

## **Submission of Mosman Council regarding d'Albora Marina**

### **MP08 0046**

The comments of Mosman Council in respect of the proposal to carry out development at the d'Albora Marinas site at the Spit are outlined below. The format generally follows the structure of the Director General's Requirements and includes other matters raised in Council's consideration of the material submitted in support of the proposal and from Council's knowledge of the area.

#### **The Proposal**

The details of the proposal are provided in the documentation and included descriptions of both the land based and water based components.

The Environmental Assessment states:

*"The purpose of the proposed works are to facilitate an increase in the supply of berthing facilities at the site in the 12 metre to 30 metre range, for which there is significant demand, and remove the existing slipway to provide more environmentally sensitive access to the marina via the introduction of a new boat lift."*

While it is clear that the land based elements of the proposal include almost total replacement Council considers that there has been inadequate emphasis placed on the design and extent of the land-based elements which include a significantly larger retail/commercial building. A building which the Council considers has little reference to its site or surroundings and which is contrary to the Sydney Harbour and Waterways Area Development Control Plan which requires, inter alia, that development in this area:

*"...is sited and designed to complement existing development and to retain the maritime character of the area;"*

As a matter of principle, Council considers that expansion of berths and an overdue attention to environmental shortcomings of the existing operation should not be accompanied by unattractive expansion of retail and commercial space on the site to the extent proposed. For this reason Council considers that any approval should be on the basis of a significant reduction in the land-based components of the use with an accompanying redesign of the building to achieve a better contextual fit.

The fact of the complete redevelopment of the land-based components is known to be necessary due to the state of the existing supporting marine structures and given the extent of the work proposed it is considered that any design of the building to achieve the above objectives should include revision of the access arrangements so that vehicular and pedestrian access is brought to a contemporary standard and the well-established conflicts between pedestrians, vehicles and cyclists at the front of the site can be resolved.

#### **Visual Amenity**

The proposed marina building comprises a large 32mx22m rectangular two-storey form with overhanging, relatively flat roof. It is a free standing, self-referential building that relies for its contextual fit on the large visual catchment afforded by the waterway and reserve lands.

The building has no regard for the architectural form and detail of traditional waterfront marine uses as typified by waterfront development on the eastern side of Spit Road (notably Ferguson's Boatshed). It appears to have been designed to maximise its volume on the site. The designation of substantial floor space, particularly on the first floor level to offices is atypical of usual water-

dependent commercial development activities in the area. (This is especially the case given the site's limited access and parking constraints.)

An alternative approach to the design of a building could include a more traditionally proportioned marina complex of relatively discrete buildings up to two storeys in height. Such an approach could achieve a development of equal functionality, greater permeability and lesser presence in this visually sensitive locality. Approval of the building in its present form therefore is opposed and a revision addressing the above issues should be required.

### **Traffic and Access**

The site is currently constrained in relation to traffic, access and parking. The arterial road location, the narrow driveway between Spit Road and the site, poor sight lines and inability for large vehicles to turn and exit in a forward direction and the conflict of vehicles with pedestrians and cyclists make the existing situation problematic.

The inability of the development to cater for the additional demand is a negative aspect of the proposal. The additional demand will place additional pressure on the public carpark in Spit West Reserve which will affect other users of this car park and other public parking areas in The Spit locality. Following the preparation of The Spit Landuse Management Plan in the late 1980s it has been recognised that the available parking at The Spit is finite and there is a shortage at peak times. This is particularly evident when sailing/boating demand coincides with high usage of other dining and recreational facilities. At that time Council took a view that businesses operating or expanding at The Spit did so in the knowledge that their patrons may be inconvenienced. Given the nature and extent of the new development it is likely that despite the measures identified by the applicants the proposal will contribute to added demand for parking and patrons and other visitors to the area will be likely to be inconvenienced as a result. The applicant's consultant attributes a parking shortfall on weekends of between 11 spaces (Saturdays) and 31 spaces (Sundays) to the development based on 2008 surveys. Ticket parking arrangements in the area have changed since that time and the parking characteristics now reflect different circumstances.

The parking analysis is considered flawed for this reason. In addition, the nature of the vessels now sought to be moored is such that there is an expectation that greater parking would be required than projected and on a more regular basis. Council has separately received representations from the operator that clients with larger luxury vessels are disinclined to use existing moorings because of the absence of permanent parking spaces available for their use. It is difficult to reconcile the complaints on the one hand and the proposed make up of moorings on the other.

Limited detail is provided both within the report and on the architectural plans in relation to the indented bay and what the impact on other road users will be when a truck is parked or manoeuvring in this location. For example, it is not clear how other vehicles will access the Ellery Park carpark and the proposed carparking area; how north and south-bound cyclists using the regional bike route over Spit Bridge and pedestrians will safely move through the area; and how traffic will be managed if trucks are required to queue.

