or any natural disaster, people risk being stampede when trying to get out in a hurry.

h. When considering approval for any modified project from its original plan of 1999, the development of the whole estate and its social impact onto this high density community of private estate should be considered in totality because the submitted application can be deceptive as well as giving a bird's eye view on the environmental impact. This estate is becoming a high density ghetto.

i. According to the original development proposal, 30 birth private marina **(not Inner West Marina)** was planned for Breakfast Point estate. Clearly, these private ownerships include contribution towards the maintenance of the community property of the estate as part of community members. It is envisaged that Breakfast Point residents who purchase one of these 30 berths site will be more civic minded as well. Many property owners of the estate purchased the property with the understanding that this was the case, e.g. a small scale private Marina for the Breakfast Point residents.

In conclusion, there is no reason for the development of a large scale commercial marina at Kendall Bay, particularly since there is a well established commercial marina around the corner in Cabarita Park where parking spaces are available. There is also a much larger Hen and Chicken Bay around the corner from Kendall Bay and away from the waterway thoroughfare of water commuters. The government and its people have the responsibility to look after our environment and to promote healthy life style. I fervently hope that our government listens to the voice of its community.

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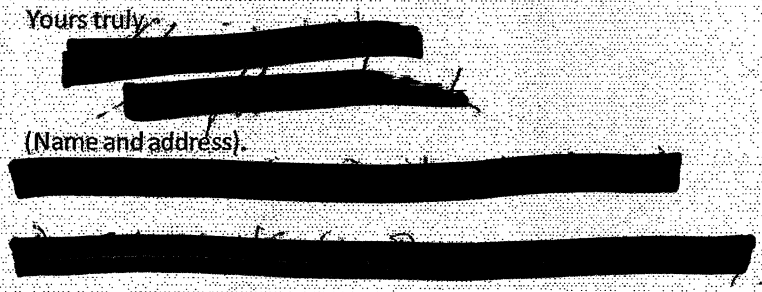
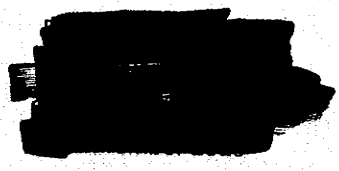
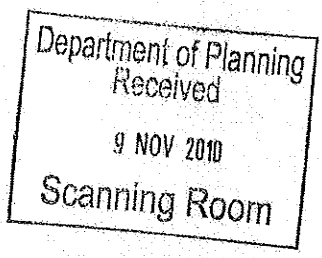
Yours truly,



(Name and address).

Attention: Ms. Felicity Greenway
A/Manager – Industry
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001





Re: Kendall Bay Marina Project, Breakfast Point (MP 07_0006)

Dear Mdm/Sirs

I am writing to raise my strong opposition to the commercial development for a marina at Kendall Bay. My reasons are as follows:

1. Environmental issues –
   a. Kendall Bay proper is in fact a very small bay, housing a healthy crop of mangrove trees. There are also marshland vegetations in the precinct of the bay. The bay attracts large variety of water birds and fishes. There was some attempt in the past to curtail the toxic settlement at the bottom of the bay to make it safe for the many families with young children to play along the sand banks of the bay. The development would endanger these natural environment and leisure seekers with oil emitted from these motor boats and toxic products stirred up by these large number of boats proposed in the new development.
   b. The proposal by Rose Corp uses untried technology to cover only part of the area of polluted sediments, some of which are carcinogenic.
   c. With this new proposal for the 172 berth marina at Kendal Bay, there is no public access to the marina. There will be increased traffic through the private property of Breakfast Point estate. This creates traffic hazard to the young children and older people in both these areas. It also encourages vandalism and the associated air and land pollution. This has well been demonstrated by the situation of Cabarita Park – or any other public park that is accessible by private vehicles.
   d. Akuna Bay in the West Head is a prime example of destruction of natural environment by the development of commercial marina. Thirty years ago, the bay was a very good picnic spot for many families. The children swim or paddle in their dingies out a long way in the clear water. There were mangrove trees around. Now with the development of commercial marina and its amenities, no family picnic there any more. The water is choked with a thick film of oil and grease. The surrounding vegetation is sick looking. Kendall Bay marina development risk bearing the same consequent and its natural beauty will never be restored.

2. Privacy and community health/safety issues –
   a. Infringement by public traffic into Breakfast Point private estate – The residents have the right to enjoy peaceful and safe environment within the estate as they contributes towards the up keep of the parks, private roads and amenities within the estate. With increased traffic from the general public by car from far afield in the Inner West (as the marina will be named Inner West Marina), there will be noise/rubbish pollution and vandalism occurring within the estate. These problems have been well demonstrated over the years within Cabarita park and its precinct. (I had lived on Cabarita Road for 7 years prior to moving to Breakfast Point).
   b. The site for the proposed commercial development of 172 berth marina is part of the thoroughfare of Parramatta river where commuter ferries and rowing/sailing boats travel through. It is also close to the site of Mortlake cable ferry and Cabarita ferry wharf. The development would pose traffic hazard to this part of the river, endangering the life of the rowers and commuters. Accidents on Sydney water has happened in recent past and has incurred tremendous financial and human/social costs to the state and individuals involved.
   c. The foreshore along the Breakfast Point estate is popularly used by the residents of Breakfast Point estate and the community residents within the precinct for walking, for children playing and bike riding. Development of a large scale commercial marina would certainly discourage these healthy activities of the community at large. Yet there is no other recreational foreshore area other than Cabarita Park and Breakfast Point for the local community.
   d. Where children are concerned, physical and cerebral damage from any unforeseen accidents on the congested commercial foreshore at Breakfast Point will result in tremendous emotional, financial and social impact onto the children, their families and the state. This can be prevented by not approving the Commercial Marina at our door step. Being a developmental paediatrician, I am advocating preventative measure against mishaps that can result in intellectual and physical disabilities. Surely, this is also the responsibility of our state government.
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i. According to the original development proposal, 30 birth private marina **(not Inner West Marina)** was planned for Breakfast Point estate. Clearly, these private ownerships include contribution towards the maintenance of the community property of the estate as part of community members. It is envisaged that Breakfast Point residents who purchase one of these 30 berths site will be more civic minded as well. Many property owners of the estate purchased the property with the understanding that this was the case, e.g. a small scale private Marina for the Breakfast Point residents.

