



Environmental Assessment

Sydney Superyacht Marina Land Based Development



16/11/2010

Declaration

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In respect of:

Land based facilities associated with
Sydney Superyacht Marina

Development application

Applicant Name:

Sydney Superyacht Marina Pty Ltd

Applicant Address:

PO Box 436 Rozelle NSW 2039

Land on which activity to be carried
out:

Part Lot 2 DP 873379, being part Lot 32
in the Rozelle Bay Draft Plan of
subdivision of Lots 2, 3 and 4 of DP
873379, Lot 10 DP, 1017367 and Lot 1
DP 1049334 known as Lot 2 James
Craig Road Rozelle NSW 2039

Environmental Assessment Declaration

I declare that I have prepared this Environmental Assessment and to the best of my knowledge:

It has been prepared in accordance with Part 3A of the *Environmental Planning and Assessment Act 1979*.

It contains all available information that is relevant to the environmental assessment of the activity to which that statement relates; and

The information which it contains is neither false nor misleading.

Signature:

Name:

Stuart Wilmot

Date:

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Definitions

Conditions of Approval	The Minister's Conditions of Approval for the Project
Construction	Includes all work in respect of the Activity other than survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys, minor clearing (except where threatened species, populations or ecological communities would be affected), establishing site compounds (in locations meeting the criteria of the Conditions), or other activities certified by the EMR to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/utilities, etc.).
Department, the	Department of Planning
Director-General, the	Director-General of the Department or delegate
Master Plan	Rozelle and Blackwattle Bays Maritime Precincts Master Plan dated 6 September 2002 made pursuant to Sydney Regional Environmental Plan No. 26 – City West.
Minister, the	Minister for Planning.
NSW Maritime	Maritime Authority of NSW trading as NSW Maritime
Operation	Means the Operation of the Activity, but does not include commissioning trials of equipment or temporary use of parts of the Activity during Construction.
Proponent	Sydney Superyacht Marina Pty Ltd ABN 94 127 177 904
Site	Part Lot 32 in the Rozelle Bay Draft Plan of Subdivisions of Lots 2, 3 and 4 of DP 873379, Lot 10 DP, 1017367 and Lot 1 DP 1049334, being the area shown marked in red on Figure 1.2, and being the subject of this application.

Acronyms

ANZECC	Australian and New Zealand Environment and Conservation Council
ASS	Acid Sulphate Soils
AVD	Average Vehicle Delay
BTEX	Bezene, Toluene, Ethyle Bezene and Xylenes
CEMP	Construction Environmental Management Plan
DA	Development Application
dB(A)	Decibel, 'A' weighted scale
DCP	Development Control Plan
DECC	Department of Environment and Climate Change
DECCW	Department of Environment Climate Change & Water
DoP	Department of Planning
EMP	Environmental Management Plan
EPA	Environmental Protection Agency
EP&A Act	Environmental Planning and Assessment Act 1979
GIWBMP	Glebe Island and White Bay Master Plan
GPT	Gross Pollutant Trap
LA90	The noise level exceeded for 90% of a monitoring period, also referred to as the background noise level
LAeq (9hour)	Equivalent continuous (constant) sound pressure level over a 9 hour period from 10pm to 7am
LAeq (15 hour)	Equivalent continuous (constant) sound pressure level over a 15 hour period from 7am to 10pm
LAeq (15 mins)	Equivalent sound pressure level over a 15 minute interval

LA1 (1 minute)	Sound pressure level exceeded for 1 per cent of the time measured over a 1 minute interval
LA10 (15 mins)	Sound pressure level exceeded for 10 per cent of the time over a 15 minute period
LEP	Local Environmental Plan
LOS	Level of Service
MHWM	Mean high water mark
OCP	Organic Chlorine Pesticides
OEMP	Operation Environmental Management Plan
OPP	Organophosphate Pesticides
PCB	Polychlorinated biphenyl
POEO Act	Protection of the Environment and Operations Act 1997
RTA	Roads and Traffic Authority
SCCG	Sydney Coastal Councils Group
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
TCLP	Toxicity Characteristic Leaching Procedure
TPH	Total Petroleum Hydrocarbon
TSC Act	Threatened Species Conservation Act 1995

Executive Summary

Sydney Superyacht Marina Pty Ltd ABN 94 127 177 904 seeks the approval from the Minister for Planning pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* for development of the land based facilities of Sydney Superyacht Marina at Rozelle Bay. The marina operates on land at James Craig Road Rozelle Bay owned by the Maritime Authority of NSW, being part Lot 32 in the Rozelle Bay Draft Plan of subdivision of Lots 2, 3 and 4 of DP 873379, Lot 10 DP, 1017367 and Lot 1 DP 1049334. The land area is approximately 11,640 square metres and is generally flat at an RL of approximately 2.6metres. The marina was established in 1999 for the Sydney Olympics in 2000 within the maritime and port area of Rozelle. The nearest residences are approximately 200-250 metres across Rozelle Bay at Glebe Point.

Sydney Superyacht Marina Pty Ltd is seeking to update the existing land based operations of the marina which currently consist of the Liquidity building housing a cafe, and a series of demountable buildings comprising offices. Ancillary storage and servicing provisions are also on site.

The application is to construct two buildings on the Site which will include offices for the marina operations, and a flexible floorplan for the remainder of the buildings with the potential for retail and commercial offices; cafes and restaurants; function facilities; and for hotel (tavern) and package liquor outlets, general bar licence and package liquor outlets, and a marine based club ("licensed facilities"). A four level open car park to the rear and a pennant crane on the Site in front of the NSW Maritime building are also proposed.

The proposal has been assessed against various environmental criteria and legislative and planning instruments as outlined in the Director General's requirements and separate expert reports were obtained for the three most potentially contentious issues of traffic, contamination and noise.

The proposal is subject to SEPP (Major Development). It is concluded that SEPP (Infrastructure) does not apply for traffic generating development, however consideration of this is provided. The Site does not require remediation pursuant to SEPP 55. The proposal complies with SREP (Sydney Harbour Catchment) 2005 and SREP 26 City-West and other than very minor non-compliances it is in accordance with the Sydney Harbour Foreshores and Waterways Area DCP. There are various non-compliances with the Rozelle and Blackwattle Bays Maritime Precincts Master Plan, some of which arise due to constraints on the site which were not apparently taken into consideration when drafting the Master Plan, and some because of changes in the

area since its drafting. The non-compliances such as for height are less than non-compliances approved at the adjoining dry boat storage development and it is argued that the spirit and objectives of the Master Plan are followed and met by the proposal.

The report concludes that the impact of the proposed development on traffic will not adversely impact the level of service traffic intersection of James Craig Road and The Crescent and a satisfactory level of service will be maintained following construction of the development.

Whilst some soil and groundwater contamination has been found on the Site, the levels found indicate that the soils show no discernable signs of chemical contamination, that any previous findings of contamination were likely to be highly localised, that the proposed removal of underground storage tanks would remove the most likely source of contamination, and that the low level of heavy metal contamination of the groundwater may be attributable to off-site sources. The report concludes that the site is considered suitable for the proposed development.

Noise modelling of construction and operation activities on the site was undertaken under various scenarios. The modelling found construction would comply with DECCW noise criteria at all receptors, including when winds of 3m/sec from the source to the receptor occur.

During operation, with the restriction of two outdoor music bands, the proposal would comply with relevant noise criteria for day time and evening. No outdoor bands would be permitted during the night time period (ie 10pm to 7am), ensuring compliance during this period. Compliance monitoring will occur during the construction and operation phases.

Water quality will be managed by installing gross pollutant traps at the three stormwater outlets prior to emptying into Rozelle Bay. Rainwater from the roofs of the two buildings will be captured in rainwater tanks totalling 160,000 litres, the water from which will be used for irrigation and toilet flushing on Site. Air quality at the Site is currently acceptable. The likely sources of air pollution from the development, such as odour, and pollution from cars will be managed via an operational environmental management plan. Greenhouse gases are sought to be reduced through energy efficient construction materials and operating procedures. Air pollution during the construction phase will be managed by the construction environmental management plan.

The proposal aims to recycle much of the demolition material from on-site and waste spoil from the minor excavations will be deposited off site. Recycling bins will be utilised during operations and grease arresters will be installed at both buildings for use by the eating establishments. Sewage from pump out facilities for the superyachts will utilise a

holding tank before being discharged to the existing sewer via a Sydney Water Trade Waste Agreement. LGP gas tanks may be installed on Site and these and other hazardous materials will be stored and controlled according to all necessary requirements under the OEMP.

There is very little endemic flora and fauna on Site, given that the area is highly disturbed and much of the land is reclaimed and almost completely under bitumen. No endangered or vulnerable species have been located or seen on the Site and the proposal is not considered to adversely impact upon any such flora and fauna. Likewise, there are no items of European or Aboriginal heritage on Site. Those in the locality are not affected by the proposal.

The Site's distance from housing limits any adverse impact arising from the proposed development. The proposal is anticipated to increase local jobs, improve the visual and social amenity of the area and during community consultation the proposal was almost universally approved. Visually the low form of the buildings does not impact on the skyline from the viewpoints around Rozelle Bay, and the built form blends with the generally marine nature of the area.

Consideration of climate change indicates that the Site is unlikely to be affected by predicted sea level rises of up to 90cm, as a one metre buffer would likely still persist before any flooding became a possibility. The design of the buildings has incorporated the generally accepted principles of ecologically sustainable development and aspects proposed are set out in the assessment.

This assessment concludes that there is nothing arising from the planning or environmental issues discussed which ought to preclude approval of the development by the Minister.



1. Introduction

1. Introduction

1.1 General

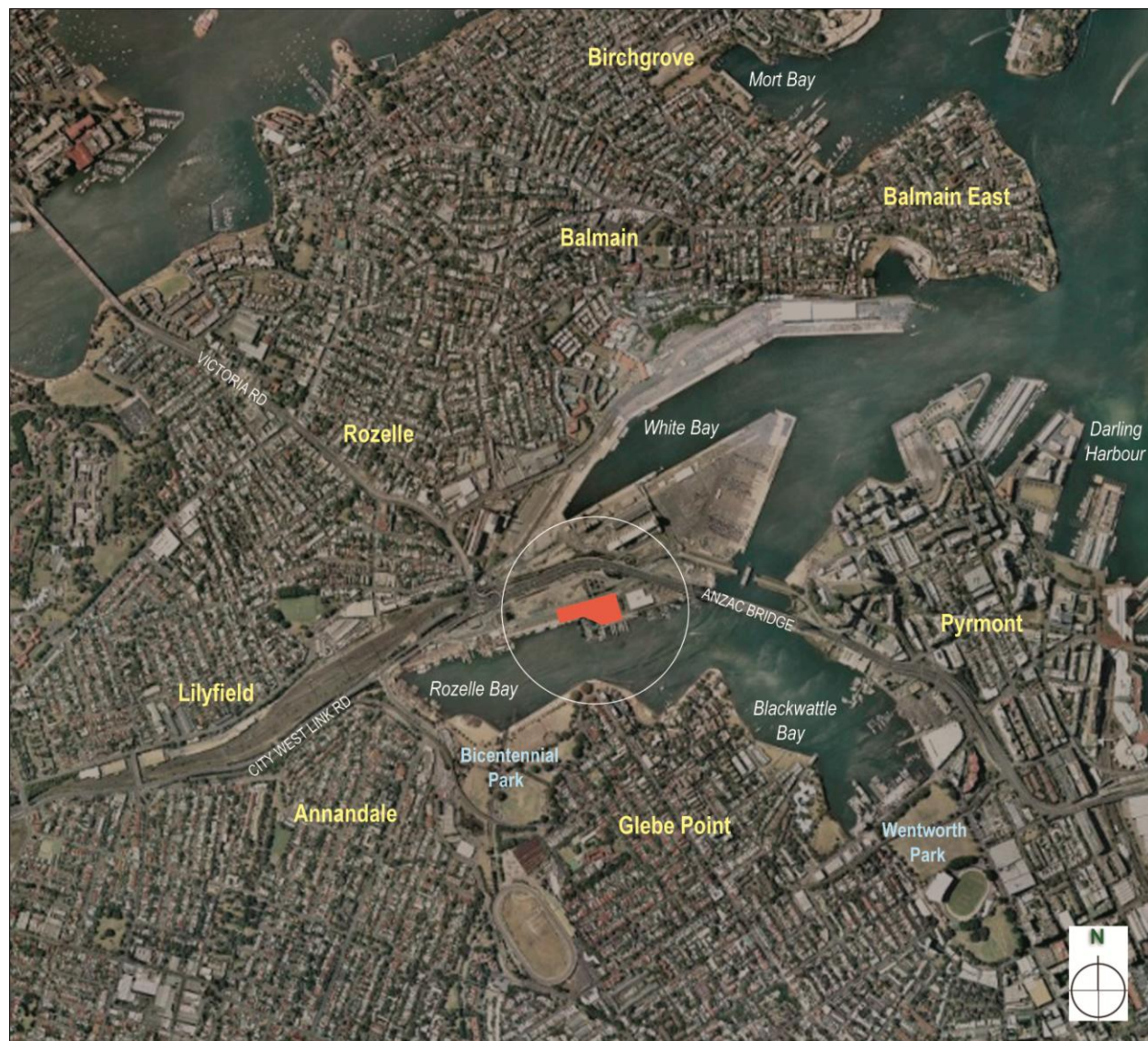
Sydney Superyacht Marina Pty Ltd commissioned the preparation of this Environmental Assessment to accompany a project application under part 3A of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* to redevelop the land based facilities of Sydney Superyacht Marina, associated with a long-term lease of the land at Rozelle Bay.

The subject site is situated to the south of James Craig Road, Rozelle Bay approximately 3 kilometres from Sydney CBD. The site is bounded by old James Craig Road to the north (known in this environmental assessment as Maritime Close), the site of the approved Dry Boat Storage (on proposed Lot 29) to the west, the NSW Maritime Office (on proposed Lot 32) to the east and Rozelle Bay to the south.

The site is owned by the Maritime Authority of NSW trading as NSW Maritime from whom the proponent leases both the land and water parts of the marina. Figure 1.1 indicates the site within the locality.



Figure 1.1 Site Locality



1.2 Property Description

The existing land based operations of the Sydney Superyacht Marina and adjoining land (the Site) comprises an area of land above the mean high water mark of approximately 11,640 square metres (sqm). The water based section of the marina below the mean high water mark comprises an area of approximately 17,544 sqm. The whole of the area has the following details:

- Dryland: Part Lot 32 in the Rozelle Bay Draft Plan of subdivisions of Lots 2, 3 and 4 of DP 873379, Lot 10 DP, 1017367 and Lot 1 DP 1049334.
- Water lease area: Part Lot 33 in the Rozelle Bay Draft Plan of Subdivision of Lots 2, 3 and 4 DP 873379, Lot 10 DP, 1017367 and Lot 1 DP 1049334.

