



Preferred Project
Report and
Statement of
Commitments

Sydney Superyacht Marina

Land Based Development



Details

Preferred Project Report prepared by:

Name: Stuart Wilmot
Ros Read
Rebecca Sio

Address: Urban Perspectives
Suite 23, Level 6, 58 Pitt Street, Plaza
Building,
GPO Box 4507
SYDNEY NSW 2001

In respect of: Land based facilities associated with
Sydney Superyacht Marina

Development application MP 09_0165

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 100 DP 1017367 and Lot 1
DP 1049334 known as Lot 2 James
Craig Road Rozelle NSW 2039

Dated 22 November 2011

Table of Contents

FIGURES AND TABLES	4
APPENDICES.....	5
DEFINITIONS	6
ACRONYMS.....	7
1. INTRODUCTION	9
1.1 GENERAL	9
2. RESPONSE TO KEY ISSUES	16
2.1 PERMISSIBILITY AND USES PROPOSED ON THE SITE.....	16
2.1.1 THE PROPOSED USES AND PERCENTAGE OF FLOOR AREA.....	16
2.1.1.1 MARINE RELATED OFFICES, RETAIL, WORKSHOPS, DORMITORIES	20
2.1.1.2 YACHT CLUB.....	20
2.1.1.3 MARINE PROVIDEDORE, SEAFOOD RETAIL, SEAFOOD RESTAURANT	21
2.1.1.4 RESTAURANTS, CAFES, TAKEAWAYS AND BARS	21
2.1.1.5 THE CAR PARK	22
2.1.2 COMPLIANCE WITH THE ZONING AND THE MASTER PLAN USES.....	22
2.1.3 CHANGE FROM WORKING HARBOUR TO ENTERTAINMENT VENUE	29
2.1.4 PROPOSED USES ARE OUT OF CHARACTER WITH THE AREA.....	30
2.1.5 MORE OPEN SPACE OR DIFFERENT SITE FOR SUPERYACHTS	31
2.2 NOISE	32
2.2.1 NOISE LEVEL LIMITS	33
2.2.2 NUMBER OF AND HOURS OF EXTERNAL LIVE MUSIC ON SITE	35
2.2.3 OPERATING HOURS FOR THE PROJECT	35
2.2.4 BUILDING INSULATION.....	37
2.2.5 LOADING AND UNLOADING	37
2.2.6 CONCERNS ABOUT THE METHODOLOGY USED IN THE NOISE ASSESSMENT.....	38
2.2.7 CLUSTERING OF LICENSED PREMISES INCREASES NOISE LEVELS.....	39
2.3 COMMUNITY CONSULTATION	39
2.3.1 INADEQUACY OF CONSULTATION.....	39
2.3.2 FUTURE COMMUNITY CONSULTATION	42
2.4 TRAFFIC	43
2.4.1 CUMULATIVE TRAFFIC REPORT.....	43
2.4.2 APPROPRIATENESS OF TRAFFIC STUDY	45
2.4.3 LOADING AND UNLOADING AND SERVICE VEHICLES	46
2.4.4 SERVICE VEHICLES	46
2.4.5 CAR PARKING	47
2.4.6 CAR PARK LIFTS AND CIRCULATION.....	49

2.4.7 PUBLIC TRANSPORT AND TAXI DEMAND 50

2.4.8 CYCLE PARKING AND END OF TRIP FACILITIES 51

2.4.9 ENHANCEMENT OF PUBLIC TRANSPORT OPTIONS AND GREEN TRAVEL PLAN..... 54

2.5 PUBLIC ACCESS TO THE FORESHORE 55

2.5.1 NEED FOR CONTINUOUS 24 HOUR ACCESS TO FORESHORE..... 55

2.5.2 FUTURE PEDESTRIAN AND CYCLE PATHS DETAILS..... 56

2.5.3 NEGATIVE PERCEPTIONS OF VIEWS AND WATER ACCESS 57

2.5.4 PENNANT CRANE..... 58

2.6 STRATEGIC PLANNING 58

2.6.1 THE MASTER PLAN IS OBSOLETE OR NOT WHOLLY SUPPORTED 58

2.6.2 THE PROPOSED BAYS PRECINCT PLAN 59

2.6.3 IMPACT ON NEARBY COMMERCIAL CENTRES 62

2.6.4 PHYSICAL AND PERCEPTUAL LINKAGES 63

2.7 URBAN DESIGN 63

2.7.1 ARCHITECTURAL DESIGN..... 63

2.7.2 LANDSCAPING..... 66

2.7.3 PROMENADE LANDSCAPING..... 67

2.7.4 IDENTIFICATION BEACON ON CAR PARK..... 68

2.8 SOCIAL IMPACT ASSESSMENT 69

2.8.1 ASSESSMENT BASED ON LOCALITY 69

2.8.2 CRIME..... 74

2.9 IMPACTS ON THE WATER 74

2.10 SERVICES 75

2.11 CONTAMINATION 75

2.12 LAND ON WHICH ACTIVITY IS TO BE CARRIED OUT 76

3. PREFERRED PROJECT SUMMARY 78

3.1 USES 78

3.2 NOISE AND HOURS OF OPERATION..... 79

3.3 COMMUNITY LIAISON GROUP 80

3.4 TRAFFIC 80

3.5 FORESHORE 81

3.6 URBAN DESIGN 81

3.7 LAND ON WHICH ACTIVITY IS TO BE CARRIED OUT 82

3.8 STATEMENT OF COMMITMENTS..... 82

Figures and Tables

Figures

- Figure 1 Jazz Band playing at Superyacht Marina Site 9 April 2011
- Figure 2 Rock Band playing at Superyacht Marina Site 9 April 2011
- Figure 3 Radius of 500m and 1000m from the Site
- Figure 4 Radius of 5000m from the Site

Tables

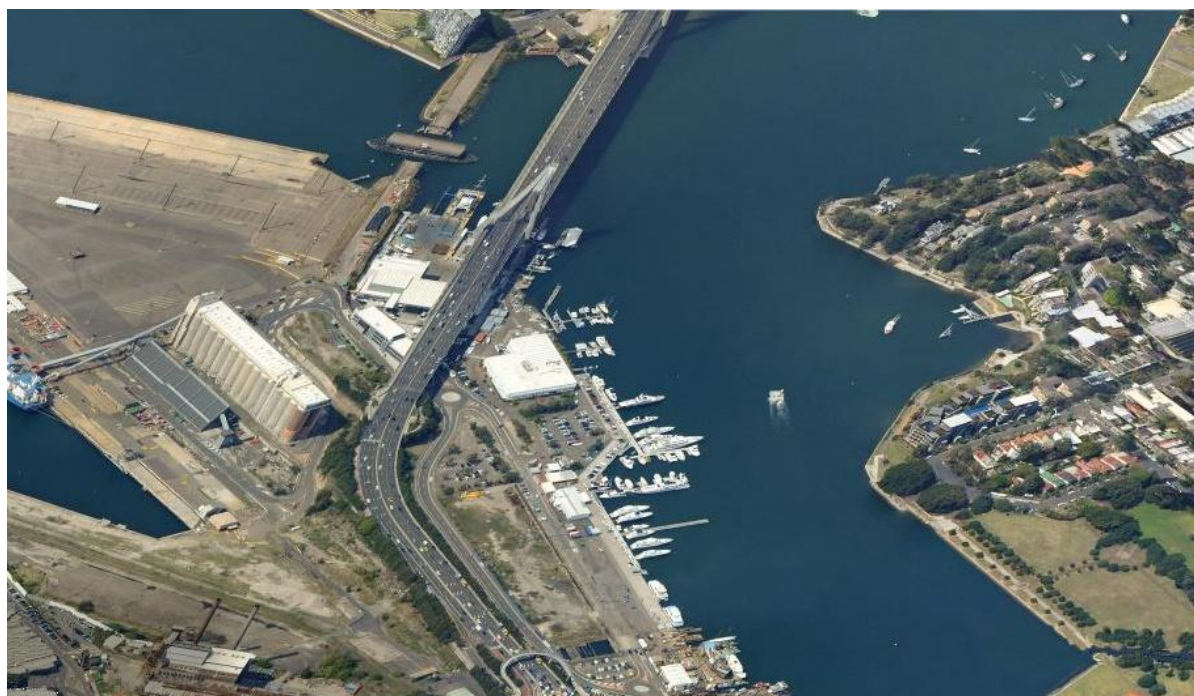
- Table 1 Amendments to EA proposed in PPR
- Table 2 GFA of Buildings calculated according to SREP 26
- Table 3 Proposed percentage areas for uses in buildings
- Table 4 Role and Land Use Activities planning principles for the Bays Precinct
- Table 5 Master Plan preferred uses
- Table 6 Proposed hours of operation
- Table 7 Consultation guideline provisions
- Table 8a Projected traffic generations from approved developments not included in the Master Plan traffic study
- Table 8b Addition to table 8a of the dry boat storage anticipated traffic
- Table 9 RTA Requirements for service parking
- Table 10 Car Park Calculations using Leichhardt DCP
- Table 11 Estimated staff and visitor numbers and cycle spots under NSW Planning Guidelines for Walking & Cycling
- Table 12 Bike Storage Numbers determined under Leichhardt DCP
- Table 13 End trip facilities for cyclists required by NSW Planning Guidelines
- Table 14 Planning Principles from Stage 1 Consultation for Bays Precinct
- Table 15 Population and Liquor Licences in 5000m radius from Site