In conclusion, there is no reason for the development of a large scale commercial marina at Kendall Bay, particularly since there is a well established commercial marina around the corner in Cabarita Park where parking spaces are available. There is also a much larger Hen and Chicken Bay around the corner from Kendall Bay and away from the waterway thoroughfare of water commuters. The government and its people have the responsibility to look after our environment and to promote healthy life style. I fervently hope that our government listens to the voice of its community.

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1. Leaves the polluted Bay, where the sediments contain carcinogens, un-remediated.
2. Allows the construction of a 172 berth public commercial marina operating 24/7 in the Bay adjacent to private residences and using private Community infrastructure.
3. Will create greater traffic and parking problem in Breakfast Point and Tennyson Rod.
4. Has not been the subject of open and transparent consultation
5. WIll create safety hazards along the river for ferries, rower, and to children and adults using the foreshore for recreational purposes.

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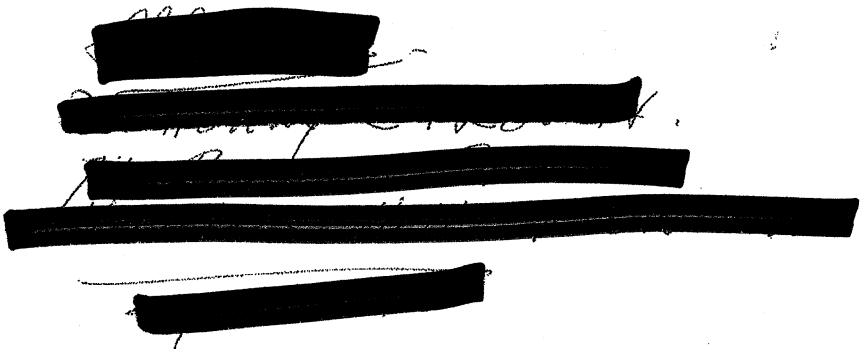

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[redacted]

(Name and address).

[redacted]

Department of Planning
Major Development Assessment
Application No :- MP 07_0006

Submission from [redacted]

Re: Marina Proposal Objections

Reasons for Objections.

1. **Explosions and Fire**

   For safety reasons the proposal of a marina in Kendall Bay is far too close to the numerous dwellings. Boats are powered by either petrol or diesel with the addition of LP gas for cooking purposes. There are also electrical wiring circuits throughout the boats to cover lighting and other facilities. It is well known that gases from these combustibles lie in the floor of the vessels and if strict safety procedures are not adopted, an explosion will occur.

   With 172 vessels, side by side, there is no doubt, if an explosion/fire did occur, then nearby buildings would be in extreme danger of becoming involved. There have been 4 boat fires during the past 12 months, as recent as one Saturday, being the 6th incident in and around the Sydney area. The latter incident caused extreme danger to the restaurant nearby.

2. **Damage to the Fish and other Crustacean's**

   Before consideration of approving the installation of a geotextile blanket, two factors must be taken into consideration:-

   a) Seabed food which the inhabitants feed off will be lost forever

   b) There is not a 100% guarantee by the manufacturer that due to the strength's of the ocean undercurrents, that the blanket will not move or deteriate exposing the toxic sediment which will be stirred up by the frequent movements of the boats, resulting in a vile stench to the residents of the precinct and toxic waste poisoning sea life

3. **Increased Traffic**

   Under normal circumstances, with the increase in population at Breakfast Point (estimated about 5000 people when construction is completed), the introduction of a 172 berth marina, would drastically increase vehicular traffic in the precinct whereby increasing the wear and tear of the roadways, walkways and grassed areas. The maintenance and repair of these facilities are the responsibility of

Breakfast Point residential owners. Berth owners who would be mainly located outside the area, would not be appropriately levied for their upkeep.

4. **Parking**

The availability of street parking for visitor's and business activities that would be attracted to this area would be severely compromised as there is minimum parking for the residents at times. Fifty eight additional off street parking spaces for boat owners and their guests is not even near enough that would be required to accommodate this influx. A realistic figure for additional off street parking would be well over one hundred.

5. **Unruly Behaviour**

There is no doubt that parties would be held on the vessels where alcohol would be consumed. This in itself would cause noise, nuisance, litter and probable damage to facilities in the Breakfast Point community. I might also add that most residents in the area adjacent to Kendall Bay, have paid well in access of one million dollars for their apartments, houses, to be part of these serene, pristine areas.

6. **Misleading Information about the Marina**

When purchasing our apartment, I questioned the selling agent about the signs depicting "No Marina", their reply was " It's nothing. Its only going to be very small." I do not consider a 172 berth Marina to be nothing or small.

7. **Environmentally Unfriendly**

Air quality due to exhaust fumes and accumulated rubbish and their smells, will be drastically reduced. The movement in and out of vehicles will unnecessarily stir up toxic waste on the river bed causing problems for the survival of fish and crustaceans in the water.

8. **View**

When purchasing the property, it was explained by the agent, the reason for the high purchase price was primarily the view. This view would be desecrated by the advent of the marina. To me this is purely a money grab by the developer without any consideration for the residents.

9. **Usage of the walkways**

The walkway around Breakfast Point and Kendall Bay is common property, not only used by the residents, but also residents from neighbouring Concord, Mortlake, Cabarita and Five Dock. As a marina would not only adversely affect

the serene atmosphere of the locality, but also subject the local residents and visitors to unruly and intoxicating behaviour by the people visiting or using the boats. This type of behaviour is inevitable and flies in the face of our Governments policies.

CONCLUSION.

The pristine area of Kendall Bay is one of the last areas on the Parramatta River that is not incumbered with boats or a marina. To desecrate the area with a marina would be distasteful to say the very least.

A Marina in this position would not serve to benefit the majority of local residents. It would mainly cater for people outside Breakfast Point. In other words, it is a facility for a few against a majority. There is no doubt the Government has given little consideration into the serenity and comfort of the local residents.

I do not wish my particulars (i.e. name address etc.) to be supplied to the proponent or be displayed on the departments website.

I have never donated any finances to any political party.

