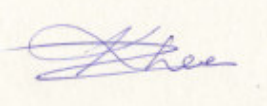




**PRELIMINARY ENVIRONMENTAL  
ASSESSMENT  
d'ALBORA MARINA, THE SPIT,  
MOSMAN**

**NOVEMBER 2007**

Version	Description	Prepared By	Signed	Date
Rep001	Draft	Benjamin Cribb		10.11.07
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## 1. INTRODUCTION

*Hamptons Planning* has been engaged by *Macquarie Leisure Operations Limited*, trading as *d'Albora Marinas* (herein referred to as *d'Albora*), to prepare a Preliminary Environmental Assessment (PEA), outlining the proposed redevelopment at d'Albora Marina, located at The Spit, Mosman (herein referred to as "the site").

This PEA has been prepared for the Director General in response to the Opinion of 19 October 2007, that the proposal is subject to **Clause 6(1) of State Environmental Planning Policy (Major Projects) 2005**. As such, the project is declared to be a project to which **Part 3A of the Environmental Planning & Assessment Act 1979** (the Act) applies.

The purpose of this report is to supply to the Director-General a preliminary assessment of the project to enable the Director-General's environmental assessment requirements to be issued for the project. Such requirements will then inform the subsequent Environmental Assessment required for the project.

The purpose of the proposal is to provide a high class facility and improve upon the existing situation at the marina. Additional berthing facilities are proposed, along with improved maintenance operations and new marine-related commercial space. In addition, facilities will be provided to promote and enhance public access arrangements through and around the marina, as well as along the foreshore.

**Chapter 2** of the report provides a description of the site and its surrounding locality, **Chapter 3** details the proposed development, **Chapter 4** outlines the legislative planning context, **Chapter 5** provides a preliminary environmental assessment of identified issues and a justification of the development, whilst **Chapter 6** concludes the report.

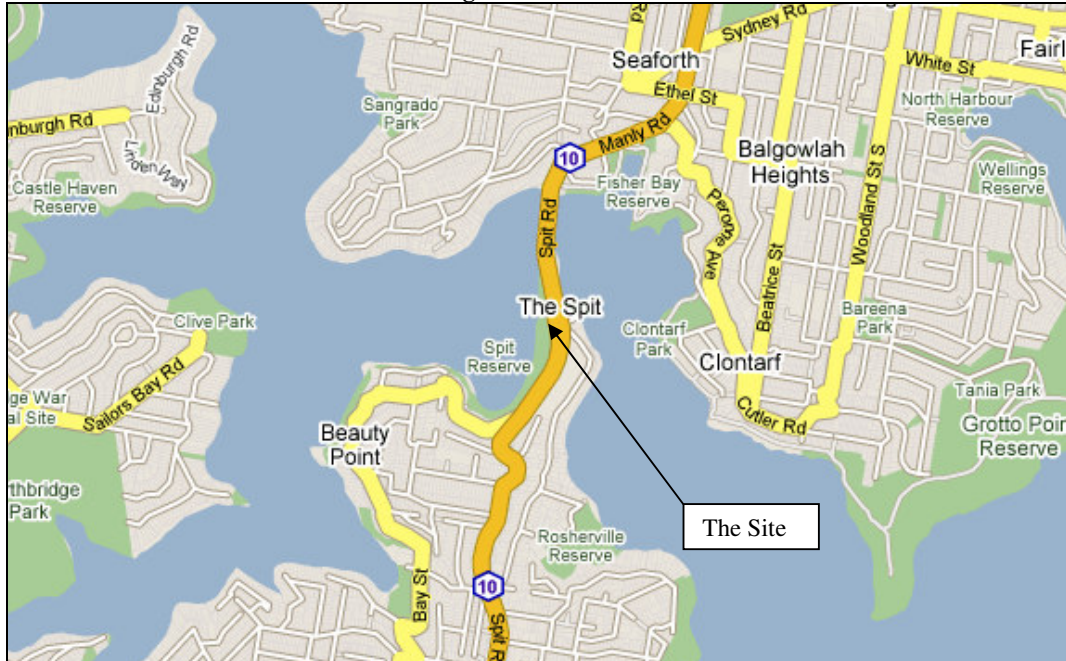
It is intended that the outcomes on this PEA will enable the provision of Director-General's requirements within 28 days as required by **Clause 8C of the Environmental Planning & Assessment Regulation 2000** (the Regulation).