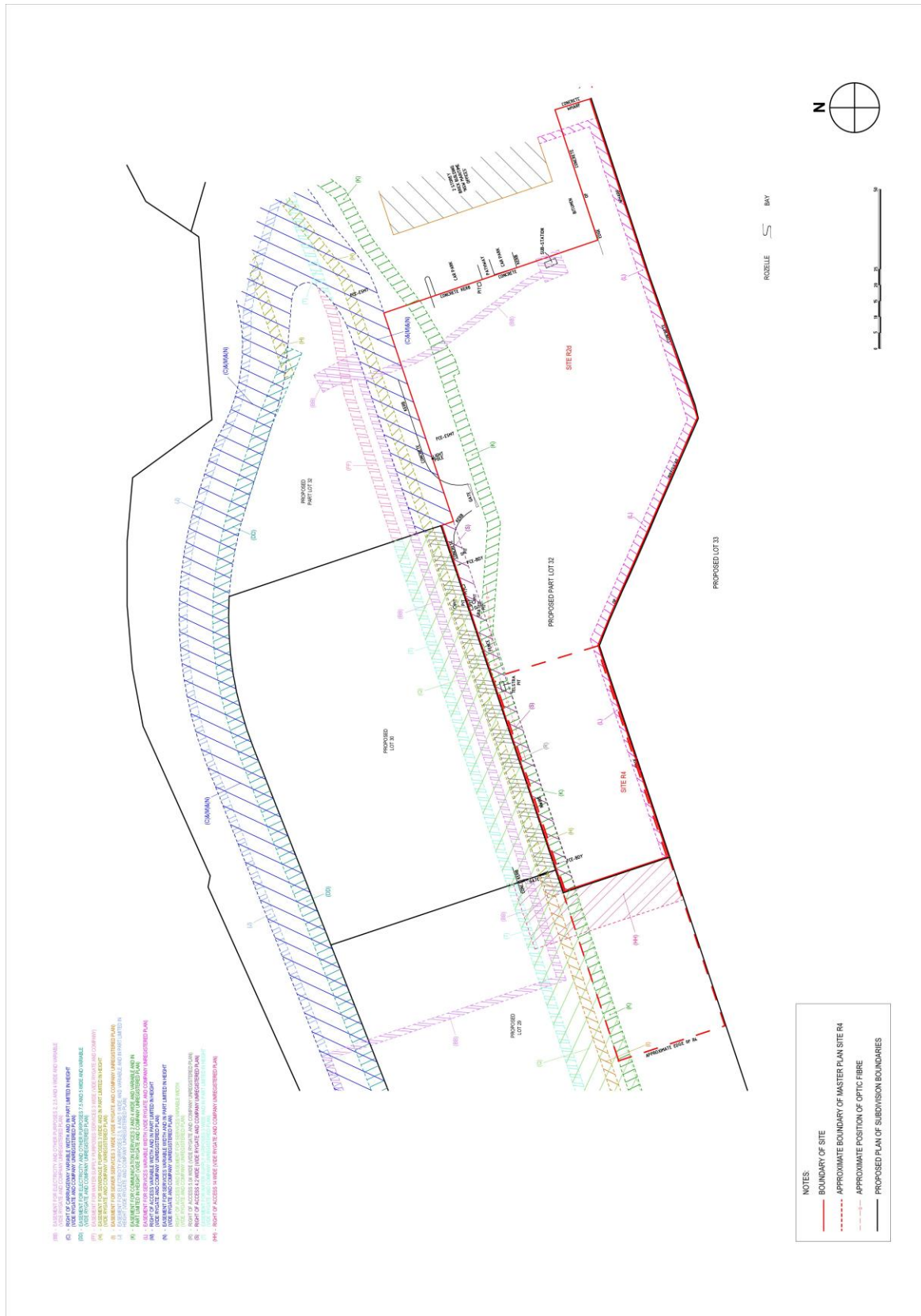
The dryland component is the only part of the marina which is the subject of this environmental assessment and its accompanying development application. Within the applicable Rozelle and Blackwattle Bays Maritime Precincts Master Plan, the eastern portion of the land is denoted as Site R2d and the western portion is denoted as part of site R4.

The Waterways Authority applied in June 2003 for development approval to a plan of proposed subdivision to accommodate the requirements of the Master Plan for Rozelle and Blackwattle Bay Maritime Precincts. The registration of this approved plan has not yet been completed. Under the terms of that subdivision plan, the Master Plan site R4 on the western section of the Site is divided so that approximately half of the site forms part of lot 32. The other approximate half of site R4 is encompassed within Lot 29 and is incorporated into approved plans for dry boat storage on adjoining land. The front page of the draft subdivision plan is in Annexure B. Figure 1.2 shows the boundaries of the Master Plan sites superimposed upon the relevant pages of the draft plan of subdivision and shows the boundary of the land which forms part of this application.

There are many easements either currently existing or identified on the proposed plan of subdivision affecting the Site which can be summarised as follows:

- Easement for services along the waterfront edge
- Easement for electricity and a substation near the eastern edge of the site
- Easement for communications along the northern boundary of the western site and slightly south of the northern boundary on the eastern building site
- Right of access along the northern boundary of the western site.

Figure 1.2 Site boundary, proposed plan of subdivision, easements, master plan sites



The proposed multilevel car park will be over part of the electricity and communications easements but otherwise no construction will occur over these easements. The proposed method of construction will use isolated pad footings and no bulk excavation will be done in these areas. The easements in the draft plan of subdivision are set out in figure 1.2 above.

The Site is relatively level (RL 1.8 to 3.0 AHD) and groundwater was observed at depths of 1.5m-2.8m (RL -0.8 to +0.9m). Geotechnical investigations at the site indicate a material strata as follows:

1. Pavement – asphaltic concrete generally to a depth of 0.1-0.4m
2. Filling – poorly and moderately compacted mixed fill with a concrete slab underlying at some places
3. Residual soils – interbedded various clay layers with some ironstone gravel
4. Weathered sandstone – extremely low to very low strength sandstone
5. Sandstone – medium and high strength layers, moderately weathered with some very high strength ironstone bands

The filling is unsuitable to support any foundation or floor slab loads, requiring footings founded on bedrock. Deeper foundations will be required on the western building due to the depth and type of fill in that area. See Appendix P for the report.

The Site is within the Foreshores and Waterways area identified in SREP (Sydney Harbour Catchment) 2005 and is therefore covered by the Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005. It is zoned Waterfront Use by SREP 26 – City West and is subject to the provisions of the Rozelle and Blackwattle Bay Master Plan 2002, promulgated pursuant to SREP 26 – City West. The Sydney Metropolitan Strategy and its draft Inner West Sub-regional Strategy also impact upon development of the Site.

Development of the site is also subject to the *EP& A Act* provisions, including Part 3A as identified in SEPP (Major Development) 2005. Other relevant SEPPs for consideration include SEPP (Infrastructure) 2007 and SEPP 55 – Remediation.

1.3 Existing Land Use

The site is currently being used as the service provision area for the only dedicated superyacht marina in Sydney Harbour with a capacity of 24 superyacht berths for visiting vessels and associated service/tender berths.

The marina has access to fresh water and telephone utilities, wireless internet, cable television, vacuum assisted sewerage pump-out facilities and forward ground moorings

to facilitate the stern-to berthing for vessels. Fuelling is conducted by the use of trucks, waste management facilities are provided, and on-site parking for up to 88 vehicles is provided. The management functions are conducted in two demountable buildings on the site.

In addition to the superyacht marina activities, a café/restaurant business is being conducted from the "Liquidity" building on the western portion of the Site.



1.4 Previous development consents for the Site

Previous development of the Site includes various maritime industrial purposes such as timber yards, ship building and repairs, container storage, concrete storage and transportations. As a result portions of the site have been reclaimed with surface fill. A contamination site assessment was conducted by SKM in May 1998 identifying the existence of contamination at the site. Further contamination assessments have been conducted for the purpose of this environmental assessment by Douglas Partners which are discussed in section 4.2 of this environmental assessment.

The existing superyacht marina was approved under several applications dating from May 1999. Under Part 5 of the *EP&A Act* approval was granted in July 1999 for

operational works and the "Millenium Berths". The operational works were granted a permanent approval and consisted of facilities for NSW Maritime such as for harbour cleaning operations and patrol vessels to the east of the superyacht site. The "Millenium berths" approval was a temporary consent for 10 visiting vessels from 30 to 70 metres in length and 10 berths for smaller vessels associated with the millenium and the Sydney Olympic Games in 2000.

Consent under DA 166-08-99 was granted on 7 December 1999 for a facility to cater for large recreational vessels visiting Sydney for the Olympic Games for a period of 12 months, to elapse on 31 March 2001. This comprised a Part 4 approval for the land component for 24 hour use of the Site for administration and service provision for visiting vessels, reuse of an existing building as a reception/office, refurbishment of demountable buildings and security and parking for 71 cars. The Liquidity building was erected prior to the 2000 Olympic Games. The Part 5 component below the mean high water mark related to an additional 17 berths for vessels from 45m to 70m in length and 19 additional tender/service berths, each to be placed to the west of the millenium berths. This brought the total berths to 56, including 27 visiting vessels and 29 service/tender berths.

A modification application was granted under s96(2) of the *EP&A Act* on 22 June 2001 to extend the consent for a further 12 months and to allow the occasional use (6 times per year) of the approved Visiting Vessel Facility for the purpose of sail expos and motor boat displays, and confirmed the usage of the approved reception facility as a restaurant (Liquidity).

In March 2002 a further DA 084-04-2002 was lodged to extend for a further 12 months the land based activities and allow for a temporary marquee at Liquidity to be erected 4 times a year. This was approved on 24 June 2002.

The temporary approvals have been extended over the years, the latest being found Modification Number 084-04-2002(7) due to expire on 24 March 2012, as shown in Appendix E.

On 29 August 2008 NSW Maritime obtained development consent number DA 088-05-08 to upgrade the superyacht marina. A copy of this is found in Appendix E. This consent provides for the following:

- Re-arrangement of existing berths and the reconfiguration of pontoon layout (see plans attached to the consent in Appendix E)
- The berthing of 24 superyachts
- Demolition of the existing refuelling facility (and conversion to waste management area) and a section of the wharf apron

- Refinement of the parking layout for 50 cars and refinement of vehicle access and loading areas to service the vessels
- Improvement to public access and landscaping.

This DA remains valid to 29 August 2013 by virtue of section 95(3A) of the *EP&A Act*. To date early works under the consent have been commenced.

The landowner, NSW Maritime has approved draft drawings of the proposed development and these are contained in Appendix A.

1.5 Location and Surrounding Environment

The Site is located within the Leichhardt Council local government area and within the Rozelle Bay Maritime precinct in the inner west of Sydney. The urban setting is used predominantly for industrial maritime facilities including boat repairs, vessel berths, towing operations, storage, workshops and maritime construction. Existing buildings include the NSW Maritime Office to the east, a series of demountables and sheds and the Liquidity Building. The precinct is defined by Victoria Road to the north, The Crescent to the west and Rozelle Bay to the south. Victoria Road and The Crescent (which joins the City West Link) and a goods railway clearly separate the precinct from the adjacent residential areas to the north and west with the closest residential properties in those directions being about 500 metres from the Site to the northwest near Victoria Road.

Across Rozelle Bay are the closest residential properties at Glebe Point (approximately 200-250 metres distant) and Jubilee Park, Bicentennial Park and Federal Park public open spaces. Southwest of the site is the residential suburb of Annandale separated from the Site by the Bay, other waterfront industrial uses, The Crescent and the Metro Light Rail.

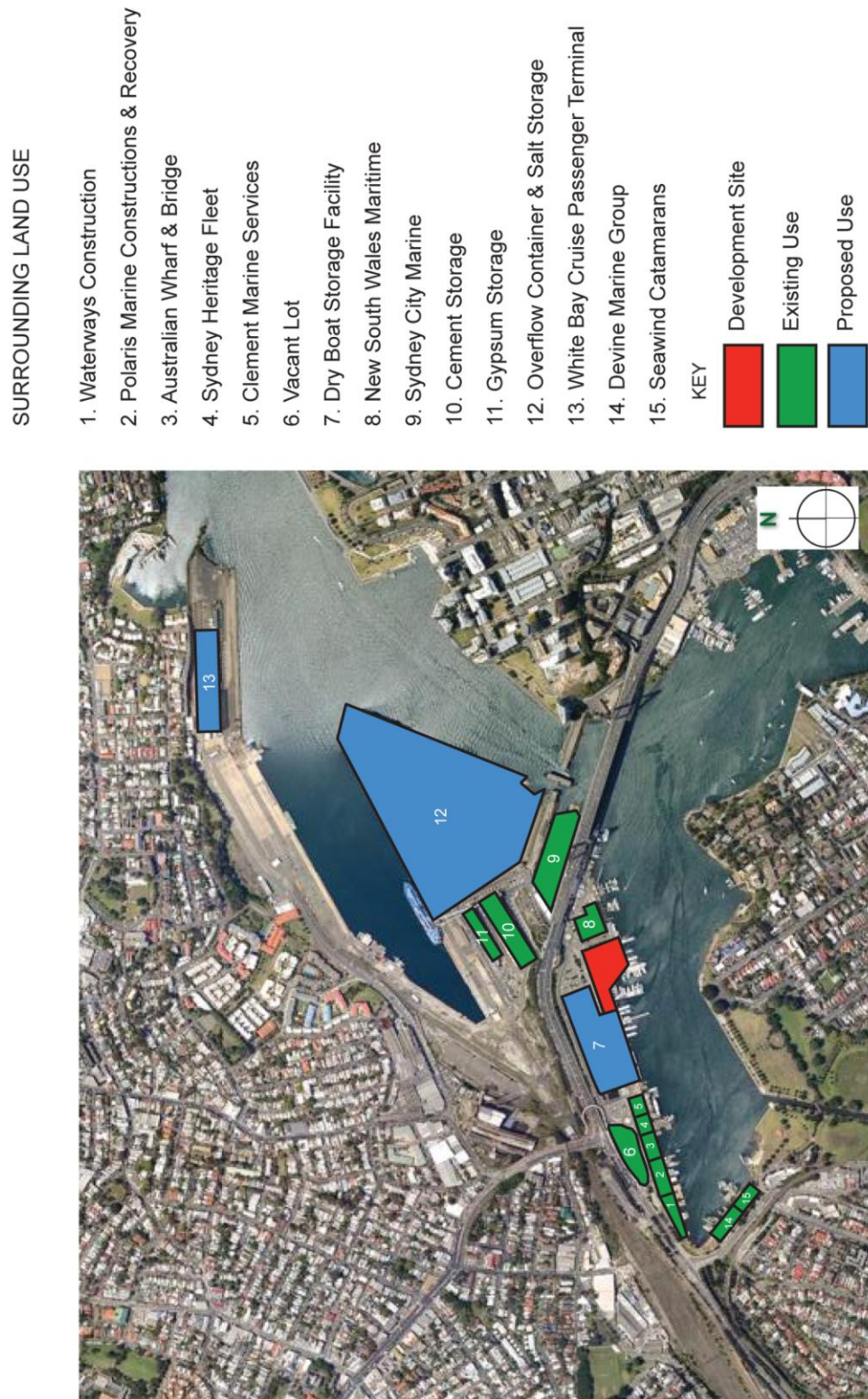
A dry boat storage facility has been approved adjacent to the site to the north and west on proposed plan of subdivision Lots 29 and 30. This includes storage facilities for up to 670 boats, a commercial maritime building, a marina for brokerage and temporary berths, parking for a total of 272 vehicles, underground fuel storage tanks, a marina and pedestrian areas including along the waterfront. The proposed building heights are up to RL 25.2 – being 3.2 metres higher than that indicated in the Master Plan. Construction of this facility has not yet commenced. On 16 September 2010 a modification to the approval was approved, to amend the multi storey car park on the western edge of the development, redesign some at grade car parking, and allow for

staged construction and other matters. Part of this approved development is on the western half of the site identified as site R4 in the Master Plan.