Yours truly,

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Department of Planning
GPO Box 39
Sydney NSW 2001

Re: Kendall Bay Marina Project, Breakfast Point (MP 07_0006)

Dear Mdm/Sirs

I am writing to raise my strong opposition to the commercial development for a marina at Kendall Bay. My reasons are as follows:

1. Environmental issues –
   a. Kendall Bay proper is in fact a very small bay, housing a healthy crop of mangrove trees. There are also marshland vegetations in the precinct of the bay. The bay attracts large variety of water birds and fishes. There was some attempt in the past to curtail the toxic settlement at the bottom of the bay to make it safe for the many families with young children to play along the sand banks of the bay. The development would endanger these natural environment and leisure seekers with oil emitted from these motor boats and toxic products stirred up by these large number of boats proposed in the new development.
   b. The proposal by Rose Corp uses untried technology to cover only part of the area of polluted sediments, some of which are carcinogenic.
   c. With this new proposal for the 172 berth marina at Kendal Bay, there is no public access to the marina. There will be increased traffic through the private property of Breakfast Point estate. This creates traffic hazard to the young children and older people in both these areas. It also encourages vandalism and the associated air and land pollution. This has well been demonstrated by the situation of Cabarita Park – or any other public park that is accessible by private vehicles.
   d. Akuna Bay in the West Head is a prime example of destruction of natural environment by the development of commercial marina. Thirty years ago, the bay was a very good picnic spot for many families. The children swim or paddle in their dingies out a long way in the clear water. There were mangrove trees around. Now with the development of commercial marina and its amenities, no family picnic there any more. The water is choked with a thick film of oil and grease. The surrounding vegetation is sick looking. Kendall Bay marina development risk bearing the same consequent and its natural beauty will never be restored.

2. Privacy and community health/safety issues –
   a. Infringement by public traffic into Breakfast Point private estate – The residents have the right to enjoy peaceful and safe environment within the estate as they contributes towards

the up keep of the parks, private roads and amenities within the estate. With increased traffic from the general public by car from far afield in the Inner West (as the marina will be named Inner West Marina), there will be noise/rubbish pollution and vandalism occurring within the estate. These problems have been well demonstrated over the years within Cabarita park and its precinct.

b. The site for the proposed commercial development of 172 berth marina is part of the thoroughfare of Parramatta river where commuter ferries and rowing/sailing boats travel through. It is also close to the site of Mortlake cable ferry and Cabarita ferry wharf. The development would pose traffic hazard to this part of the river, endangering the life of the rowers and commuters. Accidents on Sydney water has happened in recent past and has incurred tremendous financial and human/social costs to the state and individuals involved.
c. The foreshore along the Breakfast Point estate is popularly used by the residents of Breakfast Point estate and the community residents within the precinct for walking, for children playing and bike riding. Development of a large scale commercial marina would certainly discourage these healthy activities of the community at large. Yet there is no other recreational foreshore area other than Cabarita Park and Breakfast Point for the local community.
d. Where children are concerned, physical and cerebral damage from any unforeseen accidents on the congested commercial foreshore at Breakfast Point will result in tremendous emotional, financial and social impact onto the children, their families and the state. This can be prevented by not approving the Commercial Marina at our door step. It is imperative that we should take preventative measure against mishaps that can result in intellectual and physical disabilities. Surely, this is also the responsibility of our state government.
e. The proposal does not take into account the Developers May 2010 submission currently under construction by Department of planning. This increases the number of dwellings to 2298, an increase of 39% to that originally approved in 1999.
f. Traffic analysis is not based on the above-proposed amendment or subsequent amendments for future development. There is no allowance for parking for staff of kiosk, charter boats, small craft (skiffs, kayaks, etc) owners, etc. The submission of any new plans by the developer about visitor spaces is rather deceptive in that it included the road side parking. There is no visitor car parking within the compound of any of the development in Breakfast Point, and the adjacent streets are designated as "visitor" car spaces. A lot of these on street parking spaces are already occupied by residents' own car as most families living in the 1 and 2 bedrooms apartments own 2 cars.
g. There are 4 more large blocks of land in the precinct of Kendal Bay foreshore. There is no end to repeated applications by the developer for increasing the number of apartments to each of these blocks of land, plus the proposal for the marina. The streets within Breakfast Point development are private roads. (The Canada Bay Council categorically rules out any responsibility for maintenance, safety and public incidents within this private estate.) This estate would become a high density ghetto if substantial increase to the number of apartments and proposal of commercial marina are approved. This estate is bound by high

wall on Mortlake side, rows of apartments, and the river. There are limited exits out of the estate. If there is a fire or any natural disaster, people risk being stampede when trying to get out in a hurry.

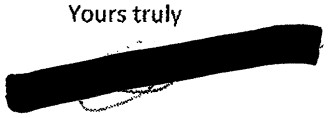
h. When considering approval for any modified project from its original plan of 1999, the development of the whole estate and its social impact onto this high density community of private estate should be considered in totality because the submitted application can be deceptive as well as giving a bird's eye view on the environmental impact. This estate is becoming a high density ghetto.

i. According to the original development proposal, 30 birth private marina **(not Inner West Marina)** was planned for Breakfast Point estate. Clearly, these private ownerships include contribution towards the maintenance of the community property of the estate as part of community members. It is envisaged that Breakfast Point residents who purchase one of these 30 berths site will be more civic minded as well. Many property owners of the estate purchased the property with the understanding that this was the case, e.g. a small scale private Marina for the Breakfast Point residents.

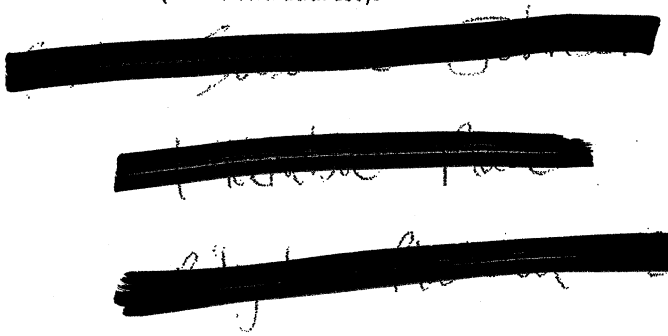
In conclusion, there is no reason for the development of a large scale commercial marina at Kendall Bay, particularly since there is a well established commercial marina around the corner in Cabarita Park where parking spaces are available. There is also a much larger Hen and Chicken Bay around the corner from Kendall Bay and away from the waterway thoroughfare of water commuters. The government and its people have the responsibility to look after our environment and to promote healthy life style. I fervently hope that our government listens to the voice of its community.

I do not wish to have this submission made available for public viewing.

Yours truly



(Name and address).



