

Contact: Steve Roseland
Phone: 9367 9279

25 February 2011

Mr Michael Buckley
Department of Planning
23-33 Bridge St
Sydney NSW 2001

Dear Michael

RE: Sydney Super yacht Marina

Thank you for the opportunity to comment on the public exhibition of the Sydney Super yacht Marina proposal to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979.

At the Ordinary Council meeting held on Tuesday 22 February 2011 Council considered a report on the matter. Resolution C30/11 endorsed the report to be form the basis for Council's submission to the Department.

The following submission outlines the significant concerns Leichhardt Council has with regard to elements of the current proposal.

The specific concerns raised are outlined below:

- **Strategic Issues**

Rozelle and Blackwattle Bays Maritime Precincts Master Plan 2002

The Environmental Assessment documents notes that the proposal reflects the intent of the Rozelle and Blackwattle Bays Maritime Precincts Master Plan. However, it is noted that Council does not necessarily concur with the objectives and detail of the Master Plan. Therefore the assumptions underpinning the architectural spatial and landscape brief may be inherently flawed and compliance with the Master Plan will not necessarily ensure quality urban design outcomes.

Council has reiterated on a number of occasions regarding issues near this location that it is of the view that until the Bays Precinct Masterplan has been completed and a long-term strategic plan for the site has been concluded no new development on this should be considered.

Inner West Sub-regional Strategy

The Inner West Draft Sub-regional Strategy identifies the site as employment lands and lists it as Category 2. This categorisation means

the land has been listed as having potential to allow for a wider, a more extensive range of employment uses than those permitted within existing industrial zones.

However the Strategy stipulates that a wider range of employment uses or intensity of activity should be considered if it can also be illustrated that the proposal will not negatively impact upon any surrounding commercial centres.

Taking into consideration the wide range of retail, commercial and entertainment facilities proposed for the site, being an 'out of centre' location may have a significant detrimental impact upon other local commercial centres. The site lacks adequate physical and perceptual linkages to the surrounding urban fabric and facilities and is contrary to generally accepted urban design principles associated with mixed use development.

- **Traffic/Transport Issues**

Conceptually the proposal to increase activities at the existing Super Yacht Marina (and Liquidity Café/Bar) provides an opportunity to capitalise on a key waterfront location in a manner which could benefit all users. However proximity of the site to several major, and imminent redevelopments, necessitates careful, detailed analysis of the road network as a whole. It is also essential that this analysis include "event mode" for both the subject site and the future Cruise Passenger Terminal, which Council opposes on a number of grounds, as both developments will use James Craig Road as their sole public access.

Adding to the site's constrained access is the likely minimal mode share for public transport which is likely to result from a combination of site user characteristics, hours of operation and public transport availability.

An additional concern relates to the possibility that the proposed "flexible floorplan" (which will permit restaurants, bars and taverns) will provide the opportunity to unite these spaces with the outdoor area to create a single large entertainment or function venue. Such a venue would have significantly different travel demand and traffic characteristics to the mixed retail, restaurant and function spaces that have been considered in the Environmental Assessment.

Intersection Capacity

The intersection of James Craig Road with The Crescent currently operates with a Level of Service (LoS) C during commuter peak periods. It is anticipated that this will not significantly alter as a consequence of the normal operation of the Super Yacht Marina, even in conjunction with the normal operation of the future Cruise Passenger

Terminal. However, the analysis provided in the Environmental Assessment has not included traffic likely to be generated by the future redevelopment of Harold Park Paceway, nor have they addressed the “event mode” associated with conference and convention facilities proposed on the Cruise Passenger Terminal site.

It should be noted that the Director General of Planning’s assessment report on the Cruise Passenger Terminal suggests that the cumulative impact of adjacent developments (excluding the Super Yacht Marina) will result in the James Craig Road/The Crescent intersection reaching capacity (LoS E) during the PM peak. This analysis was conducted for events of less than 500 persons at the Terminal, and no analysis is currently available for the impact of capacity crowd of up to 2500 persons during the Terminal’s “major event mode”.