## 2. THE SITE & SURROUNDING LOCALITY

### 2.1. Site Details & the Existing Uses

The site is known as *d’Albora Marinas The Spit* and is located on the western side of Spit Road, adjacent to a Council-administered reserve, known as The Spit Reserve. The marina was acquired by *d’Albora* in January 2000. The existing marina and associated buildings are located to the north of this Reserve (**Figure 1**).

**Figure 1: The Site**



Source: [www.maps.google.com.au](http://www.maps.google.com.au)

The site is legally described as **Lot 102, Lot 103 and Lot 104** in **Deposited Plan 1011363 (Annexure 1)**.

The total area for Lot 2, is 1,485m<sup>2</sup>; Lot 3, 4,910m<sup>2</sup> and Lot 104, 2.028 hectares (**Annexure 1**).

The physical area of the site is irregular in shape, with a large proportion of the marina being generally rectangular (Lot 104). The site is currently occupied by 165 berths, distributed over five arms, being Arms A-D and N. N-Arm is an existing fixed wooden jetty structure, while Arms A-D are constructed as more modern, floating structures.

The existing building, which is located on the eastern side of the site, houses the administrative offices of *d’Albora*, along with various marine tenancies, including boat dealers and brokers; a restaurant and café; and boat maintenance operations. This building is predominantly of single storey form, with a two storey component on the western side of the structure, overlooking the marina.

An existing slipway is located to the north of the building.



There is an existing fuel wharf located on N-Arm and an existing sewage pump out facility on D-Arm. These facilities are utilised by both tenants of the marina and the general public; the sewage pump out facility is a free service.

Visitor berthing is encouraged at the site.

A small amount of on-site car parking is provided to the north-east of the building, with the remainder of parking being available in the car parking area associated with The Spit Reserve to the south of the site.

Pedestrian access to the marina is available *via* the frontage on the eastern side of the existing building.

The facility is a leasehold one, with both the area on which the building is located and the marina itself, being located on land owned and administered by *NSW Maritime Authority*. The registered lessee is *Trust Company of Australia*. They act as Trustee for the publicly listed *Macquarie Leisure Trust*, which, in turn, owns *Macquarie Leisure Operations*, trading as *d'Albora Marinas*.

The *NSW Department of Lands* own the adjoining Spit Reserve, with the land administered by the Council.

Vehicular access for persons visiting the site is generally from Spit Road, with access into the Spit Reserve Car Park. In the 1970's, the then owner of the marina was one of several businesses that contributed to the sealing of this car park under an agreement with the *Council*. The small parking area, located to the north-east of the building, also has access directly from Spit Road. The extent of parking available here is limited.

## **2.2. The Surrounding Locality**

The site is predominantly surrounded by other maritime activities, which also dominate the eastern side of Spit Road and include boat sales, repair and maintenance facilities, as well as a number of restaurants. These activities are separated by Spit Road.

To the north and north-west of the site are residential properties, located on the foreshore areas, across The Spit waterway.

Directly south of the site is The Spit Reserve Parkland. Further south of the site is a rowing club, which forms part of the *Mosman Rowing Club* facilities. A couple of house boats are also moored in this vicinity, which forms part of Pearl Bay. Beyond this are residential properties.

To the west of the site is generally the waterway, which leads around to Beauty Point and Seaforth Bluff. Residential properties dominate this area on the landward side, beyond the waterway.

Photographs of the site and surrounding locality may be found at **Annexure 2**.

### 3. PROJECT OVERVIEW

#### 3.1. Project Overview

The proposed development involves the following:

1. Proposed alterations and extensions to the existing building on the site, including extensions to the first floor of the building to enable full use of two full floors. It is intended that this would house marine related tenancies such as boat repair and maintenance businesses; boat dealers with associated showroom space; administrative offices and a restaurant/café. No increase in height of the built structure, over the existing situation is proposed.

To accommodate the new structure, it is proposed to substantially replace the existing structure and undertake replacement piling beneath the existing building to ensure longevity.

