

COMMENT BY CITY OF SYDNEY, 10 MARCH 2011,

ON

PROPOSED SUPER YACHT FACILITY, (MP 09_0165)

Planning processes for Bays Precinct

For some time, Council has expressed concern that development approvals are being considered or have been granted consent by the Minister in advance of a contemporary integrated and strategic planning framework for the precinct.

It is accepted that the existing master planning framework is obsolete. The State has committed to preparing a new planning framework for the Bays Precinct in consultation with affected and interested communities. Despite commencing in 2009, only the first stage of this process has been completed. However, development consents for the cruise passenger terminal, Sydney Fish Markets, the Sydney Heritage Fleet site, the Jones Bay marina expansion and now the super-yacht facility will likely in their aggregation, render a new planning framework superfluous, effectively undermining any master planning outcome.

Foreshore access

The Department has considered many marina developments across New South Wales that have proposed limitations to public foreshore access. It is understood that assessment has acknowledged that some restrictions are warranted where for example public safety and security could be jeopardised, for example where a temporary Customs cordon must be maintained or where boats are craned across a public way. In these instances, only the shortest periods of restricted access are granted.

Foreshore access close to the high population city centre is an even more contested and scarce public resource than in marina developments in regional New South Wales. For that reason alone, proposals to limit public access to the foreshore should be strongly resisted. Any development that seeks to restrict access for reasons other than maintenance of public safety and security – in this instance due to the asset value of the private vessels – should be deemed as incompatible with the existing master plan framework, which the applicant notes requires 24 hour access, and consent refused for that part of the application.

Ancillary uses

Consent is sought for the construction of 3 buildings: a four storey car park; the eastern building and; the western building (refer Attachment A). These latter buildings would accommodate:

“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”).” (Environmental Assessment, section 2.1, page 32)

The uses proposed for the eastern building are directly relevant to the operation of a marina facility and are therefore generally compatible. However, the remaining proposed uses, which might be regarded as ancillary, in providing services to those who use the facility, may well become dominant uses over time, and produce a different range of environmental effects than canvassed within this proposal.

Therefore, if consent is granted to the marina then only those uses directly related to that consent should also be granted. The balance of uses – cafes, restaurants, function facilities, hotel (tavern) and package liquor outlets, general bar license and package liquor outlets; and marine based club (“licensed facilities”) – should not be approved with this application, but be required to be subject to a future separate application which can consider their higher impacts independent of the primary use.

Car parking and traffic

The City's submission on the White Bay Cruise Passenger Terminal expressed concern at the impact on existing congestion of the Victoria Road and Anzac Bridge corridor of traffic generated by that proposal. The current proposal includes a four storey car park for marina users yet also proposes ancillary uses that would generate additional traffic in a corridor that has reached critically low levels of public transport service, which recent capital works nearby such as the Iron Cove Bridge Busway has done little to alleviate. The abandonment of the rail project means that this congestion will not be addressed satisfactorily.

It is abundantly clear that incremental development will in its accumulation in this location inevitably have significant adverse impacts on congestion in this corridor and bring forward expectations for transport upgrades with obvious impacts on State investment planning.

This proposal should therefore only be considered along with a clear understanding of the cumulative impacts of this and other approved and proposed developments in the locale on transport service and capital works program, in order that the benefits to the State of developing the subject site are not outweighed by the cost of fulfilling public expectations beyond the site.

In more detail, the Traffic and Transport Planning Associates (TTPA) traffic report amends the traffic flows used in the original Masson, Wilson Twiney (MWT) Master Plan for the site. The argument presented for amending these figures is that changes have already occurred along James Craig Road. It is unclear from this report whether these changes that have lead to the reduction in the traffic flows were accounted for in the original MWT Master Plan traffic modelling or not. If they were considered then amending the flows should not have been done and will, in this case, lead to a lower predicted traffic flow.

The traffic report does not consider the number of service vehicles which are proposed to be used for this development. Consideration should be given to restricting service vehicle deliveries to outside of the peak traffic periods on the surrounding road network.

It is recommended the applicant also review the level of cycle parking that would be required if using the NSW Planning Guidelines for Walking and Cycling to ensure the levels of cycle parking and end trip facilities are adequate for this development.