Additionally, the Cruise Passenger Terminal assessment identifies several adjacent intersections that will be at or near capacity including:

- o The Crescent/ Victoria Road
- o The Crescent/ City West Link

In order to adequately address the impact of the proposal it would be beneficial to provide a network-wide micro-simulation of the traffic conditions setting the future context of the site including the Cruise Passenger Terminal, Harold Park Paceway and the Balmain Leagues Club redevelopments (this may or may not ever occur as there is currently no consent or further application for this site at the moment). Should Harold Park and Balmain Leagues Club redevelopments not be sufficiently advanced to permit this modelling exercise progress on the development should be suspended until they can be including in the analysis.

In addition to the inclusion of all significant future developments in the model it should address:

- o late night operation in “event mode”
- o PM Peak period operation in conjunction with “major event mode” for both the Cruise Passenger Terminal and the Super Yacht Marina.

Parking

a) Taxi Parking

The parking provision included in the proposal is likely to be sufficient to cater for the normal demand of the site with the exception of taxi demand created in event mode or by late night departures from the potential restaurants, bars and tavern.

It is suggested that a taxi demand study be conducted to determine the likely demand for taxis and that sufficient parking and pick-up/set-down facilities be included adjacent to the restaurant/bar building.

b) Multi-storey Car Park

The multi-storey car park is proposed in a visually prominent location; being clearly viewed from Anzac Bridge, and to a lesser extent, Victoria Road. Additionally, it will be part of the gateway experience for tourists departing the Cruise Passenger Terminal, along James Craig Road, en route to the City.

Consequently it is essential that the structure be subject to careful treatment and detailed design, rather than simply relying on “trained creepers” to provide a suitable visual relief. This is particularly important due to the Marina’s proximity to a saltwater environment.

While the greening provided by creepers could provide an attractive surface it is essential that design contingencies be allowed for should the creepers not prosper and during the interim period as they grow to form the facade.

Design of the structure should also ensure that local sight lines across the site are not adversely affected.

Public Transport

While public transport is available adjacent to the site it is considered unlikely that its mode share for the Super Yacht Marina’s key user’s types will be significant.

Foreshore Access

The prominence of this location, on the Rozelle Bay Foreshore, makes it a significant component in Sydney’s foreshore access routes. Consequently every opportunity should be capitalised on to ensure the growth and development of convenient, unencumbered access to the foreshore. This access should cater for both pedestrians and cyclists and should provide opportunities to link to a future bay’s precinct foreshore path. The opportunity to improve and increase the connectivity of the foreshore access along Sydney Harbour is one that must be taken advantage of every time they arise and this proposal doesn’t achieve that objective. The lack of a continuous publicly accessible foreshore path through the site fails to deliver a suitable outcome.

Such access was considered so important that the approval for the Cruise Passenger Terminal included a revision to its design to improve foreshore access.

The proposal will also restrict waterfront pedestrian hours between closing time of the licensed facilities and 6:00 am because of 'asset security'. Restricted waterfront access is inconsistent with the Rozelle and Blackwattle Bays Maritime Precincts Master Plan 2002 which requires 24 hour access to the waterfront. Restriction of access to the waterfront promenade will result in the privatisation of the waterfront. Alternative methods for providing asset security should be investigated including appropriate gates at pontoon entrances.

It is also noted that permanent car parking spaces are to be provided adjacent to the waters edge which may restrict the public enjoyment of the location. Alternative arrangements for temporary parking bays for pick up and drop of passengers, materials and for service needs should be investigated.

Traffic associated with the day-to-day operation of the Super Yacht Marina is unlikely to result in a significant problem however concerns are expressed regarding overall road network efficiency should the:

- o events at the marina coincide with events at the Cruise Passenger Terminal
- o the "flexible floorplan" of the proposal result in a single large entertainment venue.

It is considered that the Environmental Assessment for the Super Yacht Marina should address the following in greater detail:

- o potential for the "flexible floorplan" to result in a single large entertainment venue
- o overall road network implications associated with the cumulative impacts of all likely future developments (including the Cruise Passenger Terminal, Harold Park Paceway and Balmain Leagues Club Developments)
- o overall network implications for coinciding "event modes" on both the Super Yacht Marina and Cruise Passenger Terminal sites, particularly considering such events during the PM commuter peak period which could include "end of day" departures from a conference at the Cruise Passenger Terminal and arrivals for an evening event at Super Yacht Marina's entertainment venues
- o provision of taxi parking for the likely late night demand which could be generated by the Super Yacht Marina's entertainment venues, particularly if the flexible floorplan and large outdoor area is combined to provide a single large venue.
- o the visual impact of the multi-storey car park
- o maximising of foreshore accessibility.