Anna Bradley - Fwd:

From: Chris Ritchie
To: Anna Bradley
Date: 25/10/2010 9:52 AM
Subject: Fwd:

[redacted] 22/10/2010 1:06 pm >>>

[redacted]

[redacted]

PROJECT APPLICATION NO: MP 07_0006

OBJECTION TO PROPOSAL FOR KENDALL BAY MARINA

Please note that my name and details ARE NOT to be made available to any party.

I am hereby writing to strongly object to the marina proposal for the following reasons:

1. Reasoning for Marina - A very large one already exists in Cabarita that meets the needs of many. To allow one within 1km is absolutely unjustified. I don't see many boat owners complaining about the lack of boat mooring facilities. This is purely an attempt by large business to the pursuit of profit at the detriment of the local residents. I believe having another marina situated so close to one that already exists is grossly unfair. The area will become tainted as a boating location and that is not what we want to be known for. It is unlikely that the residents of Breakfast Point will be using it or would mind using the existing Cabarita one. I strongly support the extension of the marina at Cabarita as entry and traffic flows will be via existing public infrastructure.

2. Environmental Impact – i don't care what lobbyists or favoured environmental reports that are produced. It is extremely likely that having two marinas so close together is not logical for the local natural surroundings. How much does one area need to take? The waters currently surrounding Kendall Bay have already been damaged by years and years of damage from commercial enterprise. It would make common logical sense to expand the Cabarita Marina to meet any boating needs. Furthermore, it would make sense to remediate these damaged waters and then let things rejuvenate before you allowed any further permanent damage. Furthermore, the impact on fishing in the area would be extreme.

3. Traffic – Continuing to create commercial enterprises in areas that do not have the appropriate infrastructure should not occur. The impact of this compounded with the significant residential development allowed is too much. To meet demand, extending the size of Cabarita Marina is the only logical step.

4. Unruly Noise and Behaviour for local residents – The constant rowdy noise and traffic generated at all hours everyday of the week will greatly impact on the lifestyle of those residing close to the Marina. The existing Cabarita Marina is able to adequately handle this due to be being part of a park.

5. Faith in State Government Departments – Approving this marina will only further cement our view about the level of influence Big Businesses have on the State Government. Allowing this decision will clearly show that Big Business with friends in high places continue to get favourable decisions. Given that an " inner west marina" already exists, rejecting this application is the only decision that can be made.

6. Previous agreement – Whist the masterplan may have been planned for and factored in when Breakfast Point commenced, things are no longer the same. We have pathetic inner west traffic and roads as is. This large scale

development will only aggravate things. If the State Government and its various departments had delivered on its promises, this may be able to justified. For example the remediation works at Kendall Bay have still not occurred after years and years of talk. I am still waiting for the day that i can swim in the Bay.

7. Listening to the voice of the local community – The lack of support for this development is unanimous. It is time that all Government departments listen to those that will be affected by decisions that cannot be reversed.

8. Big Business Having this department make the decision without the local council voting on it is absolutely disgraceful and again shows the level of influence big business has. Everyone is sick and tired of it. The water belongs for everyone to share and enjoy. The fact that CBUS and the Union movement are associated leaves a rotten taste in my mouth and again explains why the State is going nowhere. Why is this not something that becomes a part of the local council debate that is voted on? Labor, Big Developers and Unions. The Three Amigos. Certain things will NEVER change. There is window of opportunity to remove this perception by making the right decision. Lets see if it is the right decision.

Anna Bradley - Online Submission from [redacted](object)

From: [redacted]
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 16/11/2010 9:13 AM
Subject: Online Submission from [redacted]
CC: <assessments@planning.nsw.gov.au>

As our home will be one of the most affected by this marina, I am outraged that I will be subjected to the intrusion of noise, lack of privacy, security problems and loss of amenity.
Boats will be moored less than 50 metres from my bed. This is not about "not in my backyard", but it is about "not in my bedroom!".

The original marina proposed for this site was planned to be a small private marina at the Cabarita end of the bay. This was a lie told to all Breakfast Point purchasers by the developer.

There is no need for such a huge marina which will affect the lives of several thousand people living in this vicinity.

I do not wish my name to be made available to authorities or on the website.

[redacted]

[redacted]37

IP Address: 124-149-161-156.dyn.iinet.net.au - 124.149.161.156

Submission for Job: #1311 Project Application
https://majorprojects.onhlive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhlive.com/index.pl?action=view_site&id=865

Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
F: 02 9228 6466
E: Chris.Ritchie@planning.nsw.gov.au

Powered by Internetrix Affinity

Anna Bradley - Fwd: Online Submission f[redacted] (object)

From: Chris Ritchie
To: Anna Bradley
Date: 11/10/2010 10:08 AM
Subject: Fwd: Online Submission f[redacted]

[redacted] 9/10/2010 11:20 am >>>

I do not support the building of the marina:
. it is too large for kendall bay
. there will be a subsequent increase in road traffic to a peninsular which only has two access roads and is already very busy
. establishment of a car park for the marina takes away valuable land that could be used for more beneficial purposes
. laying a carpet on the bottom of the bay will not stop stirring up of the contaminated floor of the bay by power vessels. one can only wonder why the government has not required the party responsible for the contamination to have it cleaned up and the bay restored for the enjoyment of locals and visitors
. the views from the shoreline will be disrupted by the number and height of boats at the marina
. there will be further pollution of the waterways from fuel/oil discharge from boats
. the noise level in the area will increase due to boat activity and affect surrounding residences as noise travels particularly well over water
. public access to the walkways surrounding breakfast point will be reduced due to the establishment of the marina
. adding such a large marina to the area will
make a negative visual impact on breakfast point
. having such a large number of boats in such a small area will increase the possibility of accidents as that point in the river is busy and not particularly wide
. there will be increased wash to the foreshore from an extra 172 boats plus additional boats visiting the marina. the alleged reduction in wash from ferries and other boats that the marina is supposed to reduce will be negated by this.

As per the information below I do not wish to have my name made available to the proponent or authorities on the Departments Website

[redacted]

[redacted]

IP Address: 115-64-140-79.static.tpgi.com.au - 115.64.140.79

Submission for Job: #1311 Project Application
https://majorprojects.onhlive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhlive.com/index.pl?action=view_site&id=865

Anna Bradley - Online Submission from P[redacted](object)

From: [redacted]
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 29/11/2010 5:20 PM
Subject: Online Submission fro[redacted]
CC: <assessments@planning.nsw.gov.au>

I do not wish my name to made available as part of my submission. Marina Submission

We are in total opposition to the proposal for a 172 berth marina.