2. Replace the existing obsolete slipway with a new hardstand area located on the northern side of the building. A new travel lift will be located on the northern side of the new hardstand, so that boats are positioned parallel to the tidal flow.
3. Extension of D-Arm, to accommodate a total of eight vessels (existing capacity of four). Use of these new berths is intended for the on-site boat dealers as a holding area for boats before and after maintenance works, as well as a holding area for the delivery of new boats. These berths will not be used as permanent customer berths. Two fuel/sewage pump out berths will also be located on this Arm.
4. Demolition of the existing fixed jetty at N-Arm, to accommodate fourteen vessels, including one located on the T-head (current capacity is five). This will be replaced as a more modern floating system, consistent with the existing modern floating structure of the marina, as opposed to the current fixed pier arrangement.
5. Two new pontoons located on the western side of B-Arm at the northern end of the existing arm to create six new thirteen metres berths (current capacity is one 25 metre berth).
6. Relocation of the fuel berth from N-Arm to D-Arm. This new system will be available for public, as well as private, use to benefit the local boating community.
7. Extension of A-Arm, to accommodate an additional six vessels, including one vessel on the T-head.
8. Extension to B-Arm to accommodate an additional four vessels, including one vessel on the T-head.
9. Reorientation of berths on the western side of C-Arm, from parallel to perpendicular. This will allow for the accommodation of 22 vessels of between



15 and 25 metres (current capacity is eight berths for vessels up to thirty five metres). One vessel will be berthed at the T-head at each end of this Arm.

10. Installation of a new fuel system, to coincide with the decommissioning of the existing system. This new fuel system will be located underground, below the existing on-grade car parking area on the north-eastern side of the site. New fill points and lines will need to be installed to facilitate this.
11. New parking facilities located on the southern side of the building, to improve delivery access, along with disabled car parking, which is in ease of access to the building.

Significant public benefit will also accrue through the proposed works, which will include greater public access and a public deck and seating area, located on the western side of the new building. Public safety will also be improved building design with increased natural surveillance, as well as new lighting.

The proposed works will result in an additional 35 vessels being accommodated on the site, over the current situation. Vessels accommodated on this marina range from 6 metres to 35 metres; the size of vessels berthed at the site will not change under this proposal. The purpose of this application is simply to increase the supply of berthing facilities at the site in the twelve metre to thirty metre range of which there is significant demand.

The proposed works will require a change to the lease boundary on the northern, southern and western sides of the marina. This will be negotiated separately with *NSW Maritime* as part of the landowner's consent process.

The landowner's consent process will also necessitate adjoining landowner's consent from the Department of Lands.

These consent processes will be commenced subject to the outcomes of this pre-DA process.

A copy of the **Architectural Drawings**, prepared by *Corben Architects*, may be found at **Annexure 3**.

### **3.2. Consideration of Alternatives**

The bulk of the proposal is fixed, by way of the existing infrastructure on the site, in particular the berthing facilities and the maintenance areas. Most importantly, these facilities will generally retain the footprint of the waterside elements of the proposal.

However, early considerations did give rise to the relocation of the building on the site, towards the southern end of the Spit Reserve. This was discussed with Mosman Council, NSW Maritime and the Department of Lands. The benefits of this were that it was seen to lessen the traffic impacts associated with the widening of the Spit Bridge (which is now not proceeding) and would provide better access between the car parking area and the site.



However, this was not viewed suitable because of the adverse impact on public space, as a result of refueling operations, as well as access to maintenance facilities.

As such, the building is justified in its retention in the existing location.

## 4. PLANNING CONTEXT

There are a number of legislative planning instruments which are application to the subject development, these are discussed below.

### 4.1. Part 3A of the Environmental Planning & Assessment Act 1979

As indicated above, the Minister, in accordance with **Clause 75D(1)**, the Minister has declared the project to be subject to **Part 3A** of the Act (**Annexure 4**).

It is understood that, as a result of this PEA, the Director-General will supply environmental assessment requirements in accordance with **Clause 75F(2)** of the Act. In doing this, the Director-General will consult relevant public authorities, in accordance with **Clause 75F(4)**.

### 4.2. Environmental Planning & Assessment Regulation 2000

Part 1A of the Regulation applies to development subject to Part 3A of the Act. Of relevance to this PEA is Clause 8C, which requires that the Director-General provide environmental assessment requirements within 28 days of lodgement of the PEA.