Other businesses in the Rozelle Bay area are identified in Figure 1.3 and include:

- Sydney City Marine, Gates 18-20 James Craig Road – marine repair facility
- Australian Wharf & Bridge Pty Ltd, Gate 3 James Craig Road – construction and demolition of wharves and bridges.
- Waterways Construction Pty Ltd, 104 Victoria Road.
- Polaris Marine Construction and Recovery, Gate 2, James Craig Road – salvage, towage deliveries, moorings, lighterage, diving, construction.
- Clements Marine - wharf construction and repairs, marine contractors and construction specialists, pile driving for marinas, excavation for pontoons.
- Sydney Heritage fleet – restoration and mooring of heritage ships.
- Devine Marine Group, Lot 2 The Crescent – salvage
- Seawind Catamarans, The Crescent Annandale – servicing, refits, berthing of catamarans and trimarans, offices, cafe and workshops

Figure 1.3 Surrounding land use identification map



Further afield in White Bay there is a proposal for a cruise passenger terminal. On Glebe Island (previously the site for car storage), the proposed use is for overflow container storage and some salt, gypsum and cement storage facilities.

The realigned James Craig Road serves the waterfront businesses on Rozelle Bay and the commercial port area on Glebe Island. The Site is accessed by the old route of James Craig Road, identified in this environmental assessment as Maritime Close. The precinct is linked to the arterial road system by The Crescent to City West Link and Victoria Road.

Some pedestrian and bike routes proposed by the Master Plan have been built in the area and Leichhardt Council is keen to complete pedestrian and bike routes between the City and the inner western suburbs. The routes are set out in section 4.1 of this report.

The Light Rail includes a station at the western edge of Rozelle Bay within easy walking distance of the Site (approximately 800 metres).

1.6 Need for development

The redevelopment of the land based section of the Sydney Superyacht Marina will update and revitalise a section of the Sydney Harbour Foreshore currently possessing minimal facilities which are both available for public use and provide valuable servicing arrangements for maritime users of Sydney Harbour. The superyacht market brings valuable economic benefits to Sydney and without enhancing the facilities available to the superyachts, such an opportunity with real economic benefits for Sydney is put at risk.

Estimates of the economic value which the superyacht industry brings annually to Australia is about \$150 -160 million, with expectations that this will grow to \$500 million by 2013. (Evans 2008; Gold Coast Business News 2009). Flow on effects for the refit and maintenance industries are additional to these benefits. Estimates of expenditure by a single superyacht in port on the Gold Coast are \$10,000 a day. With 73 international superyacht vessels to Australian chartered waters in 2008, approximately 1/3 of the visitation value flows to Cairns, 1/3 to Brisbane and the Gold Coast, and the other 1/3 is shared by Sydney, Mackay, Darwin, Western Australia, Tasmania and Melbourne (SuperYacht Base Australia). Given plans to develop the Gold Coast facilities (Gold Coast Business News 2009), Sydney's share of the superyacht economic benefits will be squeezed without an expansion of the facilities available to superyachts, risking an economic drain of benefits to Queensland in particular.

Visually, the currently existing collection of temporary buildings will be enhanced by their removal and replacement by two coordinated buildings which substantially meet the aims and objectives of building design established in the relevant legislative and policy frameworks.

In a social sense, the provision of retailing, restaurants, cafes, function facilities and the licensed facilities to the marine precinct will help provide a focal point to the adjacent neighbourhoods – encouraging use of the currently underutilised foreshore area as a meeting and socialising point. Greater frequenting of the area allows for local employment opportunities.

There is further consideration of the social impacts in section 4.10 and the economic impacts in section 4.14 of this environmental assessment.

1.7 Consultation

A period of community consultation was undertaken between 19 May and 31 July 2010 in the Liquidity restaurant building on the Site, with displays of the plans and information about the Part 3A assessment process. A community information day was held on 5 June 2010. Notification of the consultation period and community day was placed in the public notices section of the local Inner West Courier on 20 May 2010 and on 1 June 2010. An email to various stakeholders was also sent during the consultation period informing of the community day and the consultation display.

Notification of the plans and consultation was sent to various authorities including Leichhardt Council, NSW Maritime, Sydney Ports Corporation, the Department of Planning and to the relevant Minister and local State member of Parliament; to local businesses; to the residents in the Pavilions development at the end of Glebe Point Road across the Bay; and to the marina's land based clients. Discussions were held with many of those notified.

Comments were encouraged to be left on the website and at the Site and a total of 83 comments were received including one by the website and two comments by separate letter. Almost without exception the comments were positive, and the proposed development was viewed as an enhancement to the area. The Sydney Ports Corporation provided comments which centred around possible traffic congestion on James Craig Road and improved signage on the Old Glebe Island Bridge to assist navigational safety. The White Bay Joint Steering Committee viewed the development as positively providing a catalyst for future development and sought consideration of road and rail links and care for rowers using the Bay.

Further details raised during the consultation period are discussed in section 4.10.4.5.

Discussions have been held with the landholder, NSW Maritime, which has approved draft drawings of the proposed development. Copies of these are contained in Appendix A.

1.8 Scope of Report

On 29 September 2009 the Director General determined that the proposal was one to which Part 3A of the *EP & A Act* applied and a copy of that determination is found in Appendix C. On 5 November 2009 the Director General issued requirements pursuant to section 75F of the *EP & A Act* which are also included in Appendix C. A compliance table for those requirements is set out in Appendix D.

The purpose of this report is to consider the matters raised in the Director General's requirements including the potential effects of the project upon the social, economic and natural environment of the surrounding area and specifically the Bays precinct incorporating Rozelle and Blackwattle Bays. Where necessary the report sets out measures to mitigate any likely adverse environmental impacts.

The structure of the report is as follows:

Section 2: Provides a detail description of the proposed development.

Section 3: Identifies statutory controls, plans and policies relevant to the proposal. Compliance tables for these are set out in various appendices.

Section 4: Identifies intrinsic values of the Site that potentially constrain or shape development of the Site and considers the potential effects of the proposed development upon the broader community and the natural environment. It also considers compliance with statutory requirements and relevant policies.

Section 5: Considers construction and operational environmental management plans for the Site.

Section 6: Conclusion

2. Proposed Development

2. Proposed Development

2.1 General Description

The proposal comprises two main buildings – an eastern semi circular articulated building wrapping around the waterfront, and the western being rectangular. Both buildings address the water front with balconies, outdoor areas and decks taking advantage of the southern waterfront views and the northerly aspect on their other main elevation. Together the buildings yield approximately 6,145 sqm of indoor footprint area with outdoor deck and balcony areas of 1,843sqm. Both buildings are two levelled of approximately 9.3 metres in height, although the western building does have the most western quarter of the building a little higher at 10.3m. This serves as an identifiable end point to the coordinated development.

A four level open car park is to be situated to the rear (north of the eastern building). Its' access includes a car lift which also provides the base for a tower which breaks the skyline with a visible identification focal point. That tower is proposed to be at approximately RL 21.64 (approximately 19 metres high) and to be an area of about 36sqm. Site coverage (excluding the decks) is 3972sqm out of the site area of 11,640sqm giving a total 34%. Including the decks and balconies (total of 4954sqm) gives site coverage of 42.6% well below the site coverage designated by the Master Plan of 50%. A pennant crane is proposed in front of NSW Maritime building.

A generous pedestrian promenade defines the waterline, linking with two public access ways from Maritime Close with provision for encompassing bicycle through routes should these be promoted in future. At grade car parking will also be provided on Site.

The buildings will be flexible in use in the internal layout to accommodate a variety of uses. The eastern building envisages marina uses such as brokerage, chandlery, provisioning, operations and logistics, and dormitory style accommodation for use by the superyacht operators. Both buildings also potentially will have uses comprising retail and commercial offices; cafes and restaurants; function facilities; and for hotel (tavern) and package liquor outlets, general bar licence and package liquor outlets, and a marine based club ("licensed facilities"). Both buildings allow for modules ranging from 175 – 350sqm that can be combined over one or two levels to accommodate anticipated tenant demand in a flexible and responsive manner. Figure 2.1-2.3 indicates the ground floor, first floor and roof level plans of the proposed development and figure 2.4 indicates the southern and northern perspectives of the proposed development.