Further, the design of the development should reflect the findings of this additional analysis by both reducing the magnitude of the site's function and event operations if required.

- **Urban Design comments**

The site represents an important opportunity to make a significant contribution to the visual character, identity and functionality of Rozelle Bay. The following critique of urban design considerations is made on the basis of the information provided in the Environmental Assessment.

Architectural character

The proposed architectural form is inconsistent with the *Sydney Harbour Foreshores and Waterways Area Development Control Plan (DCP)* as follows:

- o a flat roof is proposed to reflect the adjacent NSW Maritime Building and proposed dry boat storage building. Clause 5.7 of the DCP requires that hipped or gabled roof forms be located in maritime areas.
- o it is noted that the submission itself acknowledges that the landscape type identified in the DCP that is most relevant to the subject land is 'Landscape Type 7' which applies to the Balmain Area including Snails Bay, Mort Bay and Balmain and for which the following character statement applies.

Statement of Character and Intent

- *These areas have a high level of development with a mixture of waterside industrial, residential and maritime uses. The mixture of land uses and the pattern of the built environment contribute to the character of this area.*
- *Development is suitable for these areas provided the character of the area is retained and the performance criteria are met.*

Furthermore, the proposed architectural character is not consistent with that of nearby harbourside areas in the following important ways:

- o the architectural treatment of the buildings does not reflect the fine grain character and diversity of waterside buildings in the area,
- o the proposed architectural character does not reflect the distinctive built form heritage of places such as Balmain, Snails Bay and Mort Bay,
- o the architectural treatment does not adequately reflect a sense of place – similar buildings are found throughout the world in similar locations. The building design does not make a positive contribution to this particular place in its current social context.

Lift shaft 'tower'

The project description proposes that the lift shaft for the multi level carpark will form a 'visible identification focal point' as justification for what is, essentially a functional requirement of the proposed carpark. Figure 2.4 of the Environmental Assessment document illustrates the south and north elevations and indicates that the lift shaft will be significantly higher than the surrounding buildings. However, no indication is given as to how the lift shaft will make a positive contribution to the establishment of a sense of place, identity and architectural merit nor how it is adequately integrated with the existing or proposed waterfront buildings.

Pedestrian promenade

The proposed pedestrian promenade along the waterfront is up to 25m wide with no vertical features or definition of space. Concern is expressed that consideration has not been given to the ways in which these spaces will be used. Microclimatic effects such as exposure to sun, wind and rain have not been translated into the urban design and landscape elements. Such elements could make a significant contribution to the place becoming a welcoming and attractive destination for the public as well as users of the facilities.

• **Social Impact and Community implications**

Urban Perspectives references SIA Guidelines (then in draft form) for developers, determining that only a social impact comment is required. Due to the nature and scale of this development Council considers a full-scale SIA is required and should be included as part of the methodology for the project.

Section 79C(1)(b) does focus impact assessment on consideration of the locality. Locality is itself contextual and could be expected to be different for different types of impacts. Locality is undefined in the Act, but its common use by other government agencies suggest it would be inappropriate to confine the meaning to a few streets or an 800 metre radius for example.

The study does not establish locality impacted by the development. For the purposes of this study Council identifies three localities with differential impacts:

- o 500 metre radius of proposed development, consisting of Glebe Point residential areas, SREP lands in Rozelle, and opens space area in Glebe
- o 1000 metre radius, major residential areas of Balmain, Rozelle, Annandale

- o 5000 metre radius, which takes in the local government area (LGA) of Leichhardt, and areas in the adjacent local government areas of the City of Sydney and Canada Bay.

The SIA should look at ways to assess and determine the impacts of the proposal at a local level, as well as the broader impacts for neighbourhoods and adjoining LGA's.

Crime

The study references current NSW Bureau of Crime data related to incidences of crime and indicates that no alcohol related assaults have occurred in the vicinity of the subject site and states that most alcohol related assaults are concentrated on Darling Street in Balmain.