### 4.3 State Environmental Planning Policy (SEPP) (Major Projects) 2005

As stated previously, the **Opinion** issued by the Minister on **19 October 2007** indicates that the proposal is subject to **Part 3A** of the Act. As such, the **State Environmental Planning Policy (Major Projects)** applies. The proposal falls within **Group 6** of **Schedule 1** for **Tourism and Recreational Facilities**. Included in this Group is **Marina Facilities (Clause 14)**, which are defined as follows:

*(1) Development for the purpose of marinas or other related land or water shoreline facilities that moor, berth or store vessels (excluding dinghies and other small craft) at fixed or floating berths, at freestanding moorings, alongside jetties or pontoons, within dry storage stacks or on cradles in hardstand areas and that:*

*(a) moor, berth or store more than 30 vessels in Sydney Harbour, Middle Harbour, North Harbour, Botany Bay, Port Hacking, Broken Bay or associated tidal waters, or*

*(b) moor, berth or store more than 80 vessels in other waters, or*

*(c) are located in environmentally sensitive areas of State significance,*

*but excluding any development that, in the opinion of the Minister, is only of local environmental planning significance.*

*(2) A reference in this clause to the number of vessels moored, berthed or stored includes a reference (in the case of an existing facility) to the additional number of vessels moored, berthed or stored at the facility.*



The proposal falls within the scope of the above, as more than 30 vessels will be moored at the facility.

As such, the proposal will be assessed in accordance with the provisions of **Part 3A** of the Act, **Part 1A** of the Regulations and the **SEPP (Major Projects)**.

#### **4.4 Section 77A: Environmental Planning & Assessment Act 1979**

**Section 77A** of the Act deals with **Designated Development**. As the project has been declared a Major Project, this proposal will not fall within the scope of **Designated Development**. As such, an **Environmental Impact Statement** is **not** required.

#### **4.5 Sydney Regional Environmental Plan (SREP) (Sydney Harbour Catchment) 2005**

The site is subject to the provisions of the **SREP (Sydney Harbour Catchment)**. The site is predominantly zoned **W5 Water Recreation**, however, C-Arm crosses into the **W1 Maritime Waters** zone. The site is also located in the **Foreshores & Waterways Area**. The proposed works, as part of a “commercial marina” are permissible with development consent in both zones.

**Clause 2** stipulates the aims of the SREP. The proposed works will achieve the aims, as it ensures that the catchment, foreshores and waterways of Sydney Harbour are protected and maintained. The existing marina facility operates as a ‘clean marina’ as discussed in **Section 5.1** of this report, which will continue with the implementation of the proposed works. As such, the proposed development will assist in achieving a healthy and sustainable environment, both on land and in the water.

Further, the aims of this clause will be achieved by improving public access to the foreshore adjoining the site. The proposed development will include greater public access and a public deck and seating area, located on the western side of the new building.

**Clause 17** details the Objectives of each zone under the SREP. With regards to the **W1 Maritime Waters** zone, the proposed works will be compatible with, and not adversely impact on the effective and efficient movement of vessels within waterway. Although the existing facility sits within a bay, it is not positioned in an area of extensive vessel thoroughfare. The minor portion of the berths that will be within the **W1 Maritime Waters** zone is not detrimental to the achievement of such objectives.

With regards to the **W5 Water Recreation** zone, the proposed development will be consistent with the objectives stipulated at **Clause 17**. As previously detailed, the proposed development will include greater public access and a public deck and seating area. Further, the proposed development is of a size and scale which is consistent with its locality and will, in no way, adversely impact the cultural and scenic quality of the surrounding area.

**Overall, it is considered that the proposed development achieves the objectives of its applicable zones.**

**Division 2** of Part 3 provides **Matters for Consideration**. Those relevant to this application are reproduced at **Table 1**, below, along with a discussion on the compliance of the proposal with these Matters.