Figure 2.1 Ground floor plan of proposal

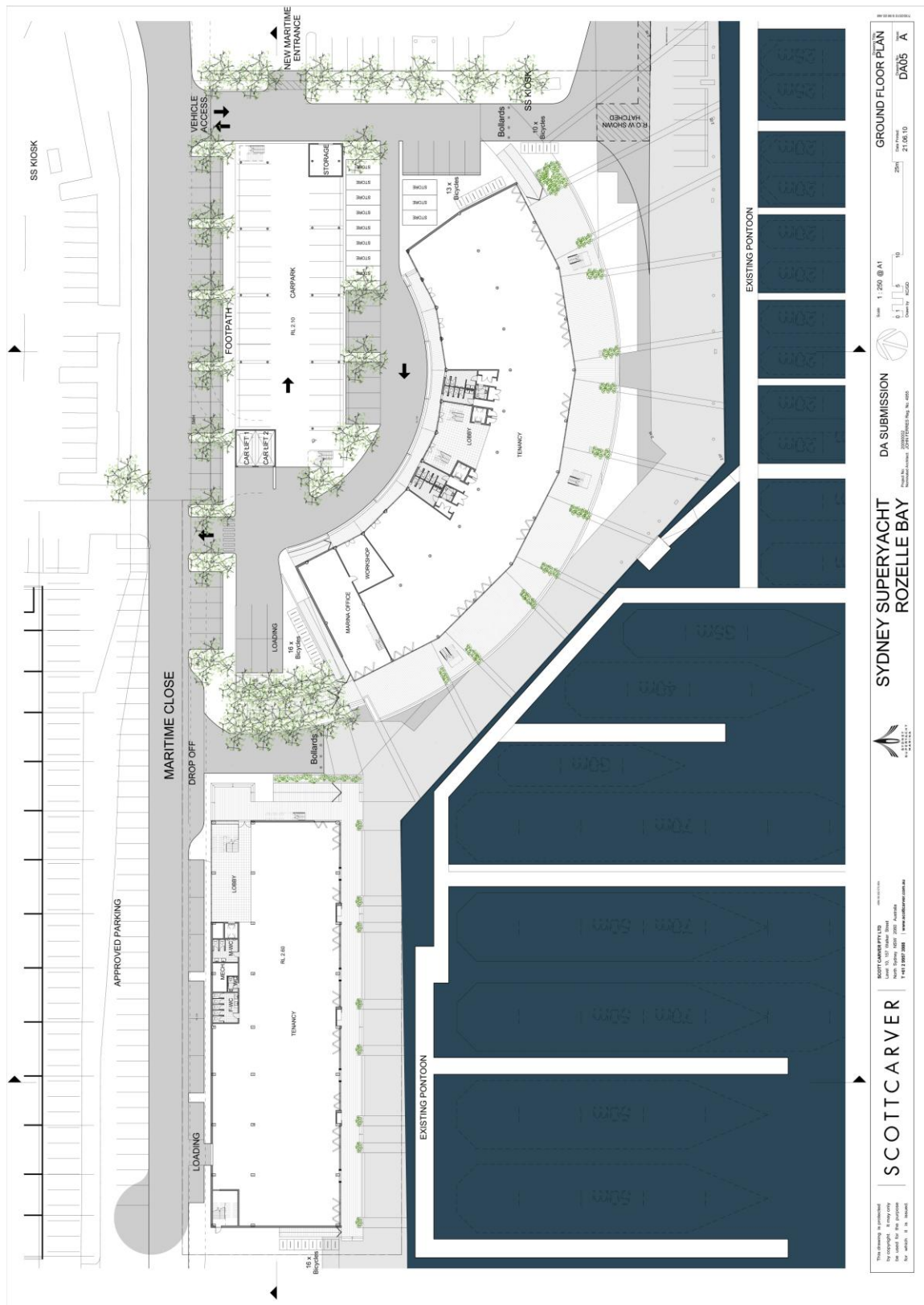


Figure 2.2 First floor plan of proposal

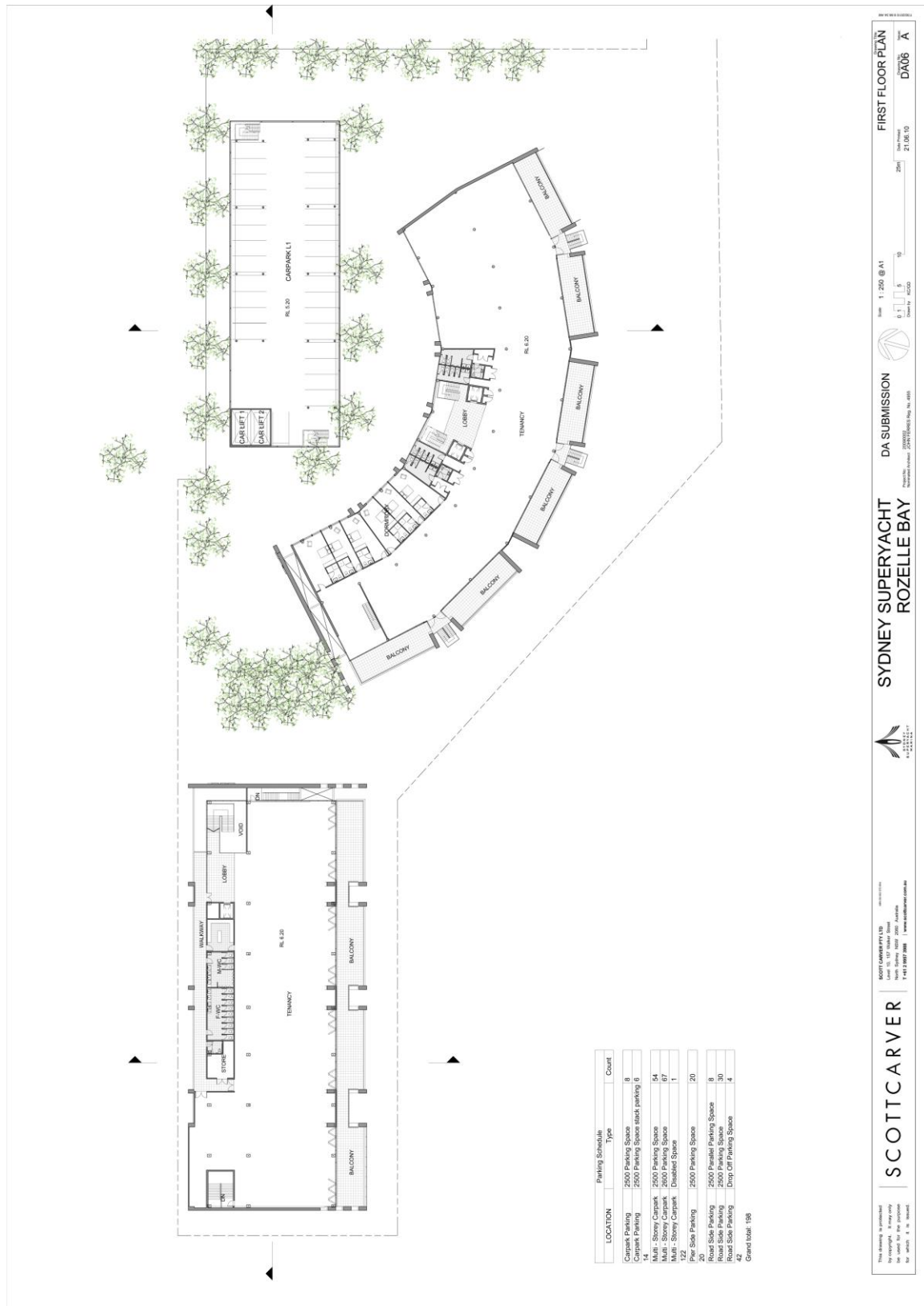


Figure 2.3 Roof level plan of proposal

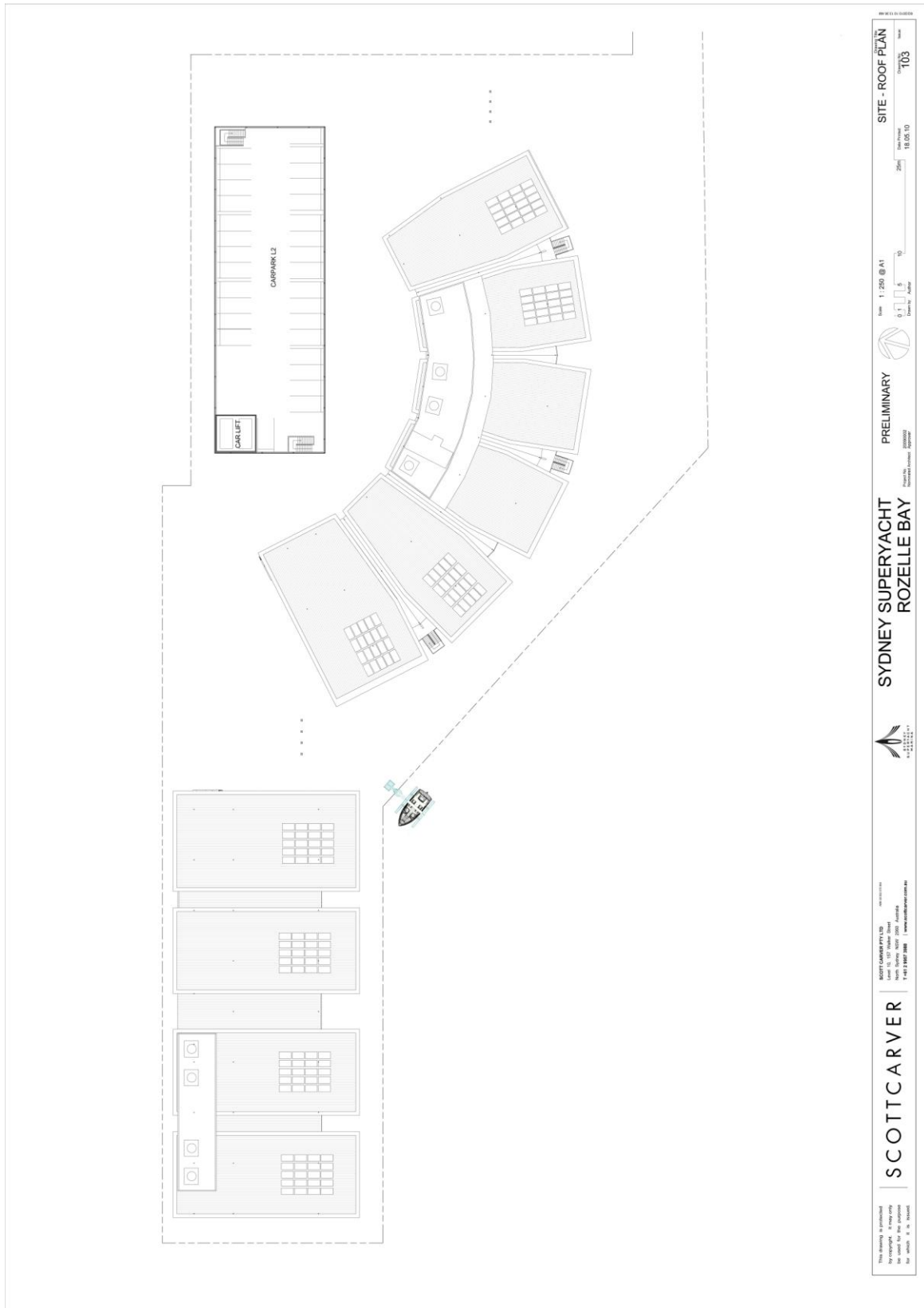


Figure 2.4 Southern and northern elevations of the proposal



2.1.1 The Built Form

The Director General's requirements require height, bulk and scale of the proposed development within the context of the locality to be addressed. They also require design quality with specific consideration of building facades, massing, setbacks, articulation, colours, materials/finishes, visual impacts including views, and safety by design to be addressed. This section, together specifically with sections 3.3.3, 4.11 and 4.13 addresses those issues

Eastern Building

The eastern building displays a curved articulated built form sweeping around following the waterline setback and taking advantage of the harbour-front panorama, allowing views from both levels. On the southern elevation there are wide balconies on the first level encouraging visible interaction with the waterfront panorama and a generous deck on the ground level, enabling retailing, cafes, restaurants, functions and licensed facilities to open to the public promenade for access and utilise the space for an outdoor extension to the services provided. The upper level overhangs part of the decking and northern and side access routes, providing protection from the weather and assisting lighting provision.

The eastern building has a proposed ground floor footprint of 1,673sqm (plus a 771sqm deck) and on level 1, a floor space of 1,673sqm with balcony areas of 375sqm. The total indoor space is therefore 3,346sqm with 1,146sqm of deck and balcony space. The height of the building will be 9.3m or at RL11.9 – 0.9m higher than that envisaged by the Master Plan. The adjacent NSW Maritime building is at RL12.5 hence this building will retain the general height vista to the existing structure.

Western building

The western building is a moderated rectangular building again fronting the waterfront with balconies on level 1 and a deck on the ground floor on the southern elevation which again, will encourage interaction with the waterfront panorama and public accessway. The upper level overhangs part of the decking and northern and eastern side access routes, providing protection from the weather and assisting lighting provision.

The western building has a proposed ground floor footprint of 1,376sqm (plus a 330sqm deck) and on level 1, a floor space of 1,423sqm with balcony areas of 367sqm. The total indoor space is therefore 2,799sqm with 697sqm of deck and balcony space. The height of the majority of the building will be 9.3m or at RL11.9 – 0.9m higher than that envisaged by the Master Plan. The most westerly 25% of the building will be differently finished. Its' height will be increased to RL12.9. It will also have full glazing on the

southern elevation. This difference in the modulated form creates a perceived end point to the development. Its' increased height allows for a transition to the proposed adjacent higher dry boat storage building C which has an approved height of RL13.2 and an RL 17.3 for the focal point.

Figure 2.5 shows the footprint areas of the ground and first floor levels. Figure 2.6 indicates the heights of the proposed buildings and those of the adjoining approved boat storage facility.

ESD and accessibility

The buildings are orientated to take advantage of an advantageous northerly aspect and the extensive views attainable from their southerly aspect over Rozelle Bay. The northerly facing windows will be shaded by an adaptive use of external and internal blinds. The roof of both buildings will host a solar photovoltaic system of a minimum of 30kW to either supply electricity back to the grid or to supply some of the power needs of the development, with boosted solar hot water systems for each building. Vertical lift and stair towers will break above the roofline.

The buildings are proposed to be constructed as a steel framed construction clad with glass and masonry at ground level and cement fibre self finished cladding to the first floor and roof. The decks will be of wooden construction. Approximately 50% by area of the structural framing roofing and cladding systems will be designed for disassembly for recycling purposes in the future. The ecologically sustainable design features of the buildings are further outlined in section 4.13. Finishes will express the Site's maritime character and adjacent port infrastructure. The highlighting rust colour proposed further expresses the maritime nature of the precinct.

Full accessibility has been a defining element in the schematic intent, with an efficient circulation so all stakeholders can use and enjoy all those parts of the development that are not restricted for safety and security. The buildings, foreshore and parking provisions will accommodate persons requiring access in accordance with the Australian Standard 1428 with access ramps at both ends of each building, disabled parking in the ground floor car park and lifts in both buildings.

Figure 2.5 Footprint areas of the ground and first floor levels

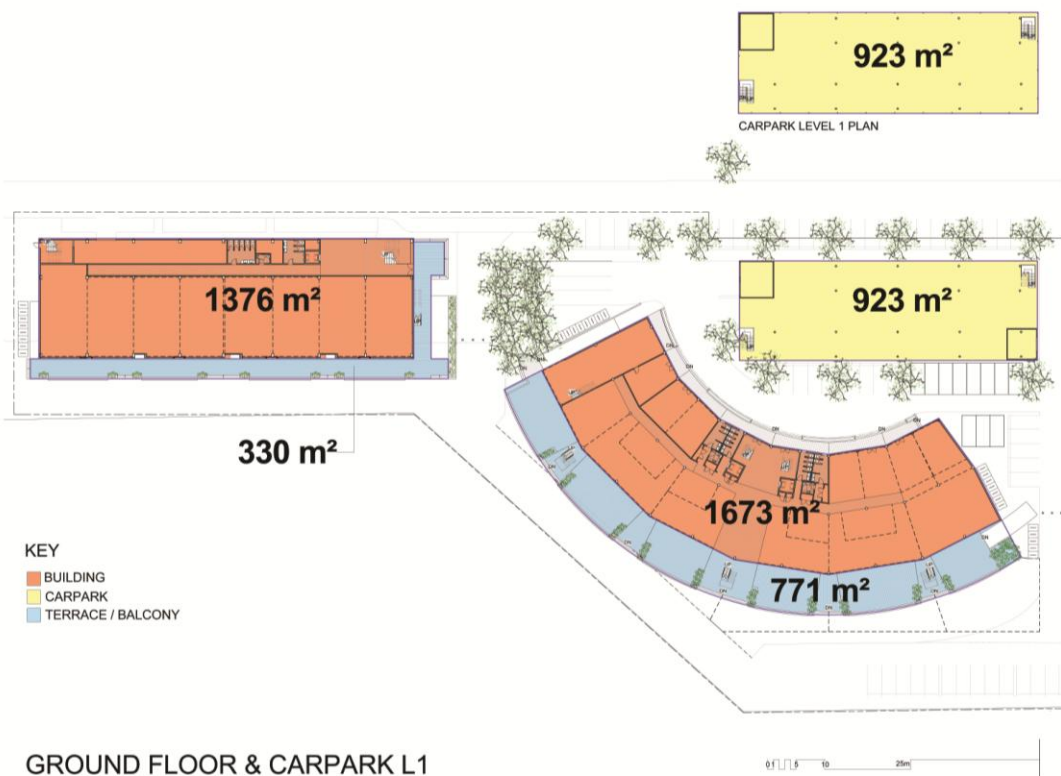
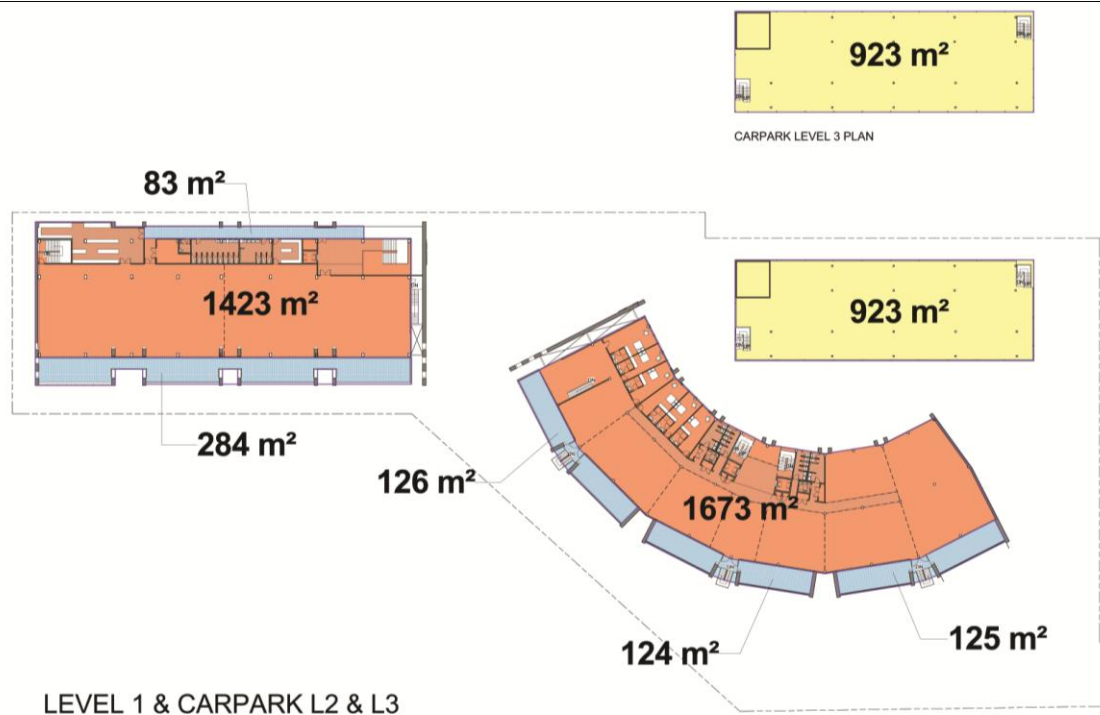
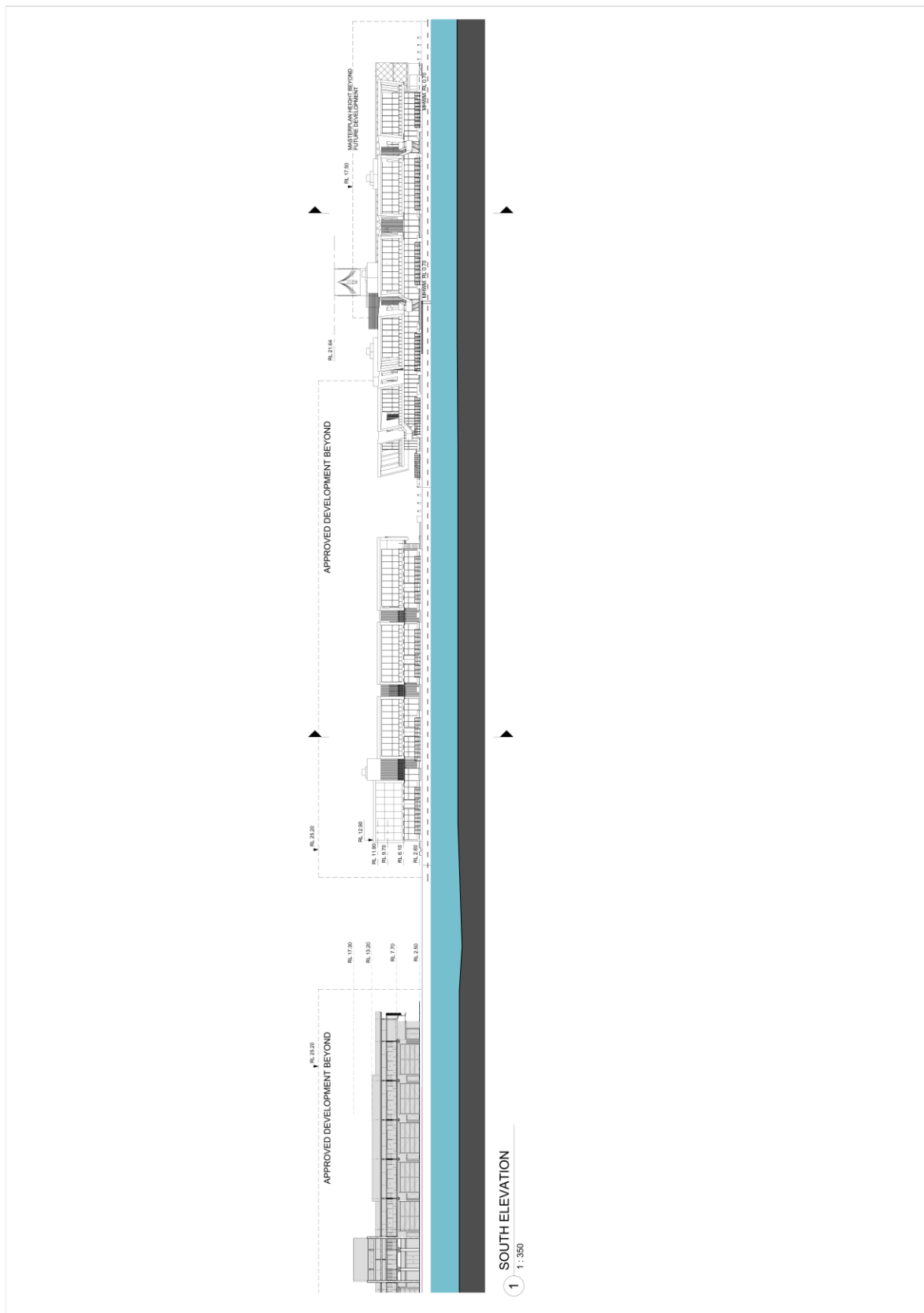


