

12 March 2012

Determination of the Project Application for Expansion of the Existing D'Albora Marina and Workshop, The Spit, Mosman (MP08_0046)

Project Approval

The Preferred Project Report seeks Project Approval for expansion of the existing D'Albora Marina and Workshop, including the following:

- Alterations and additions to the existing marina arms to accommodate 35 additional berths, increasing the total number of berths from 165 to 194 berths (the net increase of 29 is due to relinquishment of six moorings under conditions of consent);
- Relocation of the underground storage tanks, fuel berth and sewage pump;
- Replacement of the existing slipway with a new hardstand area, with a new boat lift and a garbage storage area;
- Modified car parking layout providing a total of nine on-site carparking spaces; access arrangements; and provision of a loading/service bay; and
- Expansion of the existing workshop and storage area to the north of the building.

The original proposal and Environmental Assessment (EA) were advertised for public comment between 9 March 2011 and 8 April 2011. The Department of Planning and Infrastructure (the Department) received six submissions from public authorities and nine public submissions. The proposal was modified to that set out in the Preferred Project Report (PPR), with the key elements described above.

Delegation to the Commission

On 14 February 2012 the Director-General of the Department of Planning and Infrastructure referred the proposal to the Planning Assessment Commission for determination under Ministerial Delegation.

Ms Gabrielle Kibble AO nominated Mr Lindsay Kelly (Chair) and Ms Donna Campbell to constitute the Commission for the proposal.

In accordance with the Minister's delegation dated 14 September 2011 with effect from 1 October 2011, the PAC may determine the application, as Mosman and Manly Councils objected to both the EA and the PPR for the proposal.

Department's Assessment Report

The Director-General's Environmental Assessment Report on the PPR proposal identifies the following key issues:

- Parking and Traffic Arrangements
- Visual Impact
- Built Form
- Environmental Impacts and Management
- Marina Design and Infrastructure
- Noise

In its assessment, the Department considers that the amended proposal is consistent with the character of the marine precinct, and the design results in minimal scenic visual impacts from the public domain. The proposal will also improve the environmental performance of the existing facility and its boat access, and the new loading/service bay off Spit Road will improve traffic safety. The expansion of the Marina caters for increased demand for berths within the locality, without impacting on the Spit Bridge opening times.

The Department recommends approval of the Project Application subject to conditions.

Site Visits

Members of the Commission inspected the site on 17 February 2012 and 20 February 2012.

Meetings

Meetings were held separately with the Department of Planning and Infrastructure and the Roads and Maritime Services, Mosman Council, and the Proponent on 28 February 2012. Manly Council declined to meet with the Commission, as it considered its concerns were clearly set out in their written submissions. As less than 25 submissions were received the application was not subject to a public meeting.

First, the Commission met with the Department of Planning and Infrastructure and the Roads and Maritime Service for a briefing on the project. The discussion focussed on RMS control over the Spit Bridge opening times; construction management including appropriate time restrictions and impacts on Spit Road; the restricted vehicular access to the site and options to improve safety; and the safety of pedestrians and cyclists moving across the site entrance on the shareway. As requested by the Commission, the RMS provided accident data for Spit Road. Accidents at or near the site were primarily rear-enders likely due to queuing on the Spit Bridge.

Following this meeting, the PAC formally requested RMS advice on a number of these issues by correspondence dated 29 February 2012, to which the RMS responded by letter dated 1 March 2012. Relevant RMS advice is discussed under *Commission's Comments* below.

Second, the Commission met with representatives from Mosman Council. The Council confirmed that access to and from the Marina and on Spit Road/Spit Bridge has been an issue for many years and has been exhaustively examined. The Council outlined the increasing number of pedestrians and cyclists using the shareway running across the Marina access, and advised that the Council is in discussion with stakeholders including the RMS with regard to proposed new, improved pedestrian and cycle routes that would continue to run across the Marina access. The Council noted that crossing points of the shareway should be detailed and safety issues should be addressed.

The Council position since 1989 has been that no additional carparking is available and land uses and businesses must operate with that constraint, and accordingly the Council accepts the proposed on-site parking provision. Mosman Council considers vehicular access to the site is difficult, construction impacts need proper consideration, and it is important to consider and ensure safety of pedestrians and cyclists on both existing and proposed new pedestrian/cycle ways. The Council supports the environmental improvements to the Marina, subject to these concerns being addressed.