**Table 1: Matters for Consideration – Division 2, Part 3 (SREP (Sydney Harbour))**

<b>Matter for Consideration</b>	<b>Compliance</b>	<b>Comment</b>
<b>21 Biodiversity, ecology and environment protection</b>		
Development should have a neutral or beneficial effect on the quality of water entering the waterways. (a)	Complies	The proposed development will not adversely impact upon the quality of the water entering the waterway. The proposed development will continue to operate as a 'clean marina'.
Development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities). (b)	Complies	The proposed development will not hinder the protection and enhancement of terrestrial and aquatic species, populations and ecological communities.
Development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities) (c)	Complies	The development will not compromise the ecological connectivity of aquatic vegetation, having no significant environmental impacts and operating as a 'clean marina'.
Development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access. (d)	Complies	Refer above.
Development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation (e)	Complies	The proposal will not alter the intertidal area and the natural landform will be retained. No native vegetation will be impacted upon.
The cumulative environmental impacts of the development. (h)	Complies	The proposed works will not result in any adverse cumulative impacts.
Whether sediments in the waterway adjacent to the development are contaminated and what means will minimise their disturbance (i).	Complies	The proposal will not disturb the surface area of the waterway.
<b>22 Public access to, and use of, foreshores and waterways</b>		
Development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation. (a)	Complies	The proposed development will include greater public access and a public deck and seating area, located on the western side of the new building.
Development should maintain and improve public access to and from the waterways for recreational purposes (such as swimming, fishing and boating), without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation. (b)	Complies	The proposal will improve public access to the waterway, without compromising the integrity of the watercourse or existing native vegetation.
The need to minimise disturbance of contaminated sediments. (e)	Complies	The proposal will not cause adverse disturbance to sediments.
<b>24 Interrelationship of waterway and foreshore uses</b>		

Development should promote equitable use of the waterway, including use by passive recreation craft. (a)	Complies	The proposed development will not result in any reduction in the equitable use of the waterway.
Development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses (b)	Complies	As previously detailed, the proposed development will not adversely impact on the integrity of the waterway or existing native vegetation. In addition, the proposal will not hinder future recreational or commercial uses of the waterways.
Development on foreshore land should minimise excessive congestion of traffic in the waterways or along the foreshore. (c)	Complies	The proposed development will not result in a significant amount of additional traffic in the waterway, thereby not contributing to congestion, of vessels in this area. Further, the facility is not located within a significant vessel thoroughfare, thereby not impacting upon the existing movement of vessels through the bay.
Water dependent land uses should have priority over other land uses. (d)	Noted	
Development should avoid conflict between the various uses in the waterways and along the foreshores. (e)	Complies	The proposal will not result in any conflict between land uses, instead endeavouring to improve the relationship between private and public arrangements over the current situation.
<b>25 Foreshore &amp; Waterways Scenic Quality</b>		
The scale, form, design and siting of any building should be based on an analysis of: (i) the land on which it is to be erected, and (ii) the adjoining land, and (iii) the likely future character of the locality	Noted	
Development should maintain, protect and enhance the unique visual quality of Sydney Harbour and its islands, foreshores and tributaries. (b)	Complies	The proposal will not alter the visual quality of the landscape to any significant degree over the current situation. In addition, the proposed uses are consistent with the existing, surrounding land uses.
The cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores. (c)	Complies	The proposal will not result in adverse cumulative impacts on the character of the waterway, nor the adjoining foreshore area.
<b>26 Maintenance, Protection and Enhancement of Views</b>		
Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items. (b)	Complies	The works will result in limited visual change and there will be no adverse impacts in terms of views and vistas.
The cumulative impact of development on views should be minimised. (c)	Complies	The proposal will not result in any adverse cumulative impacts

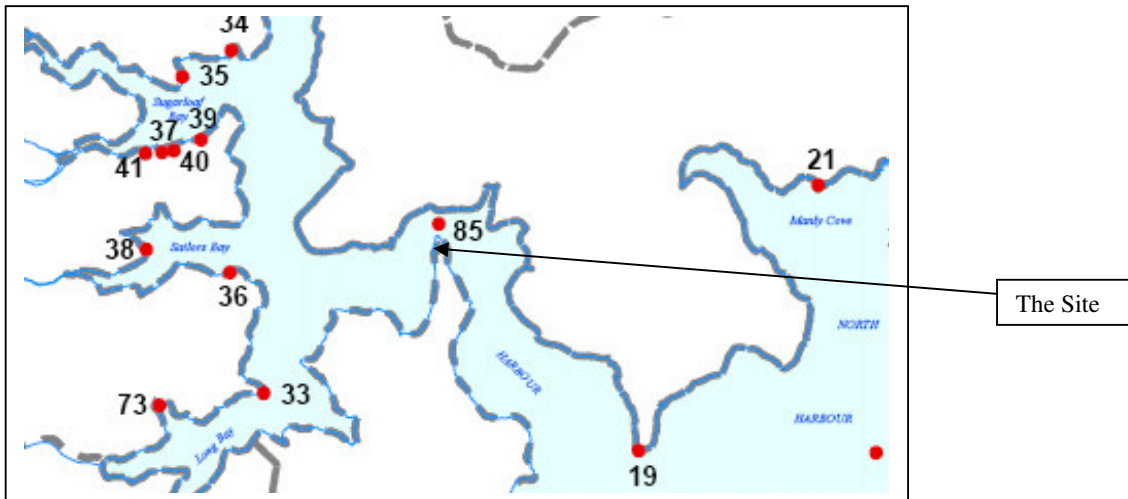
**Clause 33** states that the consent authority must not grant development consent to development for the purpose of a commercial marina on land within **Zone No W1** unless it is satisfied that access between the marina and the foreshore will not be provided on or across land within **Zone No W2, W3, W7 or W8**. The portion of the proposed development which will be within **Zone W1** will be limited to a small part of