Appendices

- Appendix A: Amended Plans sought for approval under the PPR
- Appendix B: Further plans pertinent to the PPR (GFA, amendments made, indicative use floor plan)
- Appendix C: BCA Capability Assessment Report from Brentnall Technical Solutions
- Appendix D: Copy of commitments made by the directors of Sydney Superyacht Marina Pty Limited on 28 February 2011
- Appendix E: Noise report from Benbow Environmental following testing on 9 April 2011
- Appendix F: Noise report regarding measured background levels and Project Specific Noise Limits by Benbow Environmental
- Appendix G: Response to submissions regarding noise by Benbow Environmental
- Appendix H: Summary of submissions and section of PPR addressing each submission
- Appendix I: Statement of Commitments

Definitions

Conditions of Approval	The Minister's Conditions of Approval for the Project
Department, the	Department of Planning & Infrastructure
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 & Infrastructure.
NSW Maritime	Maritime Authority of NSW trading as NSW Maritime
Proponent, the	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 100 DP 1017367 and Lot 1 DP 1049334, being the subject of this application.



Acronyms

dB(A)	Decibel, 'A' weighted scale
DCP	Development Control Plan
DECCW	Department of Environment Climate Change & Water
EA	Environmental Assessment by Urban Perspectives dated 8 December 2010 on behalf of the Proponent for development at the Site
EP&A Act	Environmental Planning and Assessment Act 1979
LGA	Local Government Area
OEMP	Operational Environmental Management Plan
PPR	Preferred Project Report
RTA	Roads and Traffic Authority
SEPP	State Environmental Planning Policy
SHFA	Sydney Harbour Foreshore Authority
SREP	Sydney Regional Environmental Plan
SSYM	Sydney Superyacht Marina Pty Ltd ABN 94 127 177 904.

1. Introduction

1. Introduction

1.1 General

The Environmental Assessment Report (EA) for Sydney Superyacht Marina Pty Ltd was exhibited from 2 February 2011 to 4 March 2011. Sixty six (66) relevant submissions were received from the general public, including special interest groups, 7 from public authorities and 1 from the local MP. Sydney Superyacht Marina Pty Ltd (SSYM) has reviewed the submissions in accordance with section 75H(6) of the *Environmental Planning and Assessment Act 1979* and has responded to the issues raised.

Many of submissions from the public reflected the issues which were set out in a draft proforma letter circulated to the residents in the Glebe Point area (a copy of which was included in some submissions). The submission from Ms Verity Firth MP on behalf of her constituents also reflected those matters.

Nine of the submissions from the public supported the project, including one supporting submission not from the boating industry. NSW Maritime was generally supportive of the proposal.

The issues raised in submissions generally were similar in nature and the list below identifies the issues raised in order of the number of submissions raising that issue:

- **Noise:** 86% of submissions from the public and 100% of those who objected to the proposal raised noise as an issue. Factors of most concern were noise from outdoor amplified bands particularly at night (generally reflecting bad experiences from when the Liquidity building on the Site held noisy music); the number of bands which could play outdoors; noise from entertainment venues; adequacy of noise assessment undertaken as part of the EA; and requests for enclosed balconies or reduced access.
- **Uses of the Site:** 63% of submissions from the public mentioned concern about how the Site was to be used (74% of public submissions which opposed the proposal). The primary concerns were that the area will change from a maritime precinct to an entertainment precinct or a commercial one; that the proposed uses do not reflect the uses set out in the Master Plan; and that there is insufficient definition of the mix of uses which will be allowed within the Site.
- **Community Consultation:** 48% of the public submissions (56% of opposing submissions) indicated that there had either been insufficient community

consultation prior to lodging the EA and/or that ongoing community consultation was required.

- **Traffic:** 23% of the public submissions (26% of objections) indicated traffic congestion, particularly in conjunction with the White Bay Cruise Passenger Terminal as of concern, although the impact from other developments from Harold Park Paceway and the Dry Boat Storage were also mentioned. Traffic concerns were also mentioned by four of the authority submissions.

Other issues which were raised in considerably lesser numbers by the public included:

- Increased landscaping and greater public open space required
- Issues concerning water traffic and safety on Rozelle Bay
- Scale of the development
- Approval should await completion of strategic planning under the Bays Precinct
- View impacts
- Limited access by the public to the foreshore outside the marina operating hours
- Whether Rozelle Bay is a suitable site for superyachts

The issues raised by the authorities generally reflected their charter of interest, however Leichhardt Municipal Council and the City of Sydney raised a variety of issues, generally reflecting the four main issues of the public, but in addition raising other issues including:

- The strategic planning process of the Bays Precinct ought to be completed prior to any development consents
- Reservations about the applicability of the Master Plan
- Concern about restricted public access to the foreshore
- Further analysis and detail on bicycle arrangements and green travel options
- The need for a network-wide cumulative traffic study of all developments in the area
- Urban design issues relating to the architecture and the promenade
- Increased social impact analysis required
- A contamination audit

In a letter from the Department of Planning to Urban Perspectives dated 17 May 2011, the Department requested the following issues also be addressed:

- The permissibility of the uses and the need for the uses to reflect the maritime character of the precinct
- A better description of the operations on the site, including the proposed locations of the uses on the site
- The permissibility of the proposed dormitory accommodation
- Inadequacy of the car park plans and concern as to whether the car lifts are adequate to service the car park
- The height of the lift shaft tower and signage structure

This Preferred Project Report sets out Sydney Superyacht Marina's response to the issues raised by the submissions in Chapter 2. Chapter 3 details the changes proposed to the project and Chapter 4 provides a revised Statement of Commitments.

A summary of the changes proposed by this PPR is set out in **Table 1** below. Detailed discussion of those changes is indicated in the sections identified.