Figure 2.6 Site elevation with surrounding proposed development heights



Car Park

The four level car park located in the north eastern section of the Site is largely shielded from view from the water by the eastern building. The floor space is 923 sqm on each level. Its height will be at RL11.4 (8.8 metres high) slightly lower than the eastern building in front and it will be naturally ventilated. It will comprise 30-31 car parks on each level plus one disabled car space on the ground level, totalling 122 car parks. Access will be by a gate and lift access from the one way route to the north of the eastern building. Egress will be through the exit adjacent to the car park entrance. Access to the upper levels will be via two lifts. The car park will be of a steel frame construction with trained creepers on cabling presenting as a pleasant green screen on the sides of the car park.

The car park lift provides the basis for the focal point of the site, hosting the identification logo which is anticipated to be an illuminated sign. At an RL of 21.64 and area of 36sqm, it does exceed the envisaged parameters under the Master Plan however that reflects its' base as the lift overrun for the car park. Yet for visibility from the Anzac Bridge and from the water behind the proposed buildings, this height is necessary and will certainly assist in notifying and encouraging passersby and locals to the presence of the marina and its' services.

Pennant Crane

A pennant crane is proposed to be erected in front of the NSW Maritime building on the Site to service the tenders and small watercraft connected with the marina. The crane will be approximately 5.1 metres in height, will have a hoist with a swing of approximately 4 metres and will be anchor bolted into concrete on the concrete apron of the Site. The position of the crane can be seen in plans DA04 and DA17 in Appendix A.

Visual Impact

With the buildings and car parks' limited height, they provide a modest impact from the various viewpoints and sightlines around the Bay. They are lower than the existing NSW Maritime building and the approved boat storage building C to the west, and significantly lower than the approved buildings A and B to the north which are at least 12.3 metres higher. The Master Plan height proposed for the site immediately to the north of the eastern building is at RL17.5 – 5.6 metres higher than this proposal. The buildings are therefore in context with the scale of the existing and approved foreshore buildings and do not interrupt the graduated increased height to the north as envisaged by the Master Plan.

The proposal complies with the spirit and intent of the Master Plan in a sensitive and appropriate response to the unique harbour setting. The scheme seeks to achieve a

development that responds to topography, infrastructure, existing and future buildings and programmatic demands on the site, whilst respecting the harbour frontage. The buildings are designed within a contemporary idiom, articulated in response to their context and expressing the Sydney Harbour maritime environment. Structure is expressed as a primary ordering system, with facades clearly articulated within a defined hierarchy. Roof forms are expressive, allowing for natural light and ventilation, stepped in to a variety of floating planes. The proposed glass, steel, timber and masonry finishes will reflect the maritime character and adjacent port infrastructure, articulating the lively character of this precinct and its proposed uses.

The plans set out in Appendix A and the photomontages in section 4.11 illustrate the propositions.

2.1.2 Vehicular access and traffic

The challenge in integrating an accessible public domain with waterfront working areas will be a key operational imperative of the marina management team. The foreshore and the space around the buildings will comprise publicly accessible space, with asset security being managed at the marina gangways, and the building façades. A secure storage compound is allocated to the rear of the eastern building to enable safe operations away from public activity.

There are three access points to Maritime Close. The most easterly comprises a two way entrance/exit which will also be utilised by NSW Maritime to access their car park between the NSW Maritime building and the Site. A footpath near the boundary trees and pedestrian crossing across to the eastern building will ensure safe pedestrian access from the roadside parking. Access to the northern side of the eastern building will be by a one way loop system which also provides access to the multilevel car park and a one way exit to Maritime Close. The third access point between the two buildings will enable restricted access to the foreshore to make provision for a drop off zone.

Access to the waterfront for large and service vehicles is managed via a two way access point on the eastern side of the Site. A management program incorporating bollards and gates will be established to limit the times at which deliveries to the waterfront take place to minimise conflict with public access without compromising operations. Waterfront temporary loading zones will be designed to accommodate all anticipated vehicle movements to efficiently operate this facility. Access in a forward loop from the eastern access point will include egress via the access point between the two buildings for large vehicles.

There is a total of 190 car spaces on site, comprising 166 proposed new spaces and 24 already approved in relation to the marina berths. The car parks include 122 in the multi level car park (including one disabled space), and 68 car spaces at grade on the open area of the site. Twenty of those car parks are pier side parking adjacent to the waterfront for servicing and use by the superyachts (access to which will be restricted by either a gate or bollards). Additionally there are 4 loading bays and 4 drop off parking spaces.

There are 65 bicycle parks provided on Site with easy access to the building entrances. Such provision is designed to encourage visitation by bicycle along the existing bicycle routes along Maritime Close and if bicycle linkages along the foreshore are enhanced in future.

The public access areas of cafes, restaurants, licensed facilities, function facilities and retail will be easily accessible on the ground floor with access via the pedestrian promenade or from the walkway connection from the car park off Maritime Close. The promenade in the waterfront setback zone and access from Maritime Close will be publicly accessible for the majority of the time. Due to the need to protect the high asset value of the moored vessels at the marina it is proposed that access to the foreshore be restricted during the hours between the closure of the cafes, restaurants, function areas and licensed facilities in the evening and 6.00am. Toe rails, seating and lighting are to be provided as designated by the Master Plan.

Further details about traffic are found in section 4.1 and Appendix J.

2.1.3 Stormwater management

Rainwater tanks are to be provided under each building, 100,000 litres under the eastern building and 60,000 litres under the western building. Rainfall catchment into the rainwater tanks and stormwater from the car park will discharge into the rainwater tanks. Stormwater from the site will be gravity drained through pits and gullies and gross pollutant traps before discharging to Rozelle Bay. Further details are provided in section 4.4.

2.1.4 Utility capacity

The Director General's requirements require this assessment to detail existing infrastructure on site, possible impacts from the proposal on that infrastructure and to detail measures to mitigate those impacts.

Water & sewage

Water will be provided from Sydney Water via a 250mm water main from Maritime Close with individual submeters for each tenancy and the common toilets. Solar boosted hot water systems will be provided for both buildings with individual metres for the common area and the accommodation. A section 73 enquiry with Sydney Water has assessed the current services to the Site and found that the existing 250mm water main fronting the Site is sufficient to service the Site, although the development must provide its own connections and water metres.

Sewer drainage from the eastern part of the Site will connect via the 225 mm sewer main channel to Maritime Close and from the western part of the Site, to the existing 150mm sewer main channel in Maritime Close. The boat vacuum pump out will discharge to the 225mm sewer in the access road. Further details are set out in section 4.6. Sydney Water has requested the formalising of the easement of the 225mm water main within lot 2. It further assesses the existing 150mm VC sewer fronting the Site as having capacity to service the Site, but requiring a minor sewer main extension to the development.

Solar boosted hot water will be provided for each building with three 500 litre tanks on the eastern building, condensing boilers with 6 star energy rating and 5 solar arrays. A maximum of 10 arrays will be connected to the tenant solar boosted hot water on the western building.

A single fire hydrant system will cover the building and marinas designed to AS 2419.1 standard. Hydrants will be located in fire isolated stairs or within 4 metres of the riser of an egress stair. Provision will be made for additional fire hydrants depending upon tenancy fitout requirements. Fire hose reels will be located adjacent to fire hydrants and connected to the potable water supply.

Electricity

There are two electricity substations which service the Site. The substation between the current Liquidity building and NSW Maritime will remain and continue to supply power to the Site. If required, the substation could be modified or upgraded to accommodate tenancy demands. The current electricity substation to the west of the Site will remain to service the western part of the Site until such time as the adjacent dry boat storage redevelopment either requires its upgrading or its removal for operational purposes. In that event, it is proposed that the western substation be relocated by Sydney Superyacht Marina to the western side of the western building on Site where sufficient room has been retained to accommodate Energy Australia's largest kiosk easement specifications should such relocation be required.

2.1.5 Landscaping

The landscaping has been designed in accordance with the Master Plan, including the retention of view corridors from Maritime Close to Rozelle Bay. It includes both structural and endemic planting.

The planting palette is a salt tolerant mix of structurally aesthetic vegetation and council endemic plants such as *Carex appressa* and *Murraya paniculata*. Green screen planting of trained climbers is used to soften the car park structure and structural planting in the raised podium planters along the perimeter of the eastern building defines the walkway and recreational space on the promenade.

Maritime Close is most suitably designated as a minor street, and, as outlined in the Master Plan, *Cupaniopsis anacardioides* will be planted along an asphaltic concrete footpath. An avenue of *Magnolia grandiflora* in raised planters will be planted near the shared zone between the two buildings.

Landscape furniture is consistently applied throughout the design in accordance with the Master Plan principles with new lighting supplementing existing lighting in the shared zones, along Maritime Close and along the foreshore.

A landscape plan and materials palette is shown in Appendix B.

2.1.6 Construction time frame and staging

The Director General's requirements require this assessment to detail staging of the proposed development. The proponent has entered into an agreement with NSW Maritime to undertake the proposal (if approved) in a series of stages. Whilst five stages have nominally been proposed to be completed sequentially between 1 September 2015 to 1 September 2019, the proponent may under that agreement, with the consent of NSW Maritime, vary the areas of the land comprised in each stage and the order in which they are undertaken. A preliminary plan for the stages is set out in Appendix B although it must be noted that the development will not, if approved, necessarily follow the illustrated stages sequentially.

This flexible staged approach will facilitate the continued operation of the Superyacht Marina using existing facilities such as the Liquidity building during construction of the eastern building. It will also enable the utility services to remain available for the entirety of the construction phase.

2.1.7 Cost

Lucas Stuart Pty Ltd conducted a quantity surveyor's report into the projected cost of the proposal. The anticipated capital investment value of the development (calculated in accordance with *SEPP (Major Development)* and the *EP & A Regulation 2000*) is \$25,152,632. GST is payable in addition.

2.1.8 Job creation

The Director General's requirements require this assessment to consider the potential impacts upon employment opportunities from the proposal. It is anticipated that during the construction phase of each stage of the proposal a total of 50-75 jobs will be created in addition to offsite manufacturing of materials. The current number of jobs provided on site is approximately five full time equivalents and this is anticipated to remain for the marina operations following development. However, it is anticipated that approximately 20 visitors a day would come to the site for the purpose of servicing and provisioning the superyachts. It is further anticipated that following the proposed redevelopment the number of jobs created other than through the direct marina operations would be approximately 50 full time equivalent jobs. This increase in the employment at the Site aligns with the Site's position within the employment lands identification in the Sydney Metropolitan Strategy.

2.2 Operations

The operations of the marina are available 24 hours a day, although most activity for the servicing and provisioning of the superyachts will continue to occur during daylight hours. However with crew of some yachts living permanently on board the yachts, and with on-board entertainment there remains activity during the evening and at night. The restaurant hours under the current consent for the Liquidity building include operating hours from Monday to Sunday 8.00am to 12 midnight. The operating hours for the proposed cafes, restaurants, function facilities and licensed facilities will be of similar hours but perhaps extend to 2.00am. In keeping with the provision of a vibrant public access area, 7 day a week operation is envisaged.