the C-Arm. As such, access between this portion of the marina and the foreshore will be via the **W5 Zone** of the rest of the marina, thereby being consistent with this clause.

**Clause 36** deals with **Development on land comprising acid sulfate soils**. Matters of excavation, acid sulfate soils and contamination would be addressed as part of the subsequent environmental assessment report

The site is not a strategic foreshore site; therefore **Part 4** of the SREP is not applicable to this development.

**Part 5** addresses **Heritage**. The site is located in the vicinity of heritage item No. 85, known as The Spit Bridge, which maintains Stage heritage significance. The proposed works will not be visible from this location and have no adverse impact on the significance of the item. Heritage will be further assessed as part of the environmental assessment process.



Source: [http://www.planning.nsw.gov.au/harbour/pdf/maps/sydney\\_harbour\\_rep\\_heritage\\_map\\_sheet1.pdf](http://www.planning.nsw.gov.au/harbour/pdf/maps/sydney_harbour_rep_heritage_map_sheet1.pdf)

**Overall, the proposed development will satisfy the requirements of the SREP.**

The **Sydney Harbour Foreshores & Waterways Area Development Control Plan (DCP)** will also apply. Again, the proposal is consistent with the principles of this DCP.

#### **4.6 Mosman Local Environmental Plan 1998**

The existing building on the site is subject to the provisions of the **Mosman Local Environmental Plan (LEP)**, being zoned **3(d) The Spit Business Waterside Zone**. The proposed uses within the building are permissible with development consent and will satisfy the objectives of the zone.

The proposed development will assist in maintaining the area as a recreational boating resource by accommodating additional berthing facilities, and providing public access to the foreshore and waterway of Middle Harbour. This will address the demand for increased facilities at the site, along with improved commercial-marine related facilities.



The proposed development will not generate significant additional traffic or demand for parking that will adversely impact on the area. However, it must be noted that the existing facility relies upon the shared parking facilities located within the adjoining reserve, and as such a traffic consultant has been engaged to assist in this project and provide advice on suitable parking management techniques.

The development will maintain the scenic quality of the area by being of an appropriate size and scale that is consistent with its locality and not compromising the scenic and cultural values of its surrounds. The development will result in a limited visual change to that which exists, even with a minor intensification of use as a result of the additional berthing facilities being provided.

The floor space ratio (FSR) of the building on the site will satisfy the maximum requirements of **Clauses 17** being set at a maximum FSR of 1:1.

No increase in height of the built structure, over the existing situation is proposed and as such, the proposed development will satisfy the maximum height of eight metres for development within the **3(d) Zone**, set by **Clause 18**.

As identified in the **Foreshore Protection Map** which accompanies this LEP, the subject site is classified within the **Acid Sulfate Soil Area**. As previously detailed, matters of excavation, acid sulfate soils and contamination would be addressed as part of the subsequent environmental assessment report.

## 5. PRELIMINARY ENVIRONMENTAL ASSESSMENT & RISK ANALYSIS

### 5.1. Operational Licences

*d'Albora* maintains the relevant **Environment Protection Licence** for the marina, in accordance with **Section 55** of the **Protection of the Environment Operations Act 1979**.