Table 1 Amendments to EA proposed in PPR

Topic	EA	Change made in PPR	Section in PPR
Uses:			
% Areas	Not defined % areas for uses	Defined % areas for use	2.1.1
Specific Uses	Marina uses eg brokerage, chandlery, provisioning, operations, logistics, dormitory style accommodation (6), retail & commercial offices, cafes and restaurants, function facilities, hotel (tavern), package liquor outlets, general bar licence, marine based club	Dormitories reduced to no more than 3, function facilities and hotel (tavern) removed. Marine based club is a registered yacht club	2.1.1
Indicative plans	Description of uses for each building provided	Indicative plan of use areas in Appendix B	2.1.1
GFA	Floor plate used for section 2.1, 2.1.1 and figure 2.5	Definition of gross floor area from SREP26 applied to indicate areas. 6440m ² identified as GFA	2.1.1
Storage		About 240m ² of lockable custom built storage containers for marine	2.1.1

Topic	EA	Change made in PPR	Section in PPR
		equipment mostly under the car park ramp but 3 next to the eastern building	
Noise:			
No. of bands	Up to 2 outdoor bands at any one time	One outdoor band at a time	2.2.2
Time for outdoor music	None after 10pm	Between 11:00-20:00 hours and between 9:00 hours to 20:00 hours on special event days. Special event days are Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Australia Day plus five additional days per calendar year on 21 days' notice.	2.2.2
Management of outdoor bands		To be sited associated with ancillary restaurants/cafes/bars/takeaways to be arranged through the Marina management. Speakers and amps must not face the water.	2.2.2
Hours of operation	Licensed facilities to 2.00am	<ul style="list-style-type: none"> • Marine retail Mon-Fri 7am-7pm, Sat/Sun 7am-8pm; • Yacht Club 7am-midnight (7 days); • Restaurants/café/bar/take away 7am-11pm Sun-Wed and 7am-midnight Thurs to Sat; • Marina facilities & commercial Mon-Sun 24 hours 	2.2.3
Outdoor seating areas	No restriction other than hours of operation	Use limited to 7.00am-10.00pm on any day. After 10.00pm all windows and doors from tenancies with outdoor seating areas are to be kept closed, except when needed for ingress/egress. All premises playing indoor music will be required to close all doors and windows after 8.00pm.	2.2.3
Building Insulation	Not specified	Self-closing doors and air locks on doors to prevent breakout noise on yacht club. Glazing to have acoustic seals	2.2.4
Loading and unloading	Not specified	Deliveries other than fuel tankers, direct servicing of the superyachts and garbage collection from the marina will occur to the rear of the buildings	2.2.5, 2.4.3, 2.4.4
Project Specific Noise Levels		Daytime: 60dB(A) Evening: 50dB(A) Nighttime: 45db(A)	2.2.1

Topic	EA	Change made in PPR	Section in PPR
Community Liaison:			
	Community complaints number and register re noise impacts	Community Liaison Group to be established with 24 hour telephone contact.	2.3.2
Car Parking:			
No. of car parks	190 spaces total, with 122 in the car park building, 1 disabled space	187 total spaces with 120 in car park building, 3 disabled spaces	2.4.5, 2.4.6
Lifts and Car park building	2 lifts on NW corner of car park. And no car park ramp	3 lifts relocated to SE corner of building. Ramp included on northern side for exit only. Likely electronic display of availability	2.4.6
Circulation	Enter on east side of Site, queue for lifts internally and leave on west side of car park	Enter west side of car park building, queue for lifts internally, exit east side of Site.	2.4.6 plans in Appendix A and B-DA05B
Bicycle facilities	Not discussed in length	End of Trip bicycle facilities to be provided	2.4.8
Green Travel Plan	Not raised	To be included in a Traffic Management Plan in the OEMP	2.4.9
Foreshore Access	Closed after closure of the marina activities overnight	24 hour access provided subject to review	2.5.1
Pennant Crane	No limits set	Maximum size of the pennant crane 5.1 metres from existing ground level with maximum hoisting capacity of 5000 kg.	2.5.4
Urban Design:			
Enclosed balconies	None	The western balcony on the western building will be enclosed	2.7.1, 2.2.3
Focal point/	On NW corner of car park. Height RL 21.64	Relocated to SE corner of car park. Height reduced to RL 19.64	2.7.4
Site Coverage	The Master Plan required site coverage of 0.5:1. The EA indicated site coverage of 0.34:1 without decks and 0.426:1 with decks.	An increase in the car park floor plate has increased site coverage to 0.37:1. With estimated decks, site coverage is 0.46:1	2.4.6
Land Description	An error in the EA on page 1, in the executive summary, and twice in the first paragraph of section 1.2 incorrectly identifies one of the titles of the land on which the activity is to be carried out as Lot 10 DP1017367	The description of that lot is amended to Lot 100 DP1017367	2.12

Appendix A contains plans adopting the changes set out in this PPR which have been approved by the landowner NSW Maritime and for which approval is sought. **Appendix B** sets out plans identifying the amendments made to the EA plans in the plans in **Appendix A**, and also contains an indicative plan showing potential usage of the buildings and the GFA measurements applied in the PPR.

Appendix H sets out the summary of the submissions made by the public and by the authorities and identifies the section in which those submissions are addressed in this PPR.

Section 3 summarises the benefits and improvements to the project which have arisen because of consultation and receipt of submissions. **Appendix I** sets out the Statement of Commitments.

2. Response to Key Issues

2. Response to Key Issues

2.1 Permissibility and Uses proposed on the Site

Under the submissions, dissatisfaction with the proposed uses principally arose from:

- community concerns that the buildings will become an entertainment precinct with consequent noise issues; and
- a perceived failure to comply with the Master Plan preferred uses.

There was little expressed concern by the community about the retail and commercial proposed uses other than those associated with entertainment.

The submissions also highlighted that the marine nature of the Site ought to be reflected in the uses operating at the Site (a factor which the preferred uses under the Master Plan also identifies). It was indicated that the failure to specify the extent of floor space dedicated directly to marine operations and failure to limit other uses, could allow the area to become an entertainment precinct and not a maritime one.

Section 2.1.1 identifies maximum or minimum percentage areas of GFA of the buildings. Section 2.1.2 demonstrates that the uses set out in section 2.1.1 are compliant with the relevant zoning documents, specifically because of the restrictions placed on the area to be occupied by ancillary uses.

2.1.1 The Proposed Uses and Percentage of Floor Area

Issue

Council, the Department and other objectors sought an indication of the approximate amount of the Site buildings which will be occupied by each use.

Response

In order to respond to this the proponent has considered the definition of Gross Floor Area under SREP 26. Gross Floor Area (GFA) is defined in SREP 26 as follows:

“Gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the inner faces of the

external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding:

- *columns, fin walls, sun control devices, awnings and any other elements, projections or works outside the general lines of the outer face of the external wall, and*
- *lift towers, cooling towers, machinery and plant rooms, and air conditioning and ventilation ducts, and*
- *ancillary car parking and any associated internal designated vehicular and pedestrian access thereto, and*
- *space for the loading and unloading of goods, and*
- *internal public areas such as arcades, atria and thoroughfares, and terraces and balconies with outer walls less than 1,400 millimetres high."*

Applying this definition, the following aspects of the development are taken as either included or excluded from GFA:

Included in GFA:

- Container storage in car park and on forecourt (because they will be greater than 1400mm high)
- Common toilets (not public internal area)
- The stairwells on the ground floor (not public internal area)
- Western most balcony on the western building (because it is enclosed above 1400mm)
- Voids above stairs and entranceways on the first level (measured at 1400mm above the floor level surrounding that void)
- The corridors
- Entrance foyers and landings (common areas) in both buildings
- All tenantable areas

Excluded from GFA:

- The car park and outdoor parking/loading
- Lift shafts
- Machinery and plant rooms, air conditioning and ventilation ducts and cooling towers
- External staircases
- All balconies and terraces and walkways except the western one on the western building (only the latter has external walls at 1400mm).

Applying this definition the GFA of the buildings is set out in **Table 2**:

Table 2 GFA of Buildings calculated according to SREP 26

Building	Ground Floor SREP 26 GFA m ²	Level 1 SREP 26 GFA m ²	Total m ²
Western Building	1335	1565	2900
Eastern Building	1650	1650	3300
Car Park storage	240		200
Combined Total			6440 m²

The proponent proposes to alter the uses proposed in the Environmental Assessment by:

- reducing the number of dormitories to no more than 3
- removing the function centre
- removing hotel (tavern) as a use
- the marine based club will be a yacht club to be registered under the *Registered Clubs Act 1976* and other relevant licensing legislation
- the use of outside decks, terraces and balconies will be used in association with the internal tenancy directly adjacent.