Against: Commercial Marina for Breakfast Point

There will be substantially increased traffic through the streets of Breakfast Point which are maintained by the residents of this community. The levies from the proposed Lots will not go anywhere near compensating for the expected damage.
Increased noise - This will lead to a decrease in the value of properties in this community from people not even living here. Given the marina is very close to residential dwelling
Unsatisfactory surveillance - increased risk of alcohol fueled violence in a private residential area.
Marina demand does not take into account planned development at Cabarita and the marina planned for Homebush Bay.
Community consultation not done - lack of transparent consultation with Council and Community by Breakfast Point Pty Ltd over the marina proposal.
Impact to commuter ferry traffic - sydney ferries traffic will be impacted by increased congestion in this area.
The ?geotextile blanket? proposal to cover up part of the pollution in the bay is untried and unproven for this siutation and is totally inadequate. The bay should be properly remediated as Jemena was instructed before any construction activity is approved.
Increase the sediment disturbance given the mat does not cover all the main polluted areas in the bay

We demand:
- Total and proper remediation of Kendall Bay by Jemena (AGL)
- The retention of the dedicated foreshore walkway solely for pedestrians and cyclists

[redacted]

IP Address: 124-149-124-108.dyn.iinet.net.au - 124.149.124.108

Submission for Job: #1311 Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhiive.com/index.pl?action=view_site&id=865

Anna Bradley - Online Submission fro[redacted] (object)

From: [redacted]
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 30/11/2010 12:04 PM
Subject: Online Submission fr[redacted]
CC: <assessments@planning.nsw.gov.au>
Attachments: Marina comments 301110.pdf

I believe that the proposal to operate a commercial marina on a massive scale immediately adjacent to, and only accessible through, medium to high density residential areas is the definition of incompatible land use.

The impact on the Breakfast Point community is untenable and the potential cost imposed by a large commercial venture on local residents who pay to maintain the roads and other amenities within the community is unfair and unsustainable.

I object to the proposal in the strongest terms. I ask that the proposal be denied and that Kendall Bay be remediated and returned to its natural state and protected for the amenity and enjoyment of the broader Sydney community.

Please refer to the attached submission. While I am happy for my comments and concerns to be communicated as required, please do not publish my name or address to the Proponent, on the website or to any other parties.

[redacted]

IP Address: - 203.32.178.20

Submission for Job: #1311 Project Application
https://majorprojects.onhlive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhlive.com/index.pl?action=view_site&id=865

Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
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E: Chris.Ritchie@planning.nsw.gov.au

Powered by Internetrix Affinity

[redacted]

30 November 2010

Department of Planning
Major Development Planning
GPO Box 39
SYDNEY 2001
Attn: Felicity Greenway

Dear Ms Greenway

Kendall Bay Marina
MP 07_0006

Please do not publish my name or address to the Proponent, other interested public authorities, on the Department's website, or any other parties.

I am writing to object to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347.

The proposal will have a major impact on Breakfast Point and surrounding areas of Mortlake, Cabarita and Concord. I note that in a Council meeting I attended some time ago at which this matter was discussed, the Canada Bay Council considered the marina to be unworkable and was unanimously opposed to the Kendal Bay Marina proposal.

My greatest personal concerns are:

Contamination: Kendall Bay has been declared a pollution remediation site under the Contaminated Lands Management Act 1997. Two main remediation locations have been specified, including 'Area B' on the western side of the Bay, the precise position of the proposed marina. The Remediation Order issued in June 2007 advised that it is likely that further development of the area would increase the risk of harm, that disturbance of the sediments would mobilise contaminants and hence increase the risk of harm, and it specifically stated that excavation works such as slipways or marinas were the types of works that come within the scope of the Order.

The marina proposal is to cover part of the polluted area with a 'geotextile blanket'. I note that the Final Remediation Report, prepared by URS for Jemena Limited, dated 30 October 2008, advises that the option of Cap Placement over Existing Sediment is NOT suitable for further consideration. I believe that there should be no approval for a Kendall Bay marina to proceed before an acceptable option for remediation of the pollution at the site has been determined, approved by the appropriate Authority, and implemented.

As I understand it, the idea of a geotextile blanket is untested and the proposal is only to cover a small proportion of the total affected area for which remediation has been ordered. What is the expected life span of the geotextile blanket? Who is responsible for its upkeep and eventual replacement long term? What is the Developer's liability in this regard? What would be the methodology & access for upkeep and replacement in a working marina? What is the guarantee that it will be effective and what is the recourse if it is ineffective?

As a resident who regularly accompanies young children to the waterfront (and explains why they cannot play in the sand), I am concerned about the non-remediation of the polluted sediment in Kendall Bay, which contains chemicals that pose significant risk of harm to human health. Remediation is not proposed despite a remediation order being issued by EPA. I am concerned that the proposal to place a "blanket" over part only of the area will not meet the declaration requirements and leave the site, and thus residents and water users, exposed to not only carcinogens but other pollutants.

Marine environment: Kendall Bay is a beautiful natural marine environment with natural mangroves, wading birds, pelicans etc all living in and visiting the area. I am concerned that the introduction of a large marina and geotextile blanket will forever destroy this rare, peaceful and natural habitat both above and below the water.

Impact on residents: the construction of a large commercial public marina operating 24/7/365 immediately adjacent to a residential area with the consequential intrusion into the lives of Breakfast Point residents is completely unacceptable. Such a large enterprise will bring with it inherent problems of traffic, parking, noise, security, pose safety issues for walkers along the waterfront and generally interfere with the ambience of this peaceful waterside walk.

Lack of communication and consultation: There has been little communication from the Developer in regard to the proposal and any claims that meaningful consultation has taken place are an insult. It is most disappointing that there has been absolutely no direct consultation with the Breakfast Point Community on this proposal. Many requests from the Community to the Developer for information over time have been met with the response that as there has been no plan submitted, there is nothing to talk about. There has not been one Community meeting to allow discussion with the Proponents. That is an absolute disgrace, especially given the fact that the marina is a proposal of the Breakfast Point Developer. Any correspondence (letter box drops) I have seen I believe to have been misleading at best. In the absence of any meaningful, face to face consultation with the most affected stakeholders, I find it impossible to support the proposal in any way.