The site also maintains “Clean Marina” status, in accordance with the voluntary accreditation system which has been established by the **Marina Industries Association of Australia**. This accreditation was obtained by *d'Albora* (and not the previous operators) after the facility was acquired in January 2000.

*d'Albora* have worked diligently to achieve this status, in accordance with the “clean marina” program which is a *national, voluntary accreditation system for marinas, yacht clubs, boat clubs, slips, boatyards and associated industry operators across Australia*. *The Clean Marinas-Australia Programme has been developed to support Australia's marine industries in its endeavours to protect our coastal and inland waterways. The Programme not only provides an easy-to-follow system to develop valuable environmental practices, but also rewards marina operators with real business benefits.*<sup>1</sup>

*d'Albora* are strongly committed to this program and pursue their accreditation rigorously.

It is intended that the ‘Clean Marina’ status requirements would form part of this proposal and that the new works would meet these standards.

### 5.2. Impact of Existing Development

The existing operations on the site do not result in any adverse environmental impacts, particularly to the water environment.

*d'Albora* maintains all necessary licences to operate the facility and has an excellent environmental record. *d'Albora* works closely with *NSW Maritime* and the *Department of Environment & Conservation* to ensure on-going compliance with all conditions of consent and environmental requirements.

Since acquiring this facility in January 2000, *d'Albora* has worked diligently to clean up many of the poor past practices that have occurred at the site, along with removing non-compliant structures. These improvements have led to compliance with the lease terms for the site that were not previously being adhered to.

In addition, *d'Albora* has installed a free sewage pump out facility, which is accessible to the public. *d'Albora* has also improved public access around the marina.

“Clean Marina” status has also been achieved at the site.

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<sup>1</sup> [http://www.marinas.net.au/clean\\_about.php](http://www.marinas.net.au/clean_about.php)

To the best of *d'Albora's* knowledge, the rehabilitation of disturbed land has never been an issue at the site.

With respect to past changes, no new development works have been undertaken by *d'Albora* since acquiring the facility. A significant amount of money has been spent in modernising and upgrading the existing facilities, as well as increasing site landscaping and improving the general presentation of the marina. *d'Albora* has worked diligently to clear up many of the poor past practices undertaken at the site, under 42 years of previous operators. Such cleaning up has involved ensuring compliance with Occupational Health & Safety; Environment Protection Authority; Building Code of Australia and Fire Safety requirements.

*d'Albora* continue to encourage public access to the marina including a free sewage pumpout facility, as well as an annual open day to encourage public awareness of the marina.

Overall, the cumulative effect for the public and the environment has been overwhelmingly positive and markedly improved under the management of *d'Albora*.

### **5.3. The Likely Impact of the Proposed Development**

A range of impacts have been considered at this preliminary stage. These are addressed below.

#### ***5.3.1 Footprint of the Existing Facility***

The proposed additional accommodation for vessels will not substantially increase the scale, character, or nature, of the existing operations. As stated above, the general waterside footprint of the marina will be retained and the existing infrastructure utilised. The extent of physical works required will be limited with only new pontoons and piles required. Minor excavation works would be necessary to accommodate these piles, but the extent of works proposed is determined to have limited impact, given that the location of these is within the general footprint and envelope of the marina.

The re-orientation of vessels, to accommodate additional berthing facilities on the western side of the site, which is in response to demand for berths, will not result in a substantial increase in the physical footprint of the marina. While the vessels will extend further into the waterway, given the size of the existing facility, it is not anticipated that this will cause any adverse environmental or visual impact.

No dredging would be required to accommodate these works and modern piling techniques would be employed that minimise disruption to the sea floor.

#### ***5.3.2 Intensity of Use***

The use of the berths is consistent with the existing arrangements on the site, although it will marginally increase the intensity of use. The proposal will result in an additional 35 vessels on the site, which is not likely to result in any adverse impact over the existing situation.



The character of the marina will be retained and enhanced, allowing for the take up of facilities for which there is a high demand.

Despite the increased number of vessels over the existing situation, it is not anticipated that this will have any adverse impact on navigational operations around the facility, nor create any intensification of use that is unwarranted in this location. The quality of the waterway will therefore be upheld.