It is recommended that a development of this size be encouraged to provide a Green Travel Plan for all staff and users. This will help to reduce the level of car traffic generated by the site, and also help encourage greener travel choices.

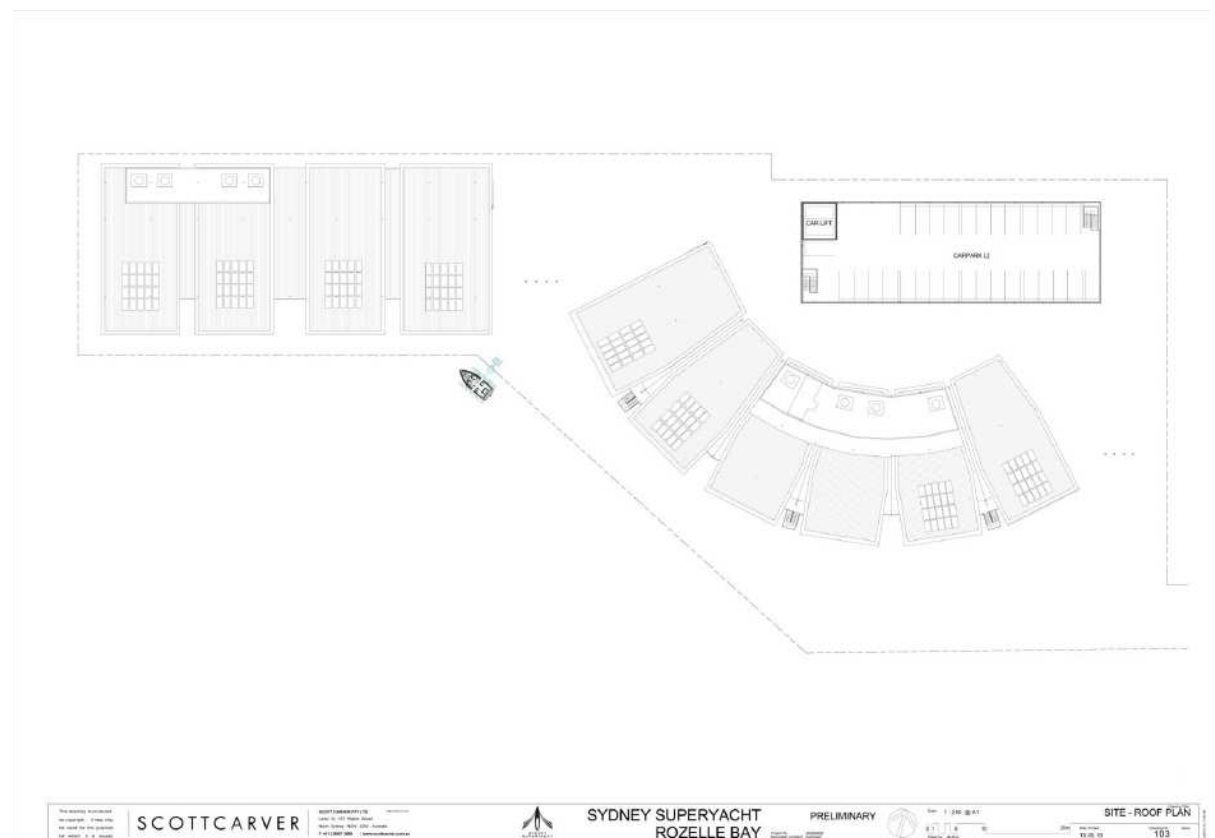
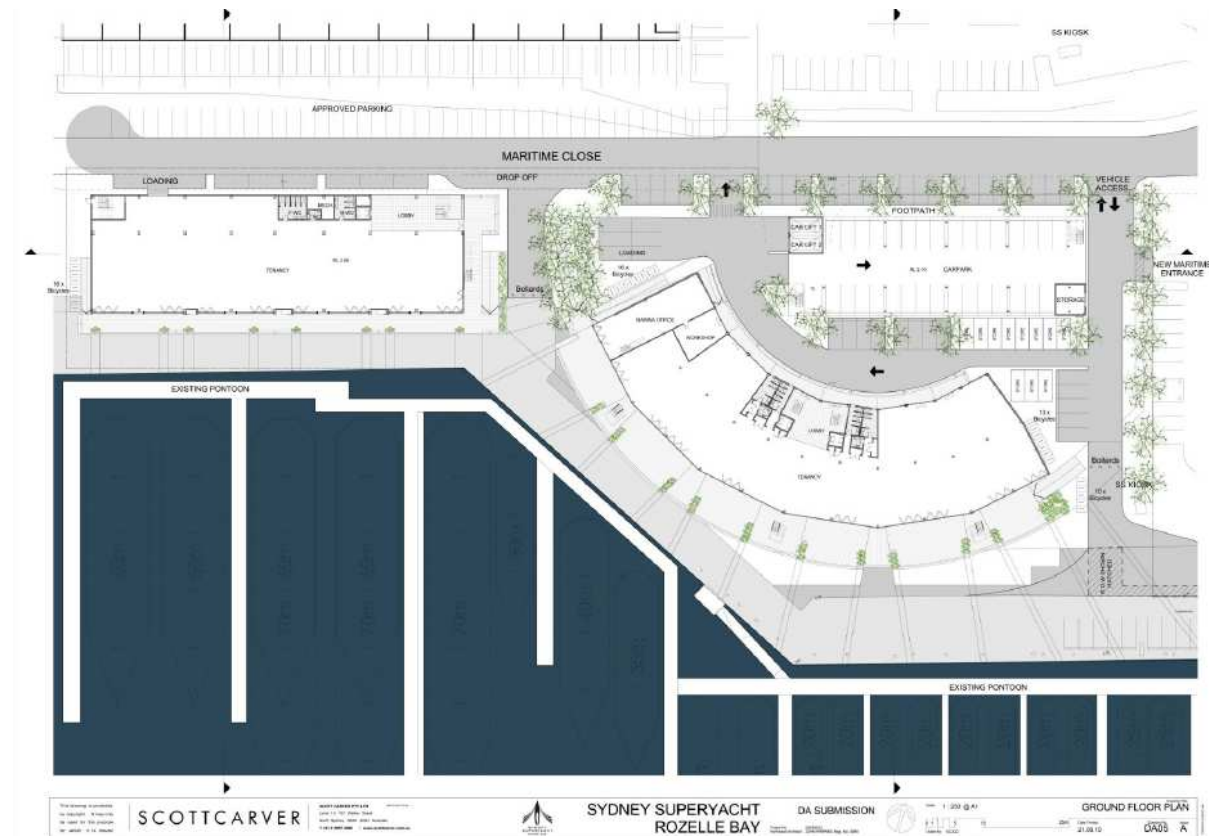
The proposal for the development to use visitor parking for small service vehicles is questioned, as this may result in visitors to the site being relocated to on-street parking within the vicinity of the site.