Visual Amenity: The Breakfast Point Concept Plan 2005 contains the following:-

- 10.00 BUILDING ENVELOPE & BUILT FORM – Merits-based assessment of Project Applications at Breakfast Point will take into consideration the following:
  - 10.01 Vision- Breakfast Point is planned, designed and substantially completed in accordance with a binding vision.
  - 10.02 Objectives- To acknowledge and enhance the prominent visual relationship Breakfast Point has to Parramatta River and its environs.

That is the Visual Amenity of Breakfast Point land owners and residents, and it should be retained and respected by the Developer.

If constructed, the marina will stretch 400m or so along the Kendall Bay foreshore directly across, and cutting off, the main focal point of the visual river outlook of the community. Furthermore, it will be within 50 metres of the front property alignment of the Manors Precinct, and Hunters Wharf residences, completely blocking the view that is so much of their lifestyle and asset. To substitute view corridors for visual amenity for the residents of the Manors area and Hunters Wharf goes against the terms under which these properties were originally marketed by the Developer and this is unacceptable.

According to Dictionary.com, the definition of 'kiosk' is "a small structure having one or more sides open, used as a newsstand, refreshment stand, bandstand, etc." [1] I don't believe a

[1] Dictionary.com http://dictionary.reference.com/browse/kiosk accessed 29 November 2010

dining facility with an internal and external seating capacity of 50 patrons to fall within the definition of a 'kiosk'. The physical size of the proposed 'kiosk' must be substantial to have this capacity, and can therefore be assumed to increase the visual intrusion of the proposal.

Kendall Bay is one of the last unused bays in Sydney Harbour. There will also be an impact on visual amenity for river travellers and residents with outlook in the areas of Putney, Tennyson Point and Gladesville, and it will interfere with the enjoyment of the general public using the pedestrian and cycle pathway that skirts the foreshore.

Noise: The marina is proposed to be constructed within 50 metres of the foreshore residences and with a large multi storey residence between the proposed marina site and the nearest roadway. It is some 250 metres from the proposed parking facility. Access from the foreshore to these locations will have to be along a narrow private footpath between the Hunters Wharf buildings. Noise and disturbance to the residents is inevitable, and will be an ongoing irritation. Noise from the marina operation itself will also be disturbing and could occur at any hour of the day or night.

The Proponent has provided a Marina Management Plan which aims to address this issue, but it goes nowhere towards addressing after the hours of 6pm in Summer or 5pm in Winter. It is difficult to believe that there will not be ongoing dissatisfaction from within the Breakfast Point Community, particularly from those living within the proximity of the marina, with aspects such as noise, general disturbance, behaviour etc. There appears to be no enforceable mandate to control this issue outside of management office hours.

Late night arrivals of 'party' boats will be a major cause for concern in this regard. Signage will do nothing to control the noise or behaviour of patrons disembarking. It would be irresponsible to approve the introduction of such a known source of noise and disturbance so close to a quiet residential area.

Traffic during construction: Construction traffic has been successfully managed during the development of Breakfast Point through the internal roads that eventually become the local access roads for residents. Access to the marina construction site will be substantially more difficult as there is no direct road access and the immediate area is built out. Significantly, there is no mention of how the construction period is to be managed and the impact on all of the residents in the areas that will be affected, including maintaining visitor parking, which is already inadequate in the area. I consider that to be a major deficiency in the application.

Traffic after construction: I believe the traffic management, access for service vehicles and parking arrangements being applied in the proposal are grossly inadequate, especially considering peak periods of the marina operations. I do not believe the considerations for traffic management and parking to have been appropriately thought through, given that the marina is in the middle of a fully developed residential area which has its own traffic and parking problems.

Access to the proposed marina car park is through the bulk of the Breakfast Point development, along roads fully paid for by the Community. The development itself and its surrounds are already at capacity, particularly on weekends with visitors enjoying Cabarita Park, the Breakfast Point barbecues and oval, Country Club special events, shops and restaurants. Add to this the multiple vehicles that can be expected to park for each boat load of passengers, buses dropping off and picking up commercial party boat revellers, and vehicles servicing the 'kiosk' and waste management needs of the marina, and the traffic congestion will be untenable.

Parking: Parking in Breakfast Point is already at a premium. Exacerbated by a significant number of additional dwellings being added by the Developer to each phase of development compared to the Masterplan, visitor parking is an increasing problem. Add to this a marina with completely inadequate parking arrangements and the lives of residents and their guests will be significantly and negatively impacted on a daily basis.

The proposal includes only 58 parking spaces for 172 berths. Vessels of up to 25m in length will surely accommodate far more than one vehicle load of passengers. There is no consideration for parking for the guests of boat owners, patrons of commercial vessels, buses, the 50 'kiosk' patrons, loading and unloading of the many vehicles that will be required to service the 'kiosk' and waste management services, or the 'golf cart' type vehicles that are proposed to operate between the car park and the marina.

Road load capacity: The roads in the Breakfast Point development were built to service the local light traffic needs of the residents. Breakfast Point property owners fully pay for the maintenance and upkeep of the internal roads through a Community Levy. The roads were not built to take the load of regular heavy vehicle traffic, as could be expected for the operation of a marina that includes access for buses loading and unloading large commercial 'party' boats.

The Community Association has already successfully argued this case in the rejection of a proposal to operate STA buses through the development. It is unfair and unacceptable to impose the increased cost of maintaining the roads that could reasonably be expected from a commercial marina operation on local private residents.

I note that when the Breakfast Point community approached Canada Bay Council requesting a reduction in Council rates in recognition of the fact that we were paying for maintenance of our own roads, the request was rejected on the grounds that Breakfast Point residents must cross Council roads to get there. I believe the same logic should apply here. As the users of the marina must use Breakfast Point roads to access the marina, they should contribute substantially to the cost of road upkeep and other related amenities within the Community. This should apply to ALL users of the marina, not only those paying the proposed miniscule levies through the parking spaces.

Management Plan: The proposed Management Plan includes having a manager on site between 8.00am and 6.00pm in Summer and 9.00am and 5pm in Winter. This is a ridiculous proposal for a commercial venture operating 24/7 in a residential environment. The Developer has proposed rules that boat owners cannot hold parties on their vessels moored at the marina. But there is no proposal to police this or any other anti-social behaviour that may occur on the marina, including presumably fishing on the public wharf. Again, this will result in the residents and Community having to pick up the slack of a poorly considered management plan.

Waste management and cleaning: The community is already dealing with the impacts of fishing off the Cabarita Wharf and is working with Council to resolve this issue. There is nothing to suggest that another jetty without a management or security presence for 14 hours of the day will not result in the same sort of fishing activity and other late night activities, with the resultant litter and anti-social behaviour.