### ***5.3.3 Visual Impact***

The reorientation of vessels on the western side off the facility will not result in significant visual change over the existing situation, when viewed from the foreshores surrounding the site. Despite that there will be a greater number of vessels, there has always been boats moored in the position, along Arm D, at the western end of the site. Therefore, despite perhaps a small degree of intensity, in visual terms, this scenario does not result in a significant extension, in visual terms, over the existing situation.

Also of consideration is the extension of built form to the building on the site, which will cover the entire first floor level. The purpose of this is to ensure that sufficient commercial marine facilities are provided on the site. However, given the topography of the site and the position of the building, it is not anticipated that this extension in building form will result in any adverse impact in visual terms.

### ***5.3.4 Navigational Impacts***

As the proposed berths will be positioned on an existing Arm of the marina and will not result in any significant extension of the footprint into the waterway, it is not anticipated that the proposal will result in any adverse impacts in terms of navigation. As the existing facility sits within a bay, it is not positioned in an area of extensive vessel thoroughfare. As such, the anticipated navigational impacts are limited.

### ***5.3.5 Noise***

It is not anticipated that the proposal will result in any substantial increase in noise over the existing situation.

This will obviously be tested as part of the assessment process and mitigation measures employed as required, should there be any anticipated impacts.

### ***5.3.6 Acid Sulfate Soils and Land Contamination***

Issues of acid sulfate soils and contamination are being addressed as part of the environmental assessment process and any necessary mitigation measures will be employed as required.



### ***5.3.7 Parking & Access Arrangements***

This is a high risk issue associated with the proposal. The subject site relies on the existing parking facility located in the Spit Reserve, which is a shared facility and does not provide exclusive parking arrangements for the marina.

This is a prevalent situation along the entire Spit Junction area, with these facilities.

A traffic consultant has been engaged to assist in this project and provide advice on suitable parking management techniques, as a result of the demand of this facility.

It is proposed to provide some car parking directly adjacent to the building, on the southern side, subject to agreement with the Department of Lands. This has the purpose of delivery access and disabled parking, which will further improve the operational aspects of the site. It will also provide a more tenable access arrangement onto The Spit Road, in terms of fuel delivery access.

*d'Albora* would be open to a planning agreement to facilitate improvements to the parking situation in the Spit Reserve, should the Department of Planning & Department of Lands be amenable to this.

### ***5.3.8 Heritage***

The proposal will not result in any adverse impacts on the heritage items in proximity to the site. This will be assessed as part of the environmental assessment process.

Overall, the proposal will provide a positive return to the environment, the local waterway and the adjoining land uses. It will seek to modernise an existing facility and improve the environmental performance over the existing situation.

## **5.4. Justification of Development**

As previously detailed, significant public benefit will accrue through the proposed development which will include greater public access and a public deck and seating area, located on the western side of the new building. Public safety will also be improved and the building design will provide increased natural surveillance, as well as new lighting to public areas.

It is evident above that the continued improvement of the Marina facility by the proponent since its ownership in 2000 has laid the foundations for an environmentally low impact facility. It is intended that this 'clean marina' facility attribute will be carried through with the proposed development. It is foreseen that the project is permissible under existing environmental planning instruments and that subject to further advice from the Department, any identified concerns will be comprehensively addressed in the forthcoming environmental assessment report.

There is significant demand for increased facilities at the site, along with improved commercial-marine related facilities. The proposal provides an opportunity to improve the visual quality of the site and optimize public access to the foreshore.

As such, it is considered by the proponent that such a development is justified.



## 6. CONCLUSION

The proposal to the existing marina facility, as described in **Chapter 2** of this report, is consistent with the relevant legislative planning instruments and associated local government zoning.

In addition, as discussed in **Chapter 5** of this report, the proposed development will not result in any adverse environmental impact from the existing 'clean marina' facility and will result in significant public benefit. Subject to further advice from the Department, it is anticipated that any identified concerns will be comprehensively addressed in the forthcoming environment assessment report which will be prepared on behalf of the proponent.

We would be open to a Planning Focus Meeting with the Department and other relevant bodies should this be deemed appropriate.

We would therefore respectfully request that the Department provide the necessary requirements to assist in the preparation of the Environmental Assessment for this proposal.

**ANNEXURE 1  
SITE SURVEY**

**ANNEXURE 2  
SITE PHOTOGRAPHS**

**ANNEXURE 3  
ARCHITECTURAL DRAWINGS**

**ANNEXURE 4  
MINISTERIAL OPINION**