The Two Main Buildings

The proponent has suggested maximum and minimum percentage areas of the gross floor area of the Site as set out in **Table 3. Appendix B** includes an indicative sketch floor plan showing the possible location of the proposed uses on the Site. It is stressed that the exact location of the proposed uses will be able to be amended and certified by a private certifier as provided for under the SEPP (Exempt and Complying Development Codes) 2008 (the Codes SEPP).

Table 3 Proposed percentage areas for uses in buildings

Use	Maximum/ minimum %	Identified on sketch plan as:	Estimated GFA per SREP 26
Marine related offices, retail and workshops, including not more than 3 marina attendant/crew dormitories	Not < 40%	A – marine	Not < 2576 m ²
Yacht Club	Not > 30%	B – yacht club	Not > 1932 m ²
Ancillary restaurants / takeaway /café / bars	Not > 15%	C - ancillary	Not > 966 m ²
Marine Provedore / Seafood retail / seafood restaurant	Not > 7%	D – provedore/ seafood	Not > 451 m ²

The buildings are designed and will be constructed, so as to meet the Building Code of Australia's guidelines for a Type B building with fire requirements which are suitable for each of the uses proposed on the Site. The BCA Capability Assessment Report from Brentnall Technical Solutions in **Appendix C** illustrates that flexibility of use can be achieved because of the fire rating compliance which will be included in the building construction. Notwithstanding the indicative sketch floor plan in **Appendix B** the uses proposed will be able to be located within any part of the two main buildings, to allow flexibility for the life of the buildings.

As stated above, outdoor balconies, terraces and walkways are excluded from GFA (save the enclosed western balcony on the western building) but they will be used in conjunction with the tenancies immediately adjacent to them. Because these areas are not included in GFA their use is not included in the percentage figures set out in **Table 3**.

Outside Areas

- There will be approximately 240m² of container storage space available for hire by Sydney Superyacht Marina clients and tenants – 14 containers of approximately 14m² each under the proposed ramp in the car park, and 3 of approximately 13m² near the eastern side of the Site. The storage containers will be custom made and will exceed 1400mm high. They will be made of light weight prefabricated material and lockable. Because of their height they are included in the GFA when calculating the percentage areas in **Table 3**. The storage containers will be used to store items such as fenders, life jackets, equipment spares, and general boating requirements and will fall within the marine related uses identified as use A in the sketch plan in **Appendix B**.
- It is proposed that the balconies, decks, and terraces on the foreshore will be used in conjunction with the adjoining tenancies. Percentage areas of use will not necessarily reflect those in **Table 3** as they are not included in the SREP 26 definition of GFA.
- The car park has been increased in size to include a ramp enabling cars to drive down the ramps to exit. A third lift has been included to assist ease of parking and reducing parking waiting times. Circulation has been amended to reflect these arrangements. Details are more fully set out in section 2.4. The car park is not included in the GFA calculations or percentages in **Table 2**.

Between 20-30 people can be living on the superyachts at any one time. Additionally, it is the requirement of many insurance policies that there be a captain, first mate or other crew member with the boat at all times whilst the yachts are moored at the

marina. The proposed uses for the buildings have taken these factors into account, together with the growing expectation by superyacht owners and crew for a wide variety of services to be provided at any marina used by them. In determining the percentage areas set out in **Table 3**, those expectations have been weighed up against the zoning provisions of SREP 26, a matter further discussed in section 2.1.2. Further details on the proposed uses for the Site are set out in sections 2.1.1.1 to 2.1.1.5.

2.1.1.1 Marine related offices, retail, workshops, dormitories

Following discussions with various prospective tenants it is envisaged that likely offices and retail tenancies for the precinct will include:

- offices for the marina operation,
- superyacht agencies already on the Site, including recruiting agencies
- concierge services for the superyacht owners and crew
- a marine engine showroom
- naval architect
- maintenance office
- chandlery
- workshop
- pennant crane for hoisting tenders
- up to 3 marina attendant dormitories which may be included in the marina office area.
- container storage for boating equipment in the car park and adjoining the eastern building

These uses are clearly "maritime related". Each use has a very clear nexus to marine activity to support the superyacht marina. Some of these uses already operate on the Site. The dormitories are intended for use by the marina attendants or crew who are required to be on call 24 hours a day for mooring purposes, and are therefore clearly ancillary uses to the operation of a marina facility. They will not be available for public use. **Appendix B** indicates this area as section A in the indicative floor plan.

2.1.1.2 Yacht Club

A yacht club is proposed for the Site which will have the benefit of providing lounge and relaxation facilities for the superyacht owners and crew and other members of the Club. It is intended that the yacht club will be up to a maximum area of not more than 30% of the GFA of the Site and be able to provide some of the other services which are typically included at modern superyacht marinas around the world, and indeed at many yacht and boat clubs in the Sydney area. The club will be registered under the *Registered Clubs Act 1976* and will seek a club licence under the *Liquor Act 2007*. The proposed yacht club will provide a club atmosphere for its members, including marina tenants, crew and their guests (subject to membership rules). It is anticipated that the club will include a bar/lounge area, restaurant and/or cafe, and function facilities. No accommodation is anticipated as part of the club and it will be subject to licensing provisions under various relevant legislative provisions.

The use of part of the Site for a proposed yacht club is underpinned by the presence of the superyacht marina and is a marine use. **Appendix B** indicates this area as section B in the indicative floor plan.

2.1.1.3 Marine Provedore, Seafood Retail, Seafood Restaurant

As part of the services to the superyachts at the marina, it is proposed to provide a provedore service and outlet. This will include the provisioning of food and beverages including a packaged liquor outlet licensed under the *Liquor Act 2007* and also include other groceries and marine related equipment and supplies required by the superyachts. It is proposed that the provedore area will also extend to the sale of seafood and a seafood restaurant. The Sydney Fish Markets across the Bay is an example of seafood retail and seafood restaurants operating in a marine environment (albeit in a different zoning). These marine uses have been independently identified in **Table 3** and will not exceed 7% of the GFA. **Appendix B** indicates this area as section D in the indicative floor plan.

2.1.1.4 Restaurants, Cafes, Takeaways and Bars

For the following reasons, we consider that the percentage area of food and beverage outlets ancillary to the main use can be justified as not more than 15% of the GFA:

- The spending power of the clientele using the superyacht marina is considerable (as evidenced by the value of the moored boats).
- There are owners and crew living on the moored superyachts and therefore likely to have a need for food and beverage outlets in the immediate vicinity. The immediate area is almost devoid of readily accessible such outlets to service the marina users and staff.

- Superyacht owners, crew and their guests have high expectations of the quality and number of services to be provided at the marina because very high end and extensive services are made available to superyacht marina clients around the world.

These uses remain ancillary to the primary marine related uses detailed in 2.1.1, 2.1.1.2 and 2.1.1.3. **Appendix B** indicates this area as section C in the indicative floor plan.

2.1.1.5 The Car Park

The car park is clearly ancillary to the operation of the superyacht marina and is therefore permissible as ancillary to a commercial maritime facility (marina) under clause 20B of SREP 26 and as ancillary to the general mixed marine set out in the preferred land uses of the Master Plan. Only the container storage in the car park is within the GFA calculations under SREP26. Further details about the operation of the car park are set out in section 2.4.

2.1.2 Compliance with the Zoning and the Master Plan uses

Issue

The Department has requested the proponent address the consistency of the proposed uses with the zoning of the Site and the need to reflect the maritime character of the precinct. In particular, the Department sought justification and clarification on whether the proposed uses for restaurants, bars, a function centre and other commercial uses, constitute “maritime uses” prescribed under SREP 26 – City West and the Master Plan.