The proposed waste management plans seem completely inadequate. With no vehicle access, industrial bins are proposed to be used and transported to the car park 250m away. Having spent many years working in the major outdoor event industry, I can be certain that this will be unworkable without regular access for large vehicles. Waste pick up is noisy for neighbouring residents. If left uncovered or overflowing, or if containers are not properly sanitised it will attract birds and other vermin. Waste pick up will likely be required daily and out of hours, which will bring another noise intrusion, vermin and unpleasant odours for neighbouring residents in an area that was not designed to accept this impact.

Vessels without pump out facilities will discharge into Kendall Bay, further exacerbating the pollution of the Bay and attracting undesirable pests and odours.

Diesel fumes and discharge will permeate the area making it unpleasant and a health hazard for residents, wildlife and members of the public seeking the enjoyment of the walkway.

Security: I have worked for many years in a public location that does have a jetty for the loading and unloading of 'party' vessels. This venue has a substantial security presence 24/7 and regularly experiences unruly, loud and anti-social behaviour from patrons arriving back after a night out on one of these vessels and I am well aware of the behaviour and incidents the security guards face. It is unthinkable that such an amenity could be introduced to a quiet residential bay, less than 50m from a large number of residents.

As I understand it, there is no proposal for any security measures to be put in place outside of the proposed management office hours and no apparent way to enforce the proposed plan on the Management Company once the marina is operational. No plans are proposed to enforce the proposed rule prohibiting parties on moored boats. It seems to be a case of "build it, take the profit and let the residents deal with it later".

This is completely unacceptable and runs the risk of leading to dangerous conflict between residents, boat owners, commercial operators and members of the public. To approve such a suggestion would be irresponsible when the risks can be so clearly seen.

Marine Safety: At a recent public meeting, a Sydney Ferries Corporation representative expressed concern regarding possible interference of marina activity to the safe and regular operation of the Rivercat service. He reinforced my observation, as a daily Rivercat commuter, that Cabarita is the fastest growing of all the Parramatta River wharves and there is a possibility of service frequencies to that location having to increase, the growth being expected to continue.

A representative of Sydney Rowing Club also addressed the meeting, expressing concern for the future of the rowing sport with the marina in operation. Rowing is an historical institution in the area and is a wonderful sight for spectators on the shore. The proposed marina would have private and commercial vessels of up to 25m in length crossing the traffic lanes of Rivercats and rowing vessels.

I have already witnessed near misses between Rivercats and rowing vessels and am very concerned that the addition of a marina in this increasingly busy waterway will dramatically increase the risk of a major incident between vessels. It will be an accident waiting to happen.

Should the worst situation occur with an accident on the Harbour, there is no road access to the proposed marina and very little land space to accommodate the emergency needs and possible evacuations that will be necessary in the event.

Waterfront Walkway: The only land based access to the proposed marina will be along the dedicated public waterfront walkway. The Breakfast Point Community is responsible for the cost, maintenance and upkeep of this walkway and the adjacent sea wall for the enjoyment of residents and the general public. The walkway is designed and built for pedestrian and cyclist use.

According to the proposal, 'golf buggy' type vehicles will be used to ferry supplies between the marina and the car park 250m away. Not only will this increase wear and tear (and therefore cost for the Breakfast Point Community), but it will bring the inconvenience of more frequent maintenance requirements, risks to the structural integrity of the path and sea wall, and hazards for pedestrians and cyclists.

I also find the claim that only 'golf buggy' type vehicles will attempt to access the marina via the pedestrian walkway very difficult to believe. It is easily conceivable that once the marina

is operational, the management will either relax rules, or not be in control of what happens outside of 'office hours', or decide that the garbage truck will now be allowed in etc. The Developer and the Government will by then have moved out and the problem will be left to the Breakfast Point Community Association to manage, including the associated costs and risks.

Contribution to costs: I question the proposal for berth owners to pay Community Levies, which I'm advised total around $8,400 per year through the car park spaces being assigned Unit Entitlements with levies payable:

- Only 58 parking spaces will attract levies, compared with usage for up to 172 boat owners and their guests, day trippers, bus loads of commercial vessel patrons, service vehicles etc, all of whom will use Breakfast Point roads and visitor parking spaces, which the remainder of the Breakfast Point property owners pay to maintain;
- I understand the proposed levy will equate to roughly 25-30% of the levy imposed on adjoining lots of a similar size – this is completely out of balance with the rest of the community and it would appear that the car park has been undervalued and/or there needs to be a price levied on each and every user of the marina or marina management to offset the increased maintenance costs.

For the inadequate levy proposed for car park allotments, I understand that it is proposed that marina berth owners would also receive full membership to the Country Club and all other Breakfast Point Community amenities. I can't imagine that the minor levy proposed will go anywhere towards compensating for the substantial cost to the Community from having the marina operating across our property, let alone Country Club management and so forth.

Impacts of increased maintenance works: Regardless of the financial cost, there is a toll on the lifestyle and amenity of the residential area whenever maintenance works are required. Areas become unavailable for use, roads and visitor parking spaces are closed and residents are subjected to increased noise and dust every time maintenance work is required. With the substantial increase in the number and size of vehicles utilising local roads, residents will be subjected to maintenance works far more frequently than would otherwise be the case through normal residential use for which the roads were designed – and the Community will pay.

Insurance and indemnity: I am concerned about the potential liability for the Breakfast Point Community should the proposal be approved, and the potential costs to the Community and to me personally should anything happen on our property. A person leaves a commercial 'party' boat drunk (or sober), trips on the kerb getting back to their vehicle, sues Breakfast Point Community as the owner of the road. A child learning to ride a bike on the walkway collides with a 'golf buggy' and is injured - Breakfast Point Community is sued. The potential issues for my community are grave and we should not have this level of responsibility and liability enforced on us by the approval of a development that is outside our control, yet relies on our property as the only land based access.

Alignment with NSW Government's Sharing Sydney Harbour Access Plan: I believe that the proposal for a large commercial marina in this location is inconsistent with the vision and objectives of the NSW State Government in relation to growing public access and amenities along the Sydney Harbour Foreshore for all people of Sydney to enjoy.

This proposal for the use of a 200m by 400m area of Kendall Bay (or 3.5 hectares) to an exclusive few (and for the substantial profit of a major Developer) over and above the water-based enjoyment of the Bay for the public and recreational boating community goes against the NSW Government's efforts of the past 7 years or more to open the Harbour and waterfront up to the greater community.