The design of the site should cater for future pedestrian and cycle connections into, through and around the site. Particular consideration should be given to the “board walk” corridor proposed along the waterfront.

Glebe Society comments

Community representatives from Glebe offer comments at **Attachment B**

Attachment A



Attachment B

Sydney Super Yacht Marina Land Base Component

A NSW Planning Exhibition of Redevelopment of Sydney Super Yacht Marina, Rozelle Bay (MP 09_0165) was opened on 02 February and will close on 04 March 2011. Essentially, it is for the redevelopment of the land-based component of the Sydney Superyacht Marina. The redevelopment consists primarily of two two-story buildings and a four-storey car park. The purpose is to provide maritime facilities as well as mixed-use facilities. It is a \$31 million project.

The proposed development can be viewed in hardcopy at The Department of Planning, Bridge St, Glebe Library or at Leichhardt Council, or online at the NSW planning website at: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3599

The detailed project description, online, is contained in the folder titled "Environmental Assessment".

The Glebe Society convened a meeting on this proposal and the following points are noted:

1. Improper use of public waterfront land. The Super yacht Marina was given a one-year period of operation during the Olympics, for major yacht owners to moor during that time. It has operated ever since on lease extensions. It has never had a land-based building on site, nor was that seen as necessary, until now. The present proposal for a major land-based facility with little connection to the operation of the marina is seen as an ambit claim by developers who have no rights to the land nor a reasonable claim to be a waterfront industry (since most of the operations are for non-waterfront, general commercial activity).