At the time of consideration of the Spit Bridge widening Council took issue with the poor access to this site and sought an improvement as part of any widening. At the time the RTA claimed that as the status quo would apply no upgrade was needed. In the present circumstances the site will undergo what amounts to a total redevelopment so a proper consideration of the overall access in both the immediate and longer term is necessary.

The site is on a regional bicycle route and the access point at Spit Road with the proposed indented bay will coincide with the end of the cycling and pedestrian paths over Spit Bridge and into Spit West Reserve. Council is seeking to achieve an upgrade of cycling and pedestrian

facilities in the area by use of the route under the Spit Bridge and along the eastern and western foreshores and this would be prejudiced if the access design at the d'Albora Marina is not satisfactorily handled. Council and the RTA this month commissioned consultants to prepare proposals for resolution of these issues and to undertake work at d'Albora Marina that might prejudice this is considered unwise.

From what can be seen from the application plans both pedestrians and cyclists would need to cross the enlarged entry apron to proceed to Spit West pathways or under the bridge to Spit East. As presented this would not be appropriate or adequate and should be resolved as a precondition of any new building work on the site. Council's study provides an opportunity in this respect.

It is also not clear whether the indented manoeuvring bay is intended to serve as a set down and pick up area for visitors to the site as the boardwalk on the southern side of the building discharges directly onto the roadway in the indented bay. If the area was used by boat crews to unload stores or equipment to transfer to moored vessels further issues of conflict would occur. This too suggests that a more thorough approach to the design of the land-based components of the site is required.

Council has consistently put to the RTA and to the representatives of d'Albora that vehicular access needs to be comprehensively altered so access is improved and pedestrian and cycling conflicts are resolved as part of any redevelopment. This advice was provided in response to the Spit Bridge widening and is equally the case now especially in view of work being done on regional and local cycling infrastructure in the vicinity of this site.

The assessment of the Director General's Requirements at section 8 of the Environmental Assessment does not address the potential loss of public access to the foreshore and waterways of Middle Harbour.

Council has previously raised issue with the development not providing for adequate public access to and along the foreshore and the development proposed is likely to reinforce the current inadequacies in the longer term. Council has recently undertaken significant works in Spit West Reserve and Pearl Bay to improve the visitor experience and improve access. This should be built upon to a greater extent than has been the case with the current proposal which provides little more than level access to a kiosk on the western side of the proposed building.

SREP (Sydney Harbour Catchment) 2005 requires that development should maintain and improve public access to and along the foreshore and identifies the undesirability of boardwalks as a means of access across or along land below the mean high water mark. The proponents consider the inclusion of boardwalk access to their kiosk as an improvement. Council does not concur with this view and considers greater access to the foreshore is possible.

The redevelopment of the marina is an opportunity to link The Spit Reserve with Ellery Park specifically given the unsafe and less appealing route via The Spit Road frontage. Such access could also tie in with Council's foreshore pathway project which involves a combined cycleway/pathway adjacent to the foreshore in The Spit Reserve which is being explored in conjunction with the RTA.

## **Noise**

The letter from Wilkinson Murray Pty Limited dated 26 August 2010 was provided by the applicant in response to concerns raised by Council that the Noise and Air Quality Assessment identifies the nearest residential receivers as 300m away, when the nearest residential receivers are located on the opposite side of Spit Road at Smiths and Fergusons boatsheds, both of which contain dwellings.

The letter finds that the operation noise levels predicted for the daytime and night periods are below the noise criteria established for surrounding residences and as such noise from the operation of the premises is unlikely to affect the acoustic amenity of residences on the opposite side of Spit Road at Smiths and Fergusons boatsheds.

The acoustic assessment provided by the applicant appears to be deficient in regard to:

- it fails to identify the hours of operation of the restaurant;
- it fails to identify how many patrons are to be accommodated on the balcony in the assumed situation;
- it fails to consider the potential noise impact from amplified music;
- it fails to consider the potential noise impact associated with aspects such as waste management i.e. waste collection and disposal of bottles.

It is considered that the Department of Planning and Infrastructure should undertake a thorough analysis of the acoustic impact of the development as part of its consideration of the application as it has potential to affect residential amenity in the vicinity of the site.

### **Hazards and Risk**

The Engineering Services Report identifies that sewage is proposed to be disposed of through the existing Sydney Water town sewer connection.

The Spit is not directly serviced by Sydney Water; rather users including the Mosman Rowing Club, the public amenities, d'Albora Marina and land users on Spit East use a shared pump out system which connects to the Sydney Water town sewer connection in Parriwi Road. This existing arrangement is not identified within the Environmental Assessment, nor is the impact of the proposed intensification of use on the existing system. The applicant should be required to investigate whether the existing system needs to be upgraded and the implications of same regarding the expanded retail, commercial and food business activity which is proposed.