2.3 Suitability of the Site for the Proposal

The Master Plan recognizes that Sydney Harbour requires the development of modern maritime facilities to cater for the growing operational requirements of various boating activities, and that a major upgrade of facilities and rejuvenation of the maritime precinct is required. Its' objectives include reinforcing the precinct as an inner-location where maritime industries essential to the economic life of the harbor are based, sensitively upgrading and redeveloping the area to optimize its viability and flexibility for a range of maritime operations, and improving public access to the precinct. The introduction to the Master Plan recognises that arising demands for Sydney's foreshores include:

- Additional charter vessel facilities required with increased tourism
- Berthing, maintenance and servicing of large visiting recreational yachts
- Additional public foreshore access and open space.

Sydney Superyacht Marina is a purpose built superyacht facility and this proposal will update and improve the facilities for the maritime activities and meet more of the needs and desirable services for superyacht owners and operators.

Section 4.14.2 below discusses the benefits of the use of this site over others around Sydney for this proposal, but these can be summarised as:

- The superyacht marina already exists in the adjacent waters
- The site leaves open waterfrontage to the east of the Sydney Harbour Bridge (and Anzac Bridge) for cruisers and yachts which cannot fit under those bridges due to a lack of air draft
- Proximity to applicable superyacht services such as Sydney City Marine repair and refit facility at Glebe Island and Bailey's refuelling in White Bay
- The proposal is in line with the envisaged objectives of the relevant planning instruments by retaining the maritime and waterfront uses, taking full advantage of the waterfront and central location to the Sydney CBD.
- Maximises the use of the deep waterfrontage.

3. Planning Requirements

3. Planning Requirements

Approval is required for the project pursuant to the Environmental Planning and Assessment Act 1979 (EP&A Act). The following section discusses the permissibility of the proposed activity and relevant planning controls and policies created under the EP&A Act. Other pieces of legislation and policies pertinent to the environmental assessment of this project are discussed in this section and in their context in future chapters of this Environmental Assessment.

The Director General's requirements require planning provisions applicable to the site, including permissibility to be addressed, including the nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance. Each plan or policy specifically referred to in the DG's requirements is discussed in this section, including a summary of any non-compliances and justifications.

3.1 Environmental Planning & Assessment Act 1979

Part 3A of the *EP&A Act* applies to developments that have been identified in either:

- State Environmental Planning Policy (Major Development) 2005; or
- An order by the Minister for Planning published in the NSW Government

A project application has been lodged with the Department of Planning and as set out in section 3.2.1 of this environmental assessment, the Minister for Planning shall be the consent authority. In certain circumstances the Minister's authority may be delegated to the Planning Assessment Commission.

On 29 September 2009 the Deputy Director General identified the project as one to which Part 3A applied and his determination is attached in Appendix C. The Director General has issued requirements for environmental assessment pursuant to section 75F of the *EP&A Act* and these are set out in Appendix C. A compliance table for those requirements is set out in Appendix D.

3.2 State Environmental Planning Policy (SEPP)

3.2.1 State Environmental Planning Policy (Major Development) 2005

Clause 6(1) of State Environmental Planning Policy (Major Development) 2005 (SEPP (Major Development) 2005) states that development identified in Schedule 2 of that policy is declared to be a project to which Part 3A of the *EP&A Act* applies. The site is included in clause 7(2) of Schedule 2 as development within the area identified as Glebe Island, White Bay, Rozelle Bay and Blackwattle Bay on Maps 6A and 6B – Port and Related Employment Lands. The proposed development has a capital investment exceeding the \$5 million threshold in the SEPP. Projects to which Part 3A apply do not require development consent, instead the Minister is the approval authority for that development. Accordingly, the Minister is the approval authority for development on this proposal.

The proposal is therefore deemed to be major development (and determined as such by the Deputy Director General on 29 September 2009) and is to be assessed in accordance with Part 3A of the *EP&A Act*.

The Minister remains the consent authority as SEPP (Major Development) 2005 overrides:

- Clause 14 in SREP 26 - which states the Leichhardt Municipal Council is the consent authority for all development in the area to which that plan relates; and
- Clause 5 of SREP (Sydney Harbour) 2005 - which states that the consent authority for development on the Site being a land based development is:
 - Leichhardt Municipal Council being the council of the local government area for the land on which the development is proposed to be carried out; unless
 - another environmental planning instrument specifies the Minister for Planning as the consent authority for the same kind of development on that land.

3.2.2 State Environmental Planning Policy (Infrastructure) 2007

The aim of SEPP (Infrastructure) 2007 is to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, providing greater flexibility in the location of infrastructure and service facilities, identifying the environmental assessment category into which the development falls, identifying matters to be considered in the assessment of development, and providing for

consultation with relevant public authorities. It establishes development controls for various facilities and infrastructure types and identifies when consent is required for development which is so identified.

Part 3 Division 13 considers port, wharf and boat facilities but the provisions broadly relate to development being conducted by or on behalf of a Port Corporation or the Maritime Authority of NSW. Whilst the site is owned by the Maritime Authority of NSW the proposed development is not being conducted on their behalf, hence the division does not apply.

Clause 104 identifies by means of Schedule 3, types of development which generate traffic and for which notice to the Roads and Traffic Authority (RTA) is required within 7 days of the application being made. The consent authority must take into account any RTA submission made pursuant to the clause, the accessibility of the site and any potential traffic safety, road congestion or parking implications of the development. The relevant size or capacity to trigger this clause is set out in the Schedule in Column 2 (for direct vehicular or pedestrian access to any road). Column 3 sets out the thresholds for development where direct vehicular or pedestrian activity accesses a classified road, or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection. A classified road is one gazetted pursuant to Part 5 of the *Roads Act 1993*.

The site has direct access to Maritime Close and James Craig Road, both private roads and the nearest part of the site to the junction with Victoria Road and the City West Link (which are classified roads) is approximately 600 metres. Hence the column 3 provisions are irrelevant given that the site is more than 90m from a classified road.

The proposed parking on site includes 168 car spaces, comprising an additional 144 to the already approved 24 spaces for the marina berths. The proposal has a total land area of 11,640sqm with a footprint area of approximately 7535sqm plus the open level car park of 3,600sqm.

There are a number of purposes for the development which could be considered, and the thresholds for those are set out below:

Table 3.1 Extract from SEPP (Infrastructure) 2007 Schedule 3

Column 1 Purpose	Column 2 Access to any road	Column 3 Access within 90m to classified road
Commercial premises	10,000m ²	2,500m ²
Premises licensed under the Liquor Act 1982	200+ motor vehicles	50+ motor vehicles
Refreshment rooms	200+ motor vehicles	300m ²
Tourist facilities etc	200+ motor vehicles	50+ motor vehicles

Although the proposal should be characterised using the definitions in the Standard Instrument (Local Environmental Plans) Order 2006 (as provided in clause 5(1) of the SEPP), none of the identified purposes in Column 1 are defined. The proposal could be characterized as Premises licensed under the *Liquor Act 1982*, refreshment rooms or tourist facilities, all of which have the same threshold criteria of 200 vehicles. If so characterised, no notice need be given to the RTA. However, the proposal may best be characterised as commercial premises, in which case the size criteria in Column 2 could be met and notice to the RTA would be required. Given the discussions outlined in section 4.1 concerning traffic and possible concerns in relation to the proposed White Bay Passenger Cruise Terminal application, it would appear that it would be wise to give notice to the RTA and to follow the provisions of clause 104.

3.2.3 State Environmental Planning Policy 55 Remediation of Land

SEPP 55 Remediation of Land provides statewide planning controls for the remediation of contaminated land. Consent must not be granted to the carrying out of development unless the consent authority has considered a report specifying findings of a preliminary investigation of the land concerned, carried out in accordance with the contaminated land planning guidelines. If the land is contaminated, the consent authority must consider whether the land is suitable either before or after remediation for the purpose of the development, and if remediation is required, that such remediation will be conducted before the land is used for the purpose.

The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

Under the SEPP, if the Site requires remediation, it will be classified as Category 1 remediation work under clause 9(d) of the SEPP, as SEPP (Major Developments) 2005 requires development consent. Any remediation must be carried out in accordance with a plan of remediation, approved by the consent authority, which must be prepared in accordance with the contaminated land planning guidelines.

Section 4.2 of this environmental assessment outlines a baseline contamination assessment from Douglas Partners which is set out in Appendix K relating to the site. It does not recommend remediation (save in respect of the removal of underground storage tanks to be undertaken separately by NSW Maritime), and identifies the site as

suitable for the proposed commercial use and with low potential for contamination for the proposed commercial/industrial use of the Site.

3.3 Other Planning Policies and Guidelines

3.3.1 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

It is noted that from July 2009 all existing SREPs including SREP (Sydney Harbour Catchment) 2005 is a deemed SEPP.

The Sydney Harbour Catchment SREP covers the area of Sydney Harbour, its tributaries and the Lane Cove River. Its' aims include ensuring a healthy and sustainable land and water environment, a prosperous working harbour, accessibility to and along the Harbour and its' foreshores, and a culturally rich and vibrant place for people.

The SREP establishes planning principles for land in the Sydney Harbour Catchment and foreshores and waterways areas and identifies zones, zone objectives and other controls for land and waters subject to the SREP.

The site is within the Sydney Harbour Catchment. It is also within the Foreshores and Waterways Area defined by the SREP and indicated on Figure 3.1 below and is therefore subject to the matters for consideration in Division 2 of Part 3 of the SREP. However the site is not included in any zone indicated on the Zoning Map relating to the Foreshores and Waterways Area.

A compliance table for SREP (Sydney Harbour Catchment) 2005 is provided at Appendix F. That table indicates that the proposal complies in all aspects with the SREP.

3.3.2 Sydney Regional Environmental Plan - 26 City West

It is noted that from July 2009 all existing SREPs including SREP - 26 City West is a deemed SEPP.

The proposal is within the Bays Precinct created under SREP26 City West and is subject to planning principles for the City West as a whole (of which only some apply) and also the planning principles for the Bays Precinct specifically. The relevant planning principles are addressed in the compliance table in Appendix G.

The site is zoned Waterfront Use Zone, the objectives of which are:

- (a) To provide for development of water-based commercial and recreational activities, including facilities for the servicing, mooring, launching and storage of boats
- (b) To allow a range of commercial maritime facilities (such as boating industry facilities, marinas, waterfront service operations, waterfront commercial and tourism facilities and uses associated with the servicing, temporary mooring, launching and storage of boats and uses ancillary to these), which will take advantage of the harbour location
- (c) To provide public access within and across the zone and to facilitate the extension of the Ultimo-Pyrmont foreshore promenade from Blackwattle Bay to Rozelle Bay and link with public access networks surrounding the precinct; and
- (d) To create, retain and enhance views and links between Wentworth Park and the foreshores of Blackwattle Bay.

Only uses which the consent authority is satisfied are generally consistent with one or more of the zone objectives are permissible within this zone. The proposed uses within the Waterfront Use Zone are:

- water-based commercial and recreational activities, including facilities for servicing and berthing
- waterfront service operations including chandlery, brokerage, provisioning, offices, operations and logistics, and dormitory style accommodation for temporary use by users of the superyacht marina
- waterfront commercial and tourism facilities by use of the cafes, restaurant, function facilities, retail and commercial offices ancillary to the waterfront services of the site
- Public access using a boardwalk to the foreshore area
- Car parking areas including approximately 100 car spaces on grade with 90 further car spaces on levels 1,2 and 3 of the multilevel car park

These uses are compatible with the zone objectives identified above because:

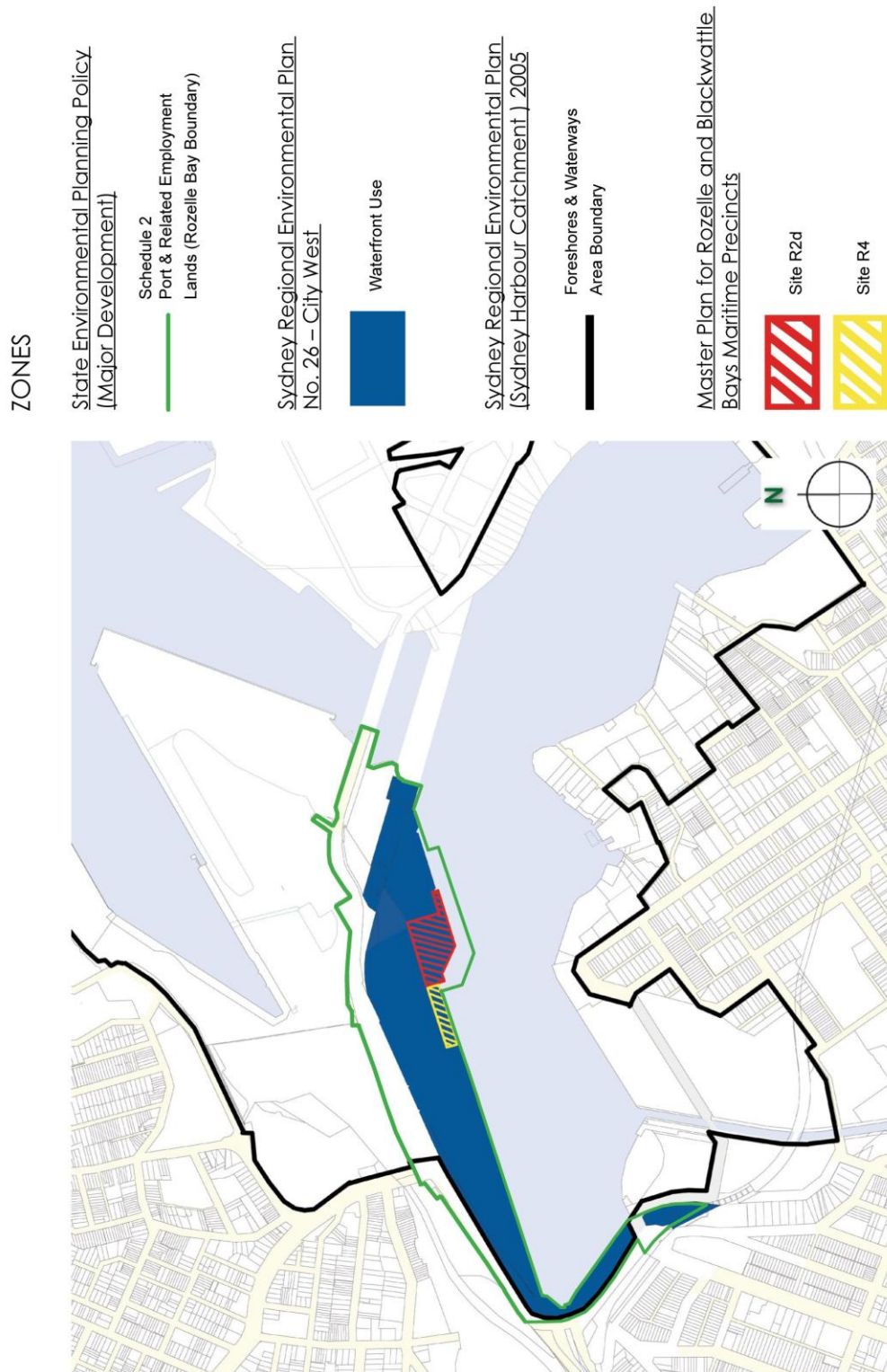
- (a) The upgrading of marina service facilities provides professional support to the marina facility and develops commercial activities associated with recreation which are water based
- (b) The harbour location is crucial to the existing superyacht marina facilities and the proposal increases the range of maritime facilities available by including the waterfront service facilities
- (c) Public access is available to the site via the foreshore boardwalk and around the public buildings. Asset security limited public access will be managed at the marina gangways and at the building facades. The width of the foreshore

clearance is suitable to accommodate a clearly marked cycleway should future development require a through site linkage. The Site will become a destination for recreation and with parklands and cycle ways nearby in adjoining suburbs.