Third, the Commission met with the Proponent and their representatives. The Proponent outlined the project application history and its prior discussions with the RMS. The Proponent considers that access has been satisfactorily addressed as set out in the Department's report and advised that construction works will primarily occur from the water.

Accordingly, the conventional construction times set out in recommended conditions will be satisfactory as the use of road access for construction purposes will be minimized.

Commission's Comments

Spit Bridge Opening

Manly Council raised concerns that any increase in berths at the Marina will affect Spit Bridge opening times worsening traffic congestion and safety on the Spit Road, and the Department considered this issue in its report.

The Proponent advised the Commission that the existing 165 berth Marina has only four motor vessels and four yachts requiring the opening of the Bridge to access the outer harbour. This proposal is likely to increase that number from 8 boats to 10 boats.

Based on RMS advice that the opening times are fixed and not related to demand, and the projected low number of additional boats requiring use of the Spit Bridge opening times, the Commission is satisfied that the project will not add to existing traffic delays and queuing.

Operational Vehicular Access

There is general agreement that access to and from the site is currently difficult and unsafe. This is a result of the access alignment, the single lane width of the access way, and the fact that access is off a very busy regional road with queuing a frequent issue resulting from traffic volumes and opening of the Spit Bridge. The view lines when exiting the site are restricted, and completely obscured if a delivery or service vehicle has pulled in and is awaiting another vehicle leaving the site.

The site's existing access issues were discussed with the Department, the RMS, Mosman Council and the proponent. These included operational vehicular access; operational delivery/servicing; conflict with the existing and proposed pedestrian/cycle path that runs across the Marina's accessway; and construction access.

The RMS has advised the Commission that it is satisfied that the proposed amendment to the plans to provide a delivery/service bay will allow vehicles to load and unload off the road and reduce conflict with other vehicles accessing the site. In particular, it will allow delivery/service vehicles to exit the site in a forward direction.

At the request of the Commission, the RMS reconsidered other access options, including widening the access into a two-way road. The RMS does not support this option as it would likely increase the speed of vehicles entering the site potentially impacting on pedestrians and cyclists. It also considers that widening the access would increase the length of time/distance pedestrians and cyclist would be more vulnerable to conflict with vehicles using the Marina access way. The RMS further advised that it considered that any requirement for further works would be disproportionate to the scale of development proposed.

The Commission acknowledges that the proposed access arrangements will be an improvement on the current situation and that the safe and effective operation of the Spit Road and Bridge is ultimately the responsibility of the RMS. Accordingly, the Commission has concluded that the access arrangements are acceptable subject to the amended conditions below. These amendments are designed to ensure that safety issues may be appropriately addressed by the RMS in approving the plans referred to in those conditions.

- B10 as proposed by the Department requires the RMS to approve the detailed plans for the indented/manoeuvring bay. This condition has been amended to require the RMS to

consider its relationship with the existing and proposed shared pedestrian/cycleway having regard to the safety of motorists, pedestrians and cyclists.

- B14 requires the RMS to approve the Construction Traffic Management Plan prior to issue of the Construction Certificate, instead of the Certifying Authority. The Plan is required to address various aspects including delivery times, control measures, and interaction with the pedestrian/cycle shareway.
- E7 requires the proponent to prepare a Traffic and Loading Dock Management Plan for approval of the RMS prior to issue of the Occupation Certificate. This condition has been amended to specify the matters which the plan must address including use of the hardstand; deliveries; use of the indented bay; traffic control; and maintaining safety to the pedestrian and cycle shareway.

Use of the Public Reserve

To address concerns raised by Mosman Council, conditions D28 and D29 have been amended to exclude use of any public reserve for materials storage or siting of a crane. Council approval may be sought for use of the public reserve for siting of a crane.

Commission's Determination

The Commission has carefully considered the Department's Director General's Assessment Report, agency and public submissions, and discussions during meetings with stakeholders.

The Commission is satisfied with the assessment and has determined to approve the Project Application, subject to the modified conditions regarding vehicle access and use of the public reserve noted above.



Mr Lindsay Kelly
PAC Member (Chair)



Ms Donna Campbell
PAC Member