Some residents commented that the proposed use of the Site for non-marine uses was not compliant with the Master Plan preferred uses, reflecting concern that the Site could become an “entertainment precinct” which is discussed in section 2.1.3. Both The City of Sydney and Leichhardt Municipal Council indicated that the Master Plan is either, respectively, obsolete or does not fully reflect their views. The City of Sydney has indicated that the uses not “directly related” to the marina use, ought not to be given approval under this application but ought to be subject to future separate applications.

Response

The notion that the Master Plan preferred uses are the determining factor as to whether the uses ought to be allowed, presupposes that the Master Plan is the zoning instrument, when in fact SREP 26 – City West is the zoning instrument, to which the Master Plan provides further guidance. Authorities, including the NSW Government which has

sponsored the review into the Bays Precinct, have reservations about the Master Plan's applicability. This response examines the zoning requirements of SREP 26 – City West.

SREP 26 – City West

The aims of SREP 26 – City West are set out in clause 4 as:

- *to establish planning principles of regional significance for City West as a whole with which development in City West should be consistent, and*
- *to establish planning principles and development controls of regional significance for development in each Precinct created within City West by this plan and by subsequent amendment of this plan, and*
- *to promote the orderly and economic use and development of land within City West.*

SREP – City West clause 11 requires that development be consistent with the planning principles for City West. Principles with which the proposed uses are consistent (and reasons) are:

- Provide benefits to the people of the Sydney Region and NSW
 - Economic benefits of improving the attractiveness of Sydney as a superyacht destination
 - Economic benefit of local employment in the region
- Types and intensities are to reflect its central location and accessibility to public transport
 - Development of the Site involves a number of uses being brought together. Superyachts are attracted to the Site because of its proximity to the city. The marine offices and services are centrally located to Sydney to enable access by all residents and visitors who wish to avail themselves of those services. The Site is within 800m of the light rail station and buses over the Glebe Island Bridge to the city.
- Land use activities contribute to an integrated mixed use development pattern
 - This development will enhance diverse employment and recreation opportunities including marine and ancillary uses.
- Increased range of employment opportunities, enhancing ability for local residents to live and work in close proximity
 - The development extends the range and extent of local job opportunities.

- Full advantage is to be taken of the leisure and recreation facilities and the use of Sydney Harbour for leisure and recreation.
 - The superyacht marina already exists providing recreational facilities to superyacht owners. Its services are proposed to be enhanced with benefits extending to others beyond the superyacht industry who choose to walk, ride or appreciate the beauty of Rozelle Bay from the Site. The proposed uses assist in attaining this planning principle.
- Public access to the foreshore is provided
 - 24 hour access detailed in section 2.5 is to be provided.
- The needs of existing and future communities, including the needs for social facilities and services are to be accommodated.
 - The proposed social uses including the yacht club and ancillary uses fully promote this planning principle. The open floor plan construction of the buildings enables flexibility in use and tenancy areas promoting a long useful life for the buildings.

Clause 15 of the SREP requires a consent authority to take into consideration the aim of the plan that development within the Precinct should be consistent with the planning principles set out for the Precinct set out in that clause. The “Role and Land Use Activities” planning principles for the Bays Precinct are set out in **Table 4** below:

Table 4 Role and Land Use Activities planning principles for the Bays Precinct

Role and Land Use Activities planning principles for the Bays Precinct	Proposals’ compliance with those principles
Development should reinforce and complement the role of the Precinct as a major inner-harbour port and maritime location. Development should recognise that the port operates for 24 hours of the day and that the generation of noise, lighting and traffic movement is necessarily associated with its operation.	There will be no compromise in the port activities. % areas of use underline the essential maritime use of the location.
Development in the Precinct is to provide for a mixture of commercial port, port-related, employment, waterfront and recreational uses, but is not to include residential development. The existing diversity and maritime character of the Precinct, particularly the mixed use of waterfront areas, should be retained.	Mixed use of waterfront areas would be retained and mixed uses are encouraged, including a mixture of employment, waterfront and recreational uses. No residential development is proposed. The dormitories are for marina staff and crew use only and ancillary to the operation of the marina.
Development is to take full advantage of the	The proposal takes full advantage of the

Role and Land Use Activities planning principles for the Bays Precinct	Proposals' compliance with those principles
Precinct's location and its infrastructure, particularly rail or light rail facilities, for the port and other employment generating activities.	location by <ul style="list-style-type: none"> • waterfront use for marina offices and commercial and marine retail; • waterfront location for recreational activities, including 24 hour public access, and ancillary food and beverage facilities for those taking advantage of the Bay location and using the marina; • use of the infrastructure such as the light rail and bus networks in the area, utility services and the existing superyacht marina infrastructure. It makes use of surrounding land use infrastructure such as adjacent marine uses of Baileys refuelling, Sydney City Marine and the approved dry boat storage
Development is to encourage the environmental rejuvenation of the Precinct. Where possible, future development is to encourage the segregation of port traffic from residential and recreational areas.	The EA indicates: <ul style="list-style-type: none"> • the potential for adverse environmental impacts, if properly conditioned, is low; • no direct interfere with port traffic; • the main source of pollution (the old underground storage tanks) will be removed as part of the redevelopment
Development is to make efficient use of surplus government owned land.	It makes use of underutilised space owned by NSW Maritime Authority
Development is to encourage the conservation of and adaptation for re-use of existing heritage items and structures for uses compatible with new development.	No conservation areas, heritage items or structures are impacted by the development
Development is to contribute to improved water quality in Rozelle Bay and Blackwattle Bay.	The proposed stormwater treatment on Site will improve the quality of run off from the Site into Rozelle Bay. Catchment in the rainwater tanks will also reduce such runoff, enhancing the environmental quality for all users of the Bay.
Development on the waterfront and on land adjoining Rozelle Bay and Blackwattle Bay is to enhance the environmental quality of those areas for all users.	See above

Clause 20B of the SREP 26 sets out the objectives of the relevant Waterfront Use zone. That clause states that only uses which the consent authority is satisfied are generally consistent with one or more of the zone objectives are permissible within the zone. The terms used in this clause are not defined. The objectives are:

- *to provide for development of water-based commercial and recreational activities, including facilities for the servicing, mooring, launching and storage of boats, and*
- *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, and*
- *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*
- *to create, retain and enhance views and links between Wentworth Park and the foreshores of Blackwattle Bay.*

Uses such as hotels, hotel apartments and tourist resort development will not be permitted.

The proposed development improves the range of commercial maritime facilities which can take advantage of the harbour location. Of the suggested maritime facilities set out in section 2.1.1 above, the proposed uses specifically include:

- boating industry facilities (marina offices, chandlery, provisioning, dormitory accommodation for marina staff, workshop facilities, marine based offices and retail, boating container storage)
- marinas (provides direct support to the superyacht marina, the land based facilities of which still operate on a temporary basis)
- waterfront service operations (workshop, chandlery, provisioning, pennant crane hoist, a yacht club)
- waterfront commercial and tourism facilities (service facilities to the commercial superyacht marina, including marine offices and retail, provedore services, ancillary restaurants/ cafes /takeaway and bar facilities, and a yacht club). These will increase the tourism facilities for superyacht marina clients and others.

Consistency with other zone objectives is evidenced by:

- The enhancement of the marina support services improves the water-based commercial and recreational activities of the existing superyacht marina.
- Provision of 24 hour public access along the foreshore of the Site and the ability to link through to any future public access routes in the area and across the precinct as and when those public access promenades are developed.

- It will not affect views between Wentworth Park and the foreshores of Blackwattle Bay.
- The proposed dormitory accommodation for crew of the superyachts and marina staff, cannot be characterised within the description of the prohibited uses of hotels, hotel apartments and tourist resort developments. It is ancillary to the marina operations and will not be available to the public.