As previously stated the report does not address impacts of the proposed development at a locality level. Alcohol related incidences of crime are most concentrated within 500 metres of a licensed premises and given that the proposal includes a cluster of these premises it is reasonable to assume that an increase of alcohol related incidences of crime will occur. Council would like to see the requirement for a management plan, with associated security plan, for the operation of the licensed premises and the site as a whole. This is particularly relevant for this site as it is relatively isolated in terms of interaction with the local community. These potential impacts could be further reduced through additional passive surveillance of the public domain.

Impact of Public Access and Social interaction

Due to the scope and scale of proposed development it is anticipated there will be a negative impact on the perceived visual amenity and pedestrian access to water views and a limitations placed upon democratic access to the water frontage.

A key element of the proposal should be the desire to enhance the existing public domain by increasing pedestrian thoroughfares and the walkability of local neighbourhoods, including disabled access, in an unbroken promenade along the foreshore of Rozelle Bay.

Assessment of impacts

Notwithstanding the cumulative impacts of the interaction between this development and adjacent proposed developments, for example the Cruise Passenger Terminal site, and the interaction of this development and the various localities, the assessment argues that the proposal will not change the social landscape. The report has not presented any demographic data regarding the primary locality to support this assertion.

The assessment has presented an unfounded argument that the proposal is consistent with all past and present land uses. While in the

past the site has formed part of Sydney's working harbour and private yachts are currently moored there, the report does not include submitted evidence that:

- o The proposed target market / client base of the super yacht marina, reflects the social identity of the adjacent urban area, in the radius of 1000m of the development
- o Prior to the establishment of the existing facility a private yachting facility had operated on this site.

There is a concern that the cumulative impacts of the night time entertainment activities of licensed premises and the function centre will change the perceived character of the neighbourhood from being a low impact, working waterfront to an entertainment and privileged leisure precinct, of a markedly different character to the working harbour origins of the site.

The opportunity to install significant public art installations as part of the overall design of the site referencing Sydney's working harbour origins, especially considering the current and proposed use of the property, should be taken advantage. This action could potentially aid in integrating the site with the wider community and ensure it does only service a smaller select group.

- **Contamination**

Based on the assessment Douglas Partners have concluded that the site is considered to be suitable for the proposed commercial development. Almost the entire site will be paved/covered by the proposed building structures or pavement and used for commercial purposes.

However the most detailed assessment of the BCA would be for an audit to be undertaken by an Environmental Protection Authority auditor.

- **Noise Implications**

Any assessment of noise levels must assess all affected properties, in particular the nearest residential properties. Council would like to query why noise receptors R5 and R7 were not deemed suitable for use. This is particularly relevant given that they are potentially the two locations most affected by the proposed development.

Background noise levels for the Environmental Assessment were drawn from the Glebe Island/White Bay Port Area Noise Monitoring Study 2003. Taking into consideration the dramatic increases in traffic flows during the following period Council recommends that a study be conducted of the current background noise levels. More recent figures may give an accurate indication of the actual background noise levels in the area.

Council would recommend that an assessment to determine background noise levels would have to be conducted over at least a seven (7) day period covering the days and times of operation of the development, as required by Environmental Protection Authority (EPA) guidelines.

As previously covered Council is raising as a concern the clustering of licensed premises away from the local centre, potentially resulting in the creation of a new entertainment district and the alcohol related incidences of crime that may arise from that. The potentially significant noise levels from patrons consuming alcohol on site and then leaving the site must be addressed as part of this Environmental Assessment. The noise generated by services, such as garbage collection, both during and outside the hours of operation must also be included in any assessment of the noise impacts of this proposal.

- **Environmental Impacts**

Council would like to raise as an issue the potential impacts increased movements of private recreational craft may have upon the possibly contaminated seabed of Rozelle Bay, and the implications this may have on public health and the long term sustainability of marine life within the waterway.

Additionally the potential impact of the movements of these large recreational vessels in and around the narrow confines of Rozelle Bay upon non-motorised forms of boat usage including dragon boat rowers, kayakers and rowers should be addressed within the Environmental Assessment of this proposal.

Should you wish to further discuss this submission please contact Steve Roseland, Senior Strategic Planner on 0367 9279 or email steve@lmc.nsw.gov.au.

Yours sincerely

Gill Dawson
Manager Environment & Urban Planning