For land-based recreation and leisure, the area is now well appointed with the seawall walk and cycleway, where the general public can enjoy an uninterrupted waterfront walk, ride bikes with their children and walk their pets without fear of being struck by a vehicle. I object to the proposal to diminish the public's peaceful access, visual amenity and enjoyment to this rare asset in any way.

Conflict of interest: While I am not suggesting any impropriety within Government, I do believe that there is a serious conflict of interest in allowing the decision on this proposal to be made by the NSW Planning Minister, given that Breakfast Point Pty Ltd is a significant political donor in NSW. I strongly believe that the decision should be put in the hands of an independent arbiter who is not the recipient of political donations from the Developer.

Conclusion

I believe that the proposal to operate a commercial marina on a massive scale immediately adjacent to, and only accessible through, medium to high density residential areas is the definition of incompatible land use.

There never appears to be recognition in the handling of affairs involving Breakfast Point that it is a Community Scheme Development. That means in its simplest terms that property owners within the community are responsible for the maintenance, upkeep and replacement of all of the community infrastructure, including roads, footpaths, all gardening and landscaping, community facilities and much more. Owners pay for all this through Community Strata fees that are significant, in addition to their regular Building Strata fees.

The imposition of a 172 berth marina that uses the Community Property for all of its land based operation has the potential to add substantial costs to the property owners, and raises other issues such as insurances. The Proponent's unit entitlement contribution response to this ownership issue is ridiculous and will not substantially offset any of these costs, inconveniences and conflict.

More than that, the proposed payment of levies provides access to the private community facilities within Breakfast Point, further overloading the capacity of these resources. These resources were sold to Breakfast Point owners by the Developer as being an enticing offset for moving into apartment life – our equivalent of a 'backyard'. Allowing the non-resident private boat owners into these facilities adds further insult to the Breakfast Point Community.

When I purchased my property from Breakfast Point Pty Ltd (the Developer) in 2003, I was informed that there may in future be a small private marina for around 20 vessels, exclusively for the use of Breakfast Point residents. Never was the possibility of a massive 172 berth commercial enterprise, with its related services mentioned.

I was also sold the property on the strengths of the development's relatively low density Masterplan. I have since watched the substantial increase in the number of dwellings being approved by the Department of Planning in each stage of the development, through the reduction in size of dwellings and the addition of one bedroom apartments, with complete disregard for the Masterplan upon which I purchased my property. These changes have occurred with no regard for the impact on visitor parking or the capacity of the shared resources (Country Club etc) to sustain the additional membership from the additional dwellings. I have observed these changes silently with the belief that the Breakfast Point Community will just need to absorb these additional tolls on available space and resources. However the proposed marina simply takes the social cost and potential financial cost beyond anything I can simply accept without objection.

I am advised that the proposed marina is 5 times the average size of commercial public marinas in NSW and I strongly object to the fact that Breakfast Point residents will be required forever to pay for the upkeep of all access services and to manage the social impacts on the peaceful residential area adjacent to this high impact commercial business.

I object to the proposal in the strongest terms. I ask that the proposal be denied and that Kendall Bay be remediated and returned to its natural state and protected for the amenity and enjoyment of the broader Sydney community.

Yours sincerely

[redacted]

Please do not publish my name or address to the Proponent, other interested public authorities, on the Department's website, or any other parties.

[redacted]
NSW [redacted]

Department of Planning
Major Development Planning
GPO Box 39
SYDNEY 2001
Attn: Felicity Greenway

23rd November, 2010.

Kendall Bay Marina
MP 07_0006

I am writing to object to the proposal regarding the construction of a large commercial marina, sediment protection and associated infrastructure in Kendall Bay and on land within the Community Association of DP270347.

The proposal will have a major impact on Breakfast Point and surrounding areas of Mortlake, Cabarita and Concord.

My main concern relates to the proposal to not remediate the polluted sediments in the Bay which contains chemicals that pose significant risk of harm to human health. Remediation is not proposed despite a remediation order being issued by the EPA. I am concerned that the proposal to place a "blanket" over only part of the area will not meet the declaration requirements and leave the residents and water users exposed to carcinogens and other pollutants.

My other concerns relate to the construction of a large commercial public marina operating 24 hours a day 7 days a week, immediately adjacent to a residential area. Such a large enterprise could potentially cause problems of traffic, parking, noise, night time intrusion from lighting, odour from a potential refuelling depot, safety of walkers that use the waterfront and generally interfere with the amenity of what has been described as a peaceful waterside walk.

Other concerns include the potential increase of local road and facility maintenance costs for the residents as a result of the increased traffic from the operation of the marina.

In addition, there has been little communication from the developer in regard to the proposal.

I ask that the proposal be denied and that Kendall Bay be remediated and returned to its natural state.

I also ask that my name not to be made available to the proponent, all the relevant authorities and the Department of Planning's website.

Yours faithfully,

[redacted]

Anna Bradley - Online Submission fro (other)

From:
To: Chris Ritchie <Chris.Ritchie@planning.nsw.gov.au>
Date: 21/11/2010 7:38 PM
Subject: Online Submission f
CC: <assessments@planning.nsw.gov.au>

As local residents of this address, we do cautiously welcome the concept of a marina. However we are most concerned with the increase in traffic along Admiralty Driver, which is a narrow passage and cars can only park on one side. The development plan must be revised so that the impact on traffic can be minimsed. For example, we may not be able to handle 172 berths. Hence we suggest:
- Less than 100 berths should be built.
- Local residents in the Breakfast Point Precinct must be given the first options for the purchase of these berths
- Clear street signs to divert traffic away from Admiralty Drive.

We do not have any political donations to declare.

We do not wish to have our names published. However, we welcome Rose to contact us directly to address our concerns.

Our view on this project is hence: support only if conditions are met.

Regards

Address:

IP Address: cpe-120-146-131-102.static.nsw.bigpond.net.au - 120.146.131.102

Submission for Job: #1311 Project Application
https://majorprojects.onhiive.com/index.pl?action=view_job&id=1311

Site: #865 Kendall Bay Marina
https://majorprojects.onhiive.com/index.pl?action=view_site&id=865

Chris Ritchie
Manager, Manufacturing & Rural Industries

P: 02 9228 6413
F: 02 9228 6466
E: Chris.Ritchie@planning.nsw.gov.au

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