Clause 41 of SREP 26 states that the Master Plan is to make more detailed provisions relating to development of land and must be generally consistent with SREP 26. The Master Plan is to outline in broad terms the long-term proposals for development.

Rozelle and Blackwattle Bays Maritime Precincts Master Plan

The Master Plan is a deemed Development Control Plan under s74D by virtue of Schedule 6, s95 of the EP&A Act. DCPs are not environmental planning instruments.

Clause 1.4 of the Master Plan indicates that its purpose is to provide guidance to developers and authorities on the type, scale and form of development in a particular location and to provide assistance to the public and consent authorities. Its provisions do not override SREP 26. The zoning in SREP 26 allows for uses that are generally consistent with widely drafted objectives and whilst the Master Plan preferred uses seek to restrict the uses which would otherwise be acceptable under the SREP 26 zoning objectives, they cannot be taken as prohibiting any other uses.

The preferred land uses for site R2 and R4 in the Master Plan are set out in **Table 5:**

Table 5 – Master Plan preferred uses

Site R2d (east)	Site R4 (west)
<ul style="list-style-type: none"> • Charter vessels • General mixed marine • Commercial marine offices • Layover berths • Food & retail outlet ancillary to the main use • Waterways operations 	<ul style="list-style-type: none"> • Charter vessels • Heritage fleet • Dry boat storage • Layover berths • General mixed marine • Marine contractors • Heavy marine repairs • Marine repairs

None of these terms is defined. The proposed development does incorporate the uses of general mixed marine, commercial marine offices and food and retail outlet ancillary to the main use.

Further relevant provisions under the Master Plan in section 2.2 regarding land use of the precinct include:

- Maritime uses requiring direct water access are encouraged on the waterfront perimeter of the precinct (the marina operations and servicing support the adjacent superyacht marina)
- Pedestrian and cycle connections along the alignment of the internal access road (James Craig Road has changed position since the Master Plan was drafted, but support for those uses is provided by the bike parking provisions in the development).
- Provide facilities for local food/retail outlets associated with the working waterfront operation as appropriate.

The Applicability of the Master Plan

The City of Sydney and Leichhardt Municipal Council and the NSW Government have expressed reservations about the current Master Plan. Sydney City Council expresses concern that developments have been approved ahead of the conclusion to the Bays Precinct strategic planning, possibly rendering it superfluous, and gives no guidance as to how it considers the current Master Plan provisions ought to be considered, if at all.

Leichhardt Municipal Council has indicated that no development in the area ought to be approved until the anticipated new master plan has been completed (although the time frame has so far extended over 4 years with no estimated completion date noted on the relevant websites). The issue of the new Bays Precinct plan is more specifically considered in section 2.6 of this report.

Despite the observations of the Councils, the proponent of development in the Bays Precinct is required to comply with relevant planning legislation and environmental planning instruments specific to that Site (including the SREPs). The Director General's requirements require the proponent of this application to address those environmental planning instruments and other planning documents including the Rozelle and Blackwattle Bays Maritime Precincts Master Plan. Given the primacy of SREP 26 over the Master Plan the proponent must view the guidance of the Master Plan in the context of the principles espoused in its parent document - SREP 26.

Conclusion

SREP 26 requires uses to be generally consistent with the objectives of the Waterfront Use Zone. The uses identified by the proponent in section 2.1.1 are consistent with those objectives and with the planning principles of City West and the Bays Precinct. The Master Plan, whilst seeking to provide further guidance on these topics, is not an

environmental planning instrument and its stated preferred uses must therefore be viewed as secondary to the required zone objectives of its parent legislation SREP 26.

The City of Sydney's request that all uses other than those "directly related" to the marina uses ought not to receive approval for that use at this stage, is counter to:

- The Master Plan's role set out in section 1.4 of the Plan which includes to "enable development to proceed efficiently" and the accepted premise that ancillary uses are not an "independent use";
- SREP 26 – City West's aims set out in clause 4 "to promote the orderly and economic use and development of land within City West" and its planning principles, including "to contribute to an integrated mixed-use development pattern";
- SREP 26 – City West's Role and Land Use Activities for the Bays Precinct which include "to provide for a mixture of commercial port, port-related, employment, waterfront and recreational uses" and "to make efficient use of surplus government owned land", and the objectives within the relevant Waterfront Use zone "to allow a range of commercial maritime facilities such as.....waterfront commercial and tourism facilities..."

Uses which seek a liquor licence will be required to apply for that licence and to satisfy the requirements necessary for that licence with the appropriate authority.

2.1.3 Change from working harbour to entertainment venue

Issue

The community and The City of Sydney have expressed concern that the provision of restaurants, licensed facilities and the like either will, or have the potential to, change the nature of the Site from a working harbour or marine precinct to one of an entertainment precinct.

Response

The current use of the Site is to support the superyacht marina and it has had this use for the past 11 years. With extremely limited facilities open to the public, the Site currently has low levels of public patronage and is predominantly used by superyacht owners, their crew, and the commercial marine offices which are on Site (which also support the boating public). The current use supporting the superyachts will continue following the proposed development.

The proponent has set out in section 2.1 above the percentages of use of the GFA of the buildings which indicate that the uses not associated with marine, will be limited to ancillary roles. Limits are proposed on outdoor music and are discussed in section 2.2 below.

It should be noted that such a “working harbour” as we believe it is perceived by those who have raised this as an issue, is generally unable to support increased public access to the foreshore (as illustrated by the operations at the Sydney City Marine and other marine operators along James Craig Road).

2.1.4 Proposed uses are out of character with the area

Issue

Whether the proposed uses are out of character with the area. The proposal introduces mixed use into a residential area.

Response

The surrounding area’s current uses are clearly marine based (leaving aside the residential development at Glebe Point) (see section 1.5 of the EA). Some of those uses include marine offices (NSW Maritime); construction, salvage, towage deliveries, moorings (Polaris); wharf construction and repairs, marine contractors, marine pile driving and excavation (Clements Marine); restoration and mooring of heritage ships (Sydney Heritage Fleet); salvage (Devine Marine Group); servicing, refitting, berthing, offices, café and workshops relating to catamarans and trimarans (Seawind Catamarans); marine repairs and adjacent office accommodation (Sydney City Marine); and construction and demolition of wharves and bridges (Australian Wharf and Bridge Pty Ltd). The approved dry boat storage development proposes some food and beverage outlets ancillary to dry boat storage.

The development to support the existing superyacht marina, together with offices, provisioning and ancillary facilities reflect some of the uses which are currently operating and approved within the area.

In response to the submission that the proposal inserts a mixed use into a residential area, the area on the northern side of Rozelle Bay is not residential, although the Bays Precinct Stage 1 Consultation report has indicated that there is some community support for introducing residential development into the nearby disused rail yards. Whilst there is residential development across Rozelle Bay at a distance of approximately 250m from the Site, any other residences, other than those on Glebe Point are over 500m distant from the Site. The land use currently in the area is of a mixed use

(principally marine and industrial) and residential sites around Rozelle Bay are in the minority compared to the mixed uses which otherwise apply.

2.1.5 More open space or different site for superyachts

Issue

There has been a request that more public open space be provided on the Site. Some submissions indicated that the superyachts should be moved to Birkenhead Point.

Response

The Site is not designated or zoned as public open space or as public recreation zone under SREP 26 – City West, but the objectives of the applying Waterfront Use zone do include “to provide public access within and across the zone”. SREP (Sydney Harbour Catchment) 2005 also includes planning principles for the Foreshores and Waterways Area to allow public access to and along the foreshore. The Master Plan sets out what is referred to as a “Public Access Easement” in figure 36, which is indicated as being 6 metres minimum width generally, and 4 metres minimum width on the waterfront. It is clear that the intention of public open space under the relevant planning documents in relation to land zoned as the Site is, is for public access and linkages, not for parklands. The proposal provides for a public space width on the forefront to be between approximately 9.7m and 23.7 metres wide (including outdoor deck areas).