Further, the Draft Spit Reserves Plan of Management identifies that the sewerage infrastructure in Spit West Reserve requires upgrading and identifies the d'Albora Marina being jointly responsible for these works. The service line for the d'Albora site runs through the Spit Reserves.

### **Other Issues**

The broad objectives of the proposal are outlined above as being an increase in berths for large vessels (21% over existing) and improvement to the environmental performance of the boat repair aspects of the business. This latter aspect and related improvements to refuelling arrangements and sewage pump outs are, of themselves, desirable based on environmental criteria.

The various expert reports accompanying the proponent's submission suggest that the water-based changes can be accommodated without significant environmental or operational impacts. What is perhaps of greater concern is that the 21% increase in berths is also to be accompanied by a total rebuilding of the land-based aspects of the marina. This will include an almost doubling of the floor space and volume of the building and a rationalisation and increase in areas available for maintenance and repair. Each of these point to increased levels of activity and intensity of use.

As noted above the proposal does not adequately resolve issues with the existing access arrangements and with added activity there is a likelihood of this posing greater problems in the future.

The plans were prepared prior to construction by Council of the Spit West shared path and other foreshore embellishments. Apart from the matters identified in discussion above the design approach does not take advantage of the new pathways nor promote foreshore access to the full

extent possible. Cycle and pedestrian access would be interrupted and the junction of the path and the indented vehicle manoeuvring area is not resolved in a satisfactory manner. Pedestrian and cyclist safety in this location is a significant issue in need of resolution.

The relationship of the moored boats, particularly in the extended Arm A may also be a matter of concern due to the limited manoeuvring space between the seawall and the marina. The plans still do not identify the new sea wall and viewing platform which is regularly used for fishing and even with the current configuration has led to conflicts, including claims of fishermen casting lures on to passing vessels, etc.

The documentation submitted as part of the Preliminary Environmental Assessment for the proposal in 2008 identified that the applicant would be open to a planning agreement to facilitate improvements in Spit Reserve. This was at a time when consideration was being given to excision of part of the Reserve for parking and manoeuvring purposes. The applicant has now advised that as the proposed development does not include any works within Spit Reserve it is not considered necessary that the applicant enter into a planning agreement. Nevertheless it is considered appropriate that a contribution be made by the applicant commensurate with the section 94A contribution for open space embellishment to represent 1% of the value of the works.

Given the additional demand likely to be placed on Spit West Reserve from the development, it would be appropriate to seek a contribution from the development to contribute to the upgrade of the Reserve. The Draft Spit Reserves Plan of Management identifies various works to which such funds could be directed in addition to those carried out over the past two years.

The development as proposed is not resolved in terms of minimising impacts of sea level rise. Following concerns previously raised by Council in relation to this matter the architect has provided a letter addressing sea level rise dated 13 December 2010. This letter identifies that in light of the sea level rise predictions, the ground floor of the proposed building and ground adjacent to the building would be underwater and the concrete hardstand area be designed to have subsequent concrete slabs poured over the original slab to achieve acceptable freeboard from rising sea level. The letter suggests that the marina building be constructed on concrete floating pontoons similar to the marina pontoons and attached to the seabed with concrete piles.

Given the above there would seem to be scope for relocation of the building to address issues of vehicular access and manoeuvring and the resolution of conflicts with other users, notably cyclists. Continuation of foreshore access could also be explored to encourage passage past the site on the foreshore side.

This construction method is not identified on the architectural plans and is not referred to by other consultants. The ramifications of this new construction methodology are unclear and it also not clear whether this has been accounted for in the stated estimation of the costs of the proposed works.

As noted above there is likely to be additional demand for parking and access arising from the more intensive use of the site. While the plans allocate notional uses to various areas on the site there is potential given the location that uses such as for expansion of the proposed restaurant would be favoured for some of the space allocated in the plans for offices. In the circumstances such changes of use may be disadvantageous and for this reason Council seeks to ensure that the extent and nature of uses is primarily directed at maritime activities in favour of hospitality or non-marine commercial uses. Any approval should reflect these requirements for current and future uses.

## **Conclusion**

In view of the state of the existing shore-based facilities it is understandable that the redevelopment of this aspect of the marina is desirable and in view of some of the issues identified relating to aspects such as the environmental performance of the boat repair, etc. desirable.

However, the limited assessment able to be carried out by Council in the period for submissions suggests the proposal has a number of deficiencies which the Department of Planning and Infrastructure should address in the event that it deals with the application. Alternatively, Council considers that the application should be remitted to the Council for consideration and determination based on revised plans that address the issues identified in this submission.

Finally, the concept of reinstating and expanding the poorly serviced land-based components of the marina is unsatisfactory and should be the basis, in Council's view, of rejection of the proposal until the matters are attended to through substantial redesign.

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