2. Noise. The proposal incorporates plans for two spaces for out-door musical bands performing up to 10 pm at night. The noise modelling performed for the assessment shows an expected breaching of the standard allowances for parts of Glebe. Glebe has the closest residences to be noise affected. The noise can be constrained, e.g. by live bands not performing outdoors at night. This issue will need to be examined carefully and suggestions made for operational constraints to be imposed by the Government.

2. The multi-use nature of the proposed project. This issue interacts with the noise problem. It is the potentially large number and range of non-maritime activities that might occur that could lead to the noise problems.

The Glebe Society is of the opinion that the breaching of noise allowances is a matter that should be taken up by the Sydney City Council in its own submission.

A noise evaluation assessment by Dr Fergus Fricke is attached.

Comments on noise evaluation of the proposed facilities associated with the Sydney Super Yacht Marina

The “Environmental Noise Impact Assessment Urban Perspectives Proposed Superyacht Marina Rozelle Bay, NSW” report, prepared by Benbow Environmental, is deficient in a number of ways. The following comments are pertinent to that report which was submitted as part of the Sydney Super Yacht Marina development application.

1. The report relies on background noise level measurements carried out by another consultant in 2003 even though, in the present report, the measurements are stated as having been carried out in 2007. Given that in the meantime commercial shipping has ceased to use the Glebe Island and White Bay terminals there is likely to have been a significant reduction in ship noise, associated dock operations noise and vehicular transport noise such as that from car transporters using James Craig Road, and hence a significant reduction in background noise.
It is not sufficient to state that, “It is not anticipated that the local ambient noise environment has undergone significant variation.” Under the circumstances, at the very least, some checks on the previous background noise levels should have been made.
2. In section 3.1 it is stated that, “Industrial noise sources and traffic were noted as being prominent.” It is not stated where the industrial noise was coming from and it is surprising that the industrial noise includes, “vessel engines, fans, generators cranes, fork lifts, trucks etc (generally associated with cargo unloading)”.
3. The inclusion of a scale map showing where the measurements were taken would have been useful, if not essential. It is notable that the 2003 background measurements presented do not include measurements made at the nearest residences (at Glebe Point/Federal Road) to the proposed development even though later in the report it is clear that the Glebe Point residences are the ones that will be most affected by the noise emanating from the marina facilities.
4. Live bands (amplified music) are identified as potentially being the major noise source. A simulation was carried out to predict noise levels at surrounding residences. The simulation required a number of assumptions, some of which have been justified and others which haven't. The sound power level of a band is assumed to be 105 dB(A). Bands can and are often considerably in excess of this sound power level and 10 bands would be 10 dB higher in total. Also, the spectrum of the sound has not been specified. This is particularly significant given that the criterion used may not be that used for the assessment of noise from licensed premises (see point 5 below). The assessment carried out does not appear to have considered the possibility of a temperature inversion occurring or the effect of “horn” shape of the restaurant structure which would result a better acoustic impedance match and hence higher resulting noise levels from a given noise source.
5. The criterion used in the report for the assessment of the “live band” noise is that contained in the Industrial Noise Policy. As the restaurants will be licensed and the nearest residences are in the Sydney City Council municipality it is suggested that the relevant criterion is that used by the SCC. In its simplest form this states that the noise from licensed premises, when measured (L_{Aeq}), should not be greater than 5dB above the background (L_{A90}) from 7am until midnight and should not be greater than the background level between midnight and

7am. These conditions can only be met if the noise from the premises alone is about the same level as the background level alone and at night is at least 10 dB below the background level. The SCC has also used such assessments based on any 1/3 octave band sound levels between 31.5 Hz and 12.5 kHz not exceeding the limits above. This condition is inevitably much more difficult to comply with.

Even with fewer bands playing the report acknowledges that the assessment undertaken shows that some Glebe residences will experience unacceptable noise levels. If the issues raised above were addressed it is highly likely that it would show more residents will experience more unacceptable noise more of the time. It is suggested that unless the restaurant balconies are enclosed there should be no amplified music allowed at any time.

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