The waterbased infrastructure for the superyacht marina is already in place at Rozelle Bay and is not the subject of this development application. To abandon this infrastructure would be inefficient and is not supported by the planning documents. There is no indication in the submissions that any discussions had been conducted with the operator of Birkenhead Point to support the possibility of moving to that site. As such the proponent does not see any merit in considering this matter further.

2.2 Noise

As indicated above, this issue was raised by 100% of the general public objectors, reflecting past experience with noise emanating from the Liquidity restaurant prior to the current management. Compounding that concern was residents' experience in being unable to effectively have authorities and prior management respond to noise complaints during that period. There appears also to be some confusion in that some objectors appear to have been under the impression that nine bands playing simultaneously were proposed, when in fact the EA proposed two bands.

In the EA it was proposed that a maximum of two outdoor live bands during the day (7:00 – 18:00) and evening (18:00 – 22:00) be allowed to operate each day, this being modelled as being within the compliance levels.

During the exhibition period, following conversations with representatives of the local community, a meeting was held on 28 February 2011 with residents of Glebe and their representatives. At that meeting the directors of SSYM made various written commitments to restrict the two outdoor bands playing at any one time to the hours between 11:00 and 20:00, except during special event days when the time periods would be 9:00 to 20:00. Further commitments regarding noise issues included that doors and windows for tenancies playing music indoors would be shut after 20:00, the establishment of a Community Liaison Group, and the drafting of a Noise Management Plan for construction and operation. A copy of these commitments is set out in **Appendix D**.

In addition the directors agreed to hold noise simulation tests to monitor the noise effects from two outdoor bands. Stuart Wilmot of Urban Perspectives posted letters inviting attendance at the noise simulation to 51 resident and community groups, and also to Leichhardt Municipal Council and NSW Maritime. Mr Wilmot also engaged in numerous emails and telephone conversations with residents about the proposed noise simulation, including contacting them to postpone and reschedule the noise simulation when weather conditions on the initially proposed date proved unfavourable to a representative simulation. The residents at 501 Glebe Point Road were generous in their time and in making available their apartments for testing during the noise simulation.

The noise simulation was conducted on 9 April 2011 between approximately 15:15 and 16:30. The summary of those tests is contained in the report of Benbow Environmental, a copy of which is set out in **Appendix E**. This resulted in the proponent agreeing to only one outdoor performance at any time. Background levels were also measured for the residences most likely to be affected by the development which enabled project specific noise levels to be determined (discussed in **Appendix F**), assisted in devising

restrictions on operating hours (set out in section 2.2.3) and made suggestions for other noise limiting factors to be covered in a Noise Management Plan. The main submission not conceded by the proponent is the request by residents not to have any outdoor amplified music.

2.2.1 Noise level limits

Issue

The submissions identified that past experience has shown that noise from the Site particularly from bands has produced unacceptable noise levels for residents across the water in Glebe Point. Noise limits, most particularly by restrictions on the presence of outdoor amplified bands, are necessary.

Response

On Saturday 9 April 2011 noise tests were conducted from the Site with a rock band comprising drums, bass guitar, electric guitar and vocals, and a jazz band comprising drums, keyboards, double bass and vocals. Both bands were amplified and played on the deck outside the current Liquidity building. The speakers were facing towards the Liquidity building which is glass fronted, with a subwoofer for the rock band and the speaker for the double bass in the jazz band facing towards the water. The residential community who made submissions were invited to attend either on the Site or at their dwellings in Glebe where noise measurements were taken. One resident attended at the Site to oversee the conduct of the tests. Both bands played at the same time for the majority of the test period held between approximately 3.15pm and 4.30pm.

Benbow Environmental took noise measurements at various residences in Glebe. The results of those tests indicated that external live music at the venue must be controlled otherwise it is possible that noise from the music will exceed the required criteria by 10-15 dBA. The results are set out in the report in **Appendix E**.

During the course of the tests and in some submissions, requests were made that up to date background noise levels be obtained for the most affected residences at 501 Glebe Point Road. Background levels were taken and facilitated setting of project specific noise level limits for the marina development. A discussion of those results and levels is contained in Benbow Environmental's report in **Appendix F**.

The project specific noise levels are summarised as:

Daytime:	60dB(A)
Evening:	50dB(A)
Nighttime:	45db(A)

Figures 1 and 2 illustrate the situation of the bands during the noise simulation.



Figure 1 Jazz Band playing at Superyacht Marina Site 9 April 2011



Figure 2 Rock Band playing at Superyacht Marina Site 9 April 2011

2.2.2 Number of and hours of external live music on Site

Issue

Some of the submissions sought no outdoor amplified music or a reduced number of bands, some sought no outdoor music at all, and some sought restrictions on the number of days and hours of outdoor amplified music. There was also a request that speakers be turned towards the building facing in a northerly direction.

Response

The noise simulation tests which made apparent the need for controls on outdoor noise to enable compliance with the appropriate noise criteria. The proponent proposes restrictions to only one external live music performance on the Site at any one time. That performance is to be sited in association with the ancillary restaurants, cafes, takeaways and bars.

External live music is to be restricted to playing at ground level only between 11:00 hours to 20:00 hours and between 9:00 hours to 20:00 hours on special event days. Special event days are Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Australia Day plus five additional days per calendar year provided 21 days' notice is provided to the Department of Planning & Infrastructure and NSW Maritime.

Arrangements for external live music must be made by subtenants in consultation with the facility manager. A requirement would be that all speakers and amplifiers must not face towards the water. It is anticipated that the most likely days (other than special event days) on which external live music would play, would be on weekends.

2.2.3 Operating hours for the Project

Issue

Concern about operating hours mostly arose from anticipated noise from people attending the restaurants and the function centre proposed under the EA during the evening and night and a desire to have operating hours limited so that noise did not keep the residents awake at late hours. Concern included the noise of conversations from the outdoor areas such as the decks and balconies and requests that access to the balconies be restricted after certain hours, or that the balconies be enclosed.

Response

The proponent recognises the concerns held by the community in particular and has reconsidered the hours of operation proposed in the EA. The marina operations are available to the superyacht marina users on a 24 hour basis, although most activity is likely to occur during daylight hours. The current consent for Liquidity has operating hours of 8:00am to midnight Monday to Sunday. The EA proposed cafes, restaurant, function centre and licensed facilities to have an extension of hours to 2:00am.

Following receipt of submissions the proponent has indicated that the proposed hours for the businesses on the Site are those set out in **Table 6**.

Table 6 – Proposed hours of operation

Activity	Day	Time
Marine chandlery & retail outlets	Monday – Friday	7:00am to 7:00pm
	Saturday -Sunday	7:00am to 8:00pm
Café / restaurant / takeaway/ bars	Sunday – Wednesday	7:00am to 11:00pm
	Thursday – Saturday	7:00am to 12:00am
Yacht Club	Monday - Sunday (7 days)	7:00am to 12:00am
Marina facilities, commercial	Monday to Sunday	24 hours

Further, the proponent has indicated that, notwithstanding the hours mentioned in Table 2, the use of the outdoor seating areas would only be permitted in conjunction with the adjoining yacht club, restaurant/café/bar premises. The use of these areas is limited to 7.00am - 10.00pm on any day, and after 10.00pm all windows and doors from these tenancies are to be kept closed, except when needed for ingress/egress. Additionally, all premises playing indoor music will be required to close all doors and windows after 20:00.

In response to the request that balconies be enclosed, the proponent will consider during the final design drawing stage, various provisions to restrict access to the balconies for the purposes of limiting the noise which could escape and impact on the amenity of the residents across Rozelle Bay. Those provisions may include:

- partially glazed balconies higher than a normal balustrade of 1.2m;
- restrictions on hours when people are allowed to use the balconies;
- partitioning the balconies to reduce the number of people able to congregate on the balconies.