The compliance table to SREP 26 in Appendix G indicates that the only aspect of potential concern is the issue of traffic generation and the capacity of the roads to absorb any increased traffic without creating an adverse affect on the surrounding road network. It is argued in section 4.1 that this proposal will not create such an impact.

Figure 3.1 provides a zoning map for relevant planning instruments discussed in this chapter.

Figure 3.1 Zoning map for relevant planning instruments



3.3.3 Rozelle and Blackwattle Bays Maritime Precincts Master Plan 2002

Pursuant to SREP 26 – City West, the Rozelle and Blackwattle Bays Maritime Precincts Master Plan (“the Master Plan”) has been prepared by the Waterways Authority and adopted by the Director General. The planning and urban design vision for the Master Plan site has the objectives of:

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

Land use for the site

The land use principles of the Master Plan are as follows:

- Land use within the Blackwattle & Rozelle Bay Master Plan is to provide a working waterfront environment.
- Land use character of the precinct should reinforce and complement the role of the precinct as a major inner-harbour working waterfront.
- Future developments should retain the existing diversity and maritime character of the precinct.
- Accommodation of future development at Rozelle and Blackwattle Bays may involve 24 hour operations.
- Development is to make a significant contribution to ecological sustainability.
- Development is to have no adverse impact on water quality.
- Development is to encourage the conservation and adaptation for re-use of existing structures of heritage significance.

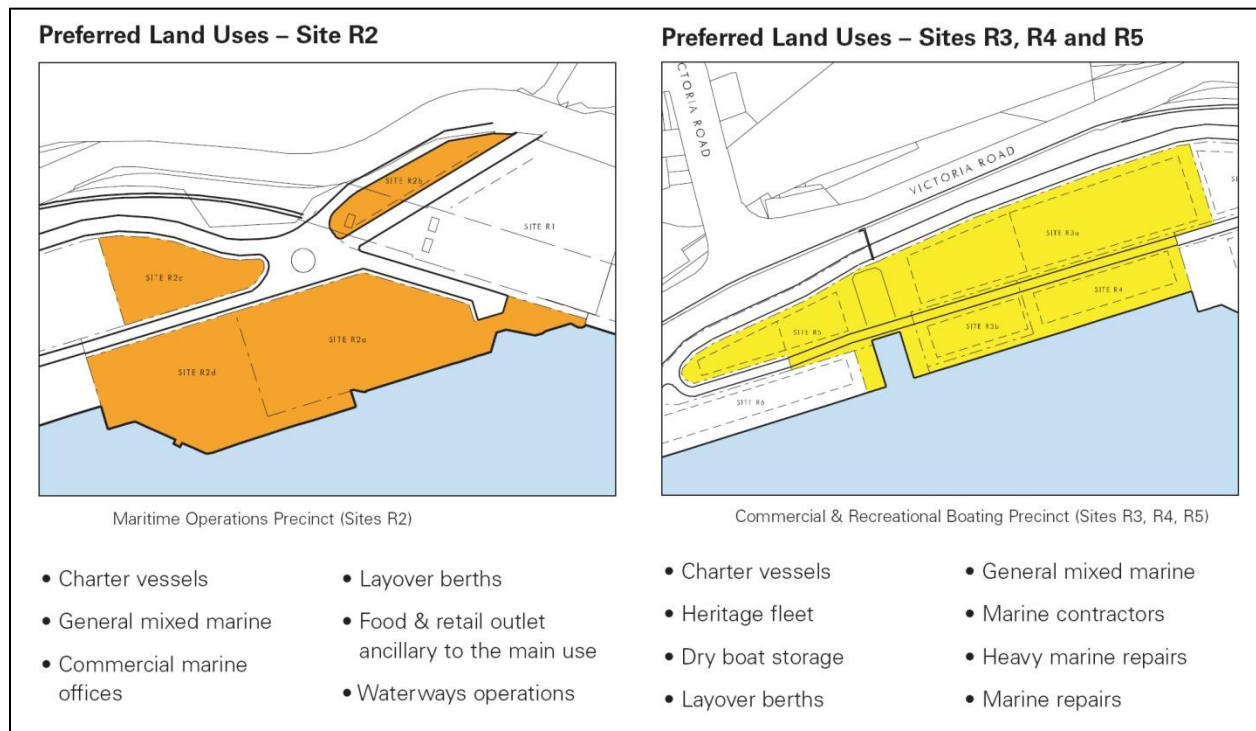
The land use provisions (relevantly) include:

- Dividing the area into two precincts

- Maritime uses requiring direct water access are encouraged on the waterfront perimeter
- A pedestrian and cycle connection to be included along the alignment of the internal access road for Rozelle Bay and along Pyrmont Bridge Road in Blackwattle Bay
- Provide facilities for local food/retail outlets associated with the working waterfront operation, as appropriate.

The proposed development would occur within Sites R2d and R4 of the Master Plan. A copy of the preferred land uses and precincts from the Master Plan are set out in Figure 3.2.

Figure 3.2 Site R2 and R4 zone precincts and preferred land uses from the Master Plan



The proposed activities as described in Chapter 2 of this environmental assessment are consistent with the preferred land uses described in the Master Plan for site R2d in the east. With the existing approval of the dry boat storage to the west of the Site on part of Site R4, it can be argued that a view has been taken that those uses designated for R4 be limited to that area covered by the dry boat storage approval. It follows that the remainder of R4 would take on the character of use as applying to the adjacent R2d.

The envisaged uses applicable to the proposed western building are consistent with the provision of ancillary food and retail outlets to the general mixed marine services and commercial marine offices servicing the superyacht marina.

Further illustrating this position is the proposed draft plan of subdivision currently before the Land and Property Information. Approximately half of site R4 is included in proposed lot 29 on which the dry boat storage is approved. The eastern portion of site R4 is included in proposed lot 32 which includes Site R2d. This is illustrated in Figure 1.2.

Scale and form of the development

The Master Plan also provides guidance on the scale and form of development acceptable on both of sites R2d and R4. The Master Plan indicates that the height controls and the placement of built forms of the sites are based on an analysis of existing views from around the Bays.

Figure 3.3 indicates the setback measurements for the proposal and Table 3.2 sets out the Master Plan height setback and site coverage controls and that proposed in this application.

Figure 3.3 Setback measurements for the proposal

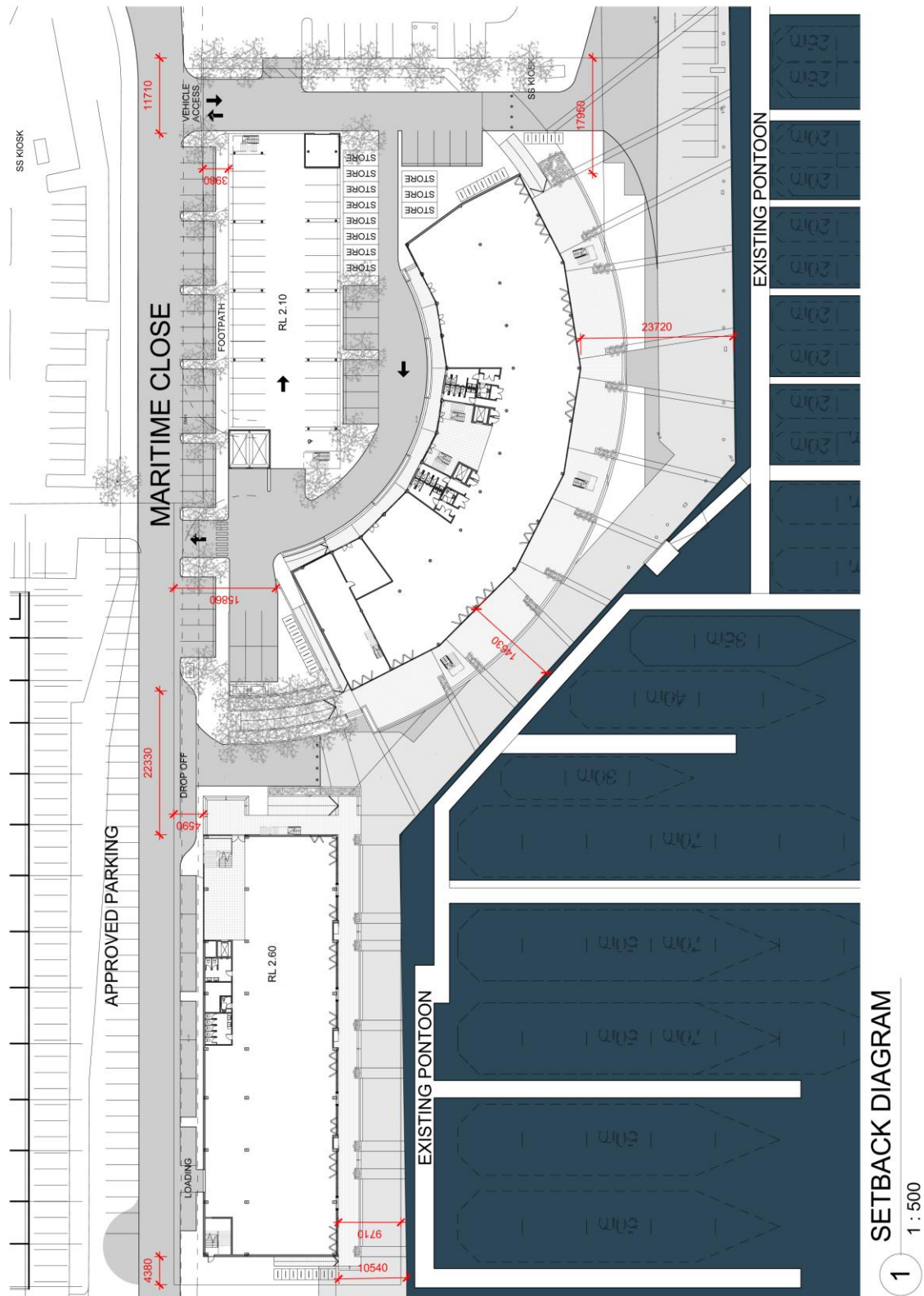


Table 3.2 Master Plan height, setback and coverage controls and compliances

Design Requirement	Control	Proposed	Comments
Site R2d Eastern Lot			
Site Coverage	0.5:1		See combined site coverage
Building Height	RL11 8m	RL11.3 (8.8m) car park RL11.9 (9.3m) building	Does not comply
Setbacks			
Northern boundary	4m	3.98m to car park 15.86m to building	Nearly complies
Western boundary	Unidentified - at least 20m	22.33m to west building	Possible compliance
Southern boundary	20m	Between 14.63m and 23.72m	Partial compliance
Eastern boundary	20m to building R2a (NSW Maritime)	17.95m to boundary plus approximately 14.5m from boundary to NSW Maritime building	Complies
Site R4 Western lot			
Site Coverage	0.5:1		See combined site coverage
Building Height	RL11 8.0m	75% at RL11.9 (9.3m) 25% at RL12.9 (10.3m)	Does not comply
Setbacks			
Northern Boundary	10m to other side of road – hence about 4m to roadway	4.59m	Complies
Western Boundary	10m	4.38m	Does not comply however the site has changed due to boat storage approval
Southern Boundary	10m	Between 9.71m-10.54m	Partial compliance
Eastern Boundary	10m	22.33m to east building	Complies
Total Site			
Site Coverage	0.5:1	0.34:1 (no decks) 0.426:1 (with decks)	Complies

The proposal will be between 1.3-2.3 metres higher than the heights proposed by the Master Plan, although, as described in section 2, they remain lower than the existing

and proposed buildings adjacent and well below the proposed building heights behind them which are between 5.6 and 12.3 metres higher. The proposed buildings will be approximately 9.3 metres high, with a small part of the western building being 10.3 metres high. The buildings hence do not comply with the Master Plan height requirements, although in every other respect regarding height the principles are met by response to topography and existing buildings and height being lower closer to the water. Their design also reduces the visual height impact by having colour and materials changing horizontally. It is therefore suggested that the height exceedance will not adversely affect the aims, objectives and principles of the Master Plan.

Such a view was presumably taken when the dry boat storage proposal was approved with a height exceedance of 3.2 metres over the Master Plan height for the building on sites R3b and part site R4 and an exceedance of between 3.2 metres and 11.2 metres on site R3a.

The proposed buildings comply with the site coverage requirements.

There is partial compliance with the setbacks, with some uncertainty due to site boundary adjustments. Minor setback non compliances occur due to uneven site boundary lines. The other setback non-compliances are, it is suggested, acceptable, to allow for the placement of the buildings in a more responsive manner to the intent of the Master Plan. Most particularly these include the building line design guidelines seeking alignment along the boundary closest to the water, providing major site axes and connections with public spaces, and giving order, structure and identity to the site. Some of these matters are further addressed in Section 2 of this report.

Focal Point

The proposal relocates the focal point from the position indicated on figure 18 of the Master Plan in the south eastern corner of the eastern building to the north western corner of the multilevel car park. Although a height increase of 5m and an area of 20sqm are anticipated in section 2.3.1 of the Master Plan, the proposed focal point will be about 10m above the roofline of the buildings and will be an area of approximately 36sqm. The focal point will provide a visible signpost and identification for the marina from the surrounding area (from Anzac Bridge, The City West Link, the water and from open public space across the Bay). A possible translucent illuminated sign will maintain that visible signpost in the evening and night.

Foreshore Access

The Master Plan calls for 24 hour access to the foreshore along both sides of the eastern building. Due to the value of the moored vessels at the marina, it is proposed that during the hours following the closure of the cafes, restaurants, function facilities and licensed facilities on Site until approximately 6.00am, access to the foreshore would be

restricted for the purposes of asset security. Given the lack of currently existing through linkages to adjacent sites, such a small reduction in public access is considered both acceptable and necessary.

Compliance

A compliance table with the Master Plan is included at Appendix H. As noted above and in the compliance table, the areas of non compliance and upon which exemption from the Master Plan is required are:

- Preferred land use for site R4: the uses for the development on this site reflect those of the adjacent R2d not those specified in the Master Plan
- Height: of the majority of the two buildings at 0.9m over the provisions and a small section at 1.9m over. The car park is 0.3m over the height limit. Buildings ought also to be lower towards the water's edge (clause 2.3.2). The proposal's roofline gently rises towards the water's edge but the buildings are lower than the approved dry boat storage behind them
- Setbacks: principally on the southern boundary of the east building and possibly the western boundary of the western building
- Building envelope differences: principally on the eastern building
- Focal point on car park: This has been relocated and is nearly twice the size of the anticipated area and 5m higher
- 24 hour access to the foreshore: access along the foreshore is anticipated to be restricted to the public after the closing time of the licensed facilities until 6am for asset security
- Containers: clause 2.3.2 prevents containers to be used in permanent storage areas. It is proposed that some containers (in good condition and of specified colour) will be used for storage but not office accommodation.
- Ventilation: clause 2.4 Depth to ceiling heights ratios do not comply

Despite the exemptions which are sought, the proposed facility meets principles outlined in the Master Plan in respect of land use; views, built form and urban design; design guidelines and building form and character. It is those principles that underpin the urban design and other provisions in the Master Plan. A visual assessment of the proposed development is provided in Section 4.11.

3.3.4 Sydney Harbour Foreshores and Waterways Area DCP 2005

The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (DCP) applies to all development proposals within the Foreshores and Waterways Area identified in SREP (Sydney Harbour Catchment) 2005, including the Bays precinct covering Rozelle Bay – the site of this proposal.

Performance based criteria and guidelines relating to matters such as foreshore access, visual and natural environments, recreation and maritime industrial uses are established in the DCP with the aim of protecting ecological communities, ensuring protection and enhancement of the scenic quality of the area, providing siting and design principles for new buildings and waterside structures, and identifying potential foreshore access locations in the area.

Part 2 of the DCP contains provisions relating to the consideration of ecological impacts resulting from development proposals to ensure that the biological diversity in and around Sydney Harbour and its tributaries are conserved. No ecological communities are identified adjacent to, or in the vicinity of the subject site (Map 8), hence this section of the DCP 2005 does not apply to the subject site.

Landscape Character

Part 3 of the DCP contains provisions relating to the consideration of visual impacts resulting from development proposals upon the foreshore and waterways of Sydney Harbour. The DCP 2005 identifies a number of 'Landscape Character' classifications applying to the lands covered by the DCP. In addition, the DCP 2005 contains a series of maps designating various parts of the waterway and its foreshore as exhibiting a particular landscaped character. There are no specific 'Landscape Character' classifications designations given to the subject site (Map 8), nor to any areas adjacent to, or in the vicinity of the subject site, hence this section of the DCP 2005 does not apply.

However, if it is considered that each part of the area subject to the DCP has a character landscape applicable to it, the area described as Landscape Character Type 7, applying to the Balmain Area including Snails Bay, Mort Bay and Balmain is the geographically closest identified type. That character and intent indicates the areas have a high level of development with a mixture of waterside industrial, residential and maritime uses. The mixture of land uses and the use pattern of the built environment contribute to the character of the area. Development is suitable for these areas provided the character of the area is retained and the performance criteria are met. The performance criteria include:

- Retain the vitality of the area by retaining the mixture of land uses
- Vegetation is integrated within the development to minimise the contrast between natural and built environments, and
- Measures are introduced to mitigate noise and amenity impacts between incompatible land uses.

The proposal does retain mixed land uses, by retention of maritime uses and the enhancement of recreational activities. The proposed vegetation is partly sourced from the identified species in the Master Plan and will enhance the environment. The adjacent land uses are maritime and hence not incompatible with the proposed use. Noise and amenity impacts from the potential café, restaurant function areas and licensed facilities land uses have been considered in section 4.3 and 4.10 of this assessment and the proposal includes measures to mitigate these impacts. The impacts are not anticipated to identify the proposed land use as incompatible with the residential land uses over the Bay at Glebe Point.

Parts 4 and 5 of the DCP contain design guidelines to help maximise the use of the foreshore and waterways for public recreation, and minimise any visual impact. Each section contains specific provisions relating to matters such as: foreshore access; siting of buildings and structures; built form; signage; marinas (private and commercial); private landing facilities; mooring piles, single moorings and mooring pens; dredging slipways; skids; boat lifts; swimming enclosures; swimming pools; boat sheds; sea walls; reclamation; planting; maritime activities; waterfront industry; community boating and water-based recreational facilities; multi-unit residential developments; redevelopment sites and inclinator, stairs and driveways. These are specifically considered in the compliance table set out in Appendix I.

Compliance

The compliance table for the DCP in Appendix I indicates general compliance with the provisions of the DCP. The principal areas of non-compliance include:

- Signage to be not visible from the water. The identification sign is intended to be visible from the water to aid navigation and identification of the development from the water and from the surrounding roads.
- Clause 5.7 requires hipped or gabled form rooflines in maritime areas. The proposal has a near flat roof enabling photovoltaic cells to be applied to the roof and is in keeping with the adjacent NSW Maritime building and the proposed dry boat storage building next door.
- Clause 5.8 requires car parking not to be visible from the waterway and requires a setback of 3 metres from the foreshore to allow for mass plantings to screen car parking. There are 20 car parks on the foreshore apron and these will be of a

restricted nature for the service and use by superyacht marina customers. These parks are on a concrete apron which prevents mass plantings. The presence of the moored superyachts will to a large extent prevent visibility of the foreshore car parks. The eastern building will, together with the trained climbing plants, almost entirely screen the multilevel car park from view from the water.

It is submitted that these are minor non-compliances each of which has appropriate justification.

3.3.5 Sydney Metropolitan Strategy & Draft Inner West Sub-regional Strategy

The Sydney Metropolitan Strategy 2005 established a broad framework to outline a vision for Sydney over the next 25 years, based around seven strategies:

- Economy and employment
- Centres and corridors
- Housing
- Transport
- Environment and resources
- Parks and public places
- Implementation and governance

Relevant to the proposal, the Strategy identifies the proposal site as employment lands with section A1.9 stating as an objective, the facilitation of renewal of old industrial areas for employment purposes where practical. Section E contains objectives seeking to achieve sustainable use of natural resources and Section F1.3 includes objectives to develop frameworks for a network of regional recreation trails as part of the overall open space system.

The Inner West Sub-region Draft Sub-regional Strategy includes the Site. The Sub-regional Strategies have been prepared to interpret the actions and objectives of the Metropolitan Strategy for application at local and sub-regional levels. Although in draft form, it indicates the intentions of the NSW government relating to the sub-region. Figure 4 of the draft Sub-regional strategy identifies the Site as employment lands, which are vital to supporting the economy to service the city and incorporate light industries, heavy industry manufacturing, urban services, warehousing and logistics and high-tech based activities. The Bays precinct including the Site, although identified as a category 2 area with potential to allow for a wider range of employment uses, is noted as being under investigation and subject to a land use review to be conducted by the Bays

Precinct Task Force with an anticipated report in mid 2008 (page 32 of the Draft Sub-regional Strategy).

This taskforce was established in June 2009, with stage 1 completed in November 2009. Draft planning principles are to be released in Stage 2 in 2010 for comment (Sydney Harbour Foreshore Authority 2010). In the media release on 12 June 2009 the then Minister for Planning Kristina Keneally indicated that Rozelle Bay will continue in the short, medium and long term as a commercial maritime precinct.

The parks and public spaces section does not include the Site within the proposed recreation trail identified in Figure 25 nor is the Site included in discussions to increase access to public places in section F1.

3.4 Leichhardt Local Environmental Plan

Leichhardt Local Environmental Plan (LEP) does not apply to land to which SREP 26 – City West applies (clause 5 of the SREP 26 and clause 3(c) of the Leichhardt LEP). However schedule 2 of the LEP does list heritage items within the Leichhardt local government area, and those which are relevant to this environmental assessment are discussed in Section 4.9.

3.5 Water Management Act 2000

The *Water Management Act 2000* applies to areas in NSW which have a water sharing plan made. The object of the Act is the sustainable and integrated management of the State's water for the benefit of both present and future generations, based on the concept of ecologically sustainable development. The Act recognises the need to allocate and provide water for the environmental health of our rivers and groundwater systems, while also providing licence holders with more secure access to water and greater opportunities to trade water in particular through the separation of water licences from land. The main tool the Act provides for managing the State's water resources are water sharing plans. These are used to set out the rules for the sharing of water in a particular water source between water users and the environment and rules for the trading of water in a particular water source.

There is no water sharing plan made in respect of Sydney Harbour although a draft water sharing plan for the Greater Metropolitan Region Unregulated River and Groundwater Sources was exhibited between 7 June and 30 July 2010. That draft plan divides the area into 49 management zones. Its' provisions relate to the water

extraction access by licence holders (Office of Water) and do not consider floodplain or drainage management. The proponent does not intend to extract water from a river or aquifer and hence does not envisage seeking a licence. Hence this Act has no application to the proposal.

In 2006 the NSW government established a metropolitan water plan entitled Water 4 Life but this is not a plan established by the *Water Management Act 2000*.

3.6 Protection of the Environment Operations Act 1997

The objects of the *Protection of the Environment Operations Act 1997* (the POEO Act) include to protect, restore and enhance the quality of the environment in NSW having regard to the need to retain ecologically sustainable development and to reduce the risks to human health and prevent degradation of the environment. The Act lists scheduled activities in Schedule 1. The Act also allows for the making by the EPA, of protection of the environment policies which must specify an environment protection goal, standard, guideline or protocol. The Act also allows for licences to be issued to carry out scheduled development work and scheduled activities. Environment protection notices and offences are also outlined. Section 120 makes it an offence to pollute waters, although the possession of a relevant licence to do so provides a defence to any action. Air and noise pollution are also considered under the Act.

It is proposed to discharge the stormwater from the gross pollutant traps into the tidal water through the sea wall. The definition of water pollution in the Act includes introducing into waters (including sea water) of any matter (including liquid) the introduction of which will change the physical, chemical or biological condition of the water. The storm water passing through the gross pollutant traps will be filtered and meet the ANZECC criteria and hence no water pollution licence pursuant to section 120 of the Act will be required.

Schedule 1 of the Act identifies activities with thresholds which are considered scheduled activities, hence requiring a licence. Table 3.3 below includes a discussion of the possible scenarios applicable to the site.

As nothing in the proposal is able to be characterised as a scheduled activity, no licence will be required under section 48(1) of the Act.

Table 3.3 Consideration of POEO Act Schedule 1 scheduled activities

Clause	Relevant aspects	Scheduled Activity
Cl 9 Chemical storage	- Less than 5 tonnes of chemical prescribed waste to be stored - The pressurised gas storage of the site will be less than 5000 litres	No
Cl 15 Contaminated soil treatment	On site or off site treatment of contaminated soil of 1000 cubic metres year or 30,000 cubic metres of soil	No treatment will occur on site. Soil removed will be classified general solid waste (non-putrescible)
17 Electricity generation	Solar power is excepted	No, also is ancillary
25 Marinas and boat repairs	The facility cannot be described as one for boat construction /maintenance (general) nor a boat mooring and storage facility as this proposal includes the land component only of the marina and no dry storage and less than the required 60 vessels for mooring.	No
42 Waste Storage	Stormwater and up to 60 tonnes in a grease trap is exempt – the grease traps will be 4000 and 5000 litres. Storage of up to 5 tonnes of liquid waste is a scheduled activity and subject to the provisions of the Act. Liquid waste is defined to include sewage but there will not be a holding tank for 5 tonnes.	No No

3.7 Sharing Sydney Harbour Access Plan

The Sharing Sydney Harbour Access Plan (August 2003) document, produced jointly by the Department of Infrastructure, Planning & Natural Resources (DIPNR) and NSW Maritime, is in place to assist the NSW Government to achieve its' vision of opening the harbour to residents and visitors of Sydney. The focus is on the provision of foreshore access for pedestrians and cyclists, and waterways facilities for recreational watercrafts. This document is relevant to the Site in that it considers land and water access issues together. The Access Plan identifies strategies for implementation over a 20 year span, with implementation being assisted by the Sharing Sydney Harbour Access Program, a five-year capital works program funded by the NSW Maritime, SHFA and DIPNR. Projects in accordance with the Access Plan may be eligible for grant funding. The plan identifies a proposed cycleway extending along the northern edge of the Site connecting Bicentennial Pak on Rozelle Bay with the Old Glebe Island Bridge, however it does not propose any pedestrian linkage around the Rozelle and Blackwattle Bays area.

3.8 Development Assessment Guidelines

A summary of guidelines referenced in the planning documents is outlined in Table 3.4. It indicates the section of this report wherein those guidelines have been considered.

Table 3.4 Further Development Assessment Guidelines

Planning Control	Guideline Referenced	Section considered in EA
SEPP 55 Cl 17(1)(b)	Guidelines for remediation under the Contaminated Land Management Act 1997	N/A Section 4.2 and Appendix K
SREP (Sydney Harbour Catchment) 2005 planning principles include Cl 13	Achieve targets in: Water Quality and River Flow Interim Environmental Objectives: Guidelines for Water Management: Sydney Harbour and Parramatta River Catchment (published Oct 1999 by EPA)	Section 4.4
SREP 2005 cl 13	Be consistent with: Australian Water Quality Guidelines for Fresh and Marine Waters (published Nov 2000 by A & NZ Environment and Conservation Council)	Section 4.4
SREP 2005 cl 13	Comply with: Floodplain Development Manual 2005(published April 2005 by the Department)	N/A
SREP 2005 cl 13	Achieve the objects and targets in: Sydney Harbour Catchment Blueprint (Published Feb 2003 by DLWC)	Section 4.4
SREP 2005 cl 13	Accord with: Acid Sulfate Soil Manual (published 1988 by Acid Sulfate Soils Management Advisory Committee) a	N/A. Section 4.2 and Appendix K
SREP (2005) cl 63	Consistent with: The NSW Wetlands Management Policy (published March 1996 by DLWC)	N/A Section 4.8
Master Plan 1.4	Read in conjunction with SPC's Glebe Island and White Bay Master Plan	Appendix H and section 4.8
1.4	Sharing Sydney Harbour Regional Action Plan	Section 3.7, 4.1, & 4.10
2.4	EPA Industrial Noise Policy guidelines	Section 4.3
2.4	Port Jackson South Catchment Management Plan	Section 4.4
2.4	Leichhardt Council's stormwater management plan	Section 4.4
2.4	EPA's Environmental Guidelines for Best Management Practice for Marinas & Boat Repair Facilities (1999), also Environmental Action for Marinas, Boatsheds and Slipways (2007)	Section 4.4
2.4	Sydney Water's guidelines on total water cycle management	Section 4.4
2.4	Managing Stormwater, Soils and Construction Manual 1998 (Dept of Housing) – preparation of a sediment and erosion control plan	Construction phase CEMP
2.4	Comply with NSW Govt "Code of Practice for the Construction Industry" for ESD	Section 4.13
2.5	Parking Australian standards for waterfront and boating activity	Section 4.1 and appendix J – no specific standards

3.9 Further approvals

The site is owned by The Maritime Authority of NSW trading as NSW Maritime. Landowner's consent for the development application has been obtained and accompanies the application in Appendix A.

Figure 3.4 Development Assessment Guidelines