It is proposed that the doors to the balconies for the yacht club will be spring loaded, self-closing and incorporate air locks to assist in preventing the escape of sound from the indoor tenancies. The western balcony on the western building will be enclosed. Noise limits for the Site (identified in section 2.2.1) would be a condition of consent of any approval.

2.2.4 Building Insulation

Issue

Objectors sought that the building be insulated to ensure that noise (particularly music) from inside the buildings did not escape.

Response

The final building plans will be designed so that the glazed areas of the proposed buildings facing Rozelle Bay will contain the appropriate STC rating of glazing together with acoustic seals. This may include the use of sealed double glazed windows and glazed doors. Doors onto balconies for the yacht club will be self-closing and incorporate air locks to ameliorate potential break out sound from indoor uses. It is noted that the western building has a walkway on the opposite side to the Bay where clients, tenants, staff and guests can go outside.

The whole building fabric will be designed to achieve the acoustic performance established under the NSW Industrial Noise Policy and to prevent noise leakage when openings are sealed. At the final design stage prior to the request for a construction certificate the buildings' materials and design will be carefully considered so as to ensure that the Industrial Noise Policy criteria can be met.

There are possibilities to further reduce the escape of noise by including glass screens at 1.5m-1.8m high on the balconies. The balconies are already articulated to reduce the number of people congregating on them and if necessary, further measures to limit movement between the articulated sections can be incorporated. The final designs of the balcony self-closing doors noise reduction proposals will be included in the detailed fit out drawings.

2.2.5 Loading and unloading

Issue

NSW Maritime sought confirmation that loading and unloading of vehicles other than fuel tankers and delivery to berthed vessels be at the rear of buildings and that out of hours deliveries on the foreshore should be limited to reduce acoustic impacts. Leichhardt Municipal Council indicated that noise generated by services such as garbage collection should be included in the noise assessment.

Response

The loading and unloading on the foreshore will be limited to direct servicing and provisioning of the superyachts, deliveries by large trucks such as fuel tankers and garbage collection for the marina. Because of the infrequent nature of these deliveries it is anticipated that noise will be either masked by the traffic or will be well within the requirements of the Industrial Noise Policy.

The proponent agrees that deliveries other than fuel tankers, direct servicing of the superyachts and garbage collection from the marina (not the buildings) will occur to the rear of the buildings and will form part of the Traffic Management Plan to be undertaken as part of the OEMP.

2.2.6 Concerns about the methodology used in the noise assessment

Issue

Some submitters were concerned about perceived inadequacies to the noise assessment in the EA. The main concerns were in relation to:

- A failure to update and apply background levels at site R5, being outside the nearest residences at 501 Glebe Point Road, despite changes in land use since they were undertaken.
- No adjustment for noise that is tonal, impulsive or intermittent in character
- The wind speed used is 3m/s not 4.35m per second shown in the rose plots in the noise report.
- It is unclear whether reflection off the water has been included in the noise assessment.
- Some of the assumptions made during the EA noise simulation are not justified, such as the band dBA level, no sound spectrum being indicated.
- The “horn” shape of the restaurant structure would result in increased noise levels.

- The Industrial Noise Policy criteria are inappropriate.

Response

Benbow Environmental has undertaken the noise assessment in accordance with requirements in DECCW's Industrial Noise Policy. Responses to the methodology issues are made by Benbow Environmental and attached to this report in **Appendix G**. Additionally background noise levels were measured, and the report concerning them is found in **Appendix F**.

2.2.7 Clustering of Licensed Premises increases noise levels

Issue

Leichhardt Municipal Council raised concern that the clustering of licensed premises and alcohol consumption on the Site had the potential to increase noise levels, particularly as patrons left the Site.

Response

A Community Liaison Group is to be established whereby problems associated with any such noise can be raised and solutions found. Noise limits would be conditioned for the Site and would include noise arising from all sources from the Site, not just music and the Noise Management Plan proposed as part of the OEMP would require a program of monitoring and contingency measures if off-site impacts occur.

2.3 Community Consultation

2.3.1 Inadequacy of consultation

Issue

The principal concern arising under this subject was that there was little consultation prior to the lodging of the EA, and that what was done was not advertised in the area likely to be most affected by the development (ie Glebe Point). Further the consultation which was undertaken by the proponent on 28 February 2011 during the formal exhibition with members of the Glebe Point Community was insufficient.

Response

Community consultation including a website and display on Site occurred between 19 May 2010 and September 2010. A community information day was held on Site on 5 June 2010 and notification of these events was advertised in the Inner West Courier on 20 May 2010 and 1 June 2010, the Cumberland Newspaper which is most widely distributed in the surrounding area. As detailed in section 1.7 and Appendix N of the EA, notification of the community consultation was provided to Authorities, including the then State Member of Parliament Verity Firth. Eighty three comments were received on the proposal as a result of the community consultation, as detailed in the EA.

On 28 February 2011 a meeting was held with the residential community of Glebe and a series of commitments were made regarding operation of the Site, most particularly in relation to potential noise issues. On Saturday 9 April 2011 noise tests were conducted at various residential sites in Glebe as detailed in section 2.2 above.

The Director General's requirements required the proponent to "undertake an appropriate and justified level of consultation in accordance with the Department's *Major Project Community Consultation Guidelines October 2007*." Those provisions indicate that for consultation to be "adequate and appropriate", the extent to which a proponent consults the community and stakeholders when preparing the environmental assessment for a major project or concept plan application will be determined by:

- The nature of the proposal and the extent of its likely environmental, social and economic impacts
- The level of consultation required in the DGRs
- Consultation that occurred prior to making an application to the Minister for approval of a major project or concept plan
- Whether the nature of the development will require on-going consultation once the project is constructed and has commenced operation. Where consultation is appropriate during the operational stages, the Minister may require long-term community engagement as a condition of approval.

The guideline provisions and the method with which consultation was conducted are set out in **Table 7**.

Table 7 Consultation guideline provisions

Guideline provisions	Actions taken by the Proponent
<p>That it be demonstrated that those individuals and organisations likely to have an interest in the proposal had enough opportunity to express their views. These groups are</p> <ul style="list-style-type: none"> a. Those directly impacted eg residents b. Individuals and groups with an interest (eg local councils, MPs and community organisations) c. State and national interest organisations 	<ul style="list-style-type: none"> a. Notification in the Inner West Courier, notification to business operating at the Marina, and notification to businesses using James Craig Road as their access b. Notification to Leichhardt Council, White Bay Steering Committee, Verity Firth MP c. Notification to Leichhardt Council, NSW Maritime, Sydney Ports Corporations, Department of Planning, Minister and shadow Minister for Ports d. During exhibition, notification of the community meeting held on 28 February 2011 at Liquidity. Approximately 40 residents attended the meeting. Subsequent to the meeting copies of the commitments made by the directors were emailed to the Glebe Society and residents of 501 Glebe Point Road who provided their email address. e. Notification of the noise simulation tests were notified to 51 resident and community groups and communications continued during rescheduling and the provision of the results of the tests to the resident community.
<p>Information regarding the nature of the proposal had been accurately and widely distributed.</p>	<p>Distribution included letters advising of the display at the marina (for two and a half months), a website, advertisement of the community information day and display period and a public display at the marina</p>
<p>Community and stakeholder feedback was encouraged and recorded.</p>	<p>Feedback forms were encouraged during the display period in which 83 comments were received. Minutes of the commitments made in the meeting of 28 February 2011 were disseminated to the residents who attended and requested copies of those commitments.</p>
<p>Consultation with community and stakeholders was inclusive.</p>	<p>The display was open for a long period and the community day was not advertised or held on any holiday but over a weekend. The noise simulation tests were conducted on a weekend afternoon, enabling the greatest opportunity for residents to be present</p>

2.3.2 Future community consultation

Issue

Reflecting the difficulties with poor communication with previous operators of the Liquidity Restaurant, the community desires an ongoing Community Liaison Group, including access to a 24 hour telephone contact to enable complaints to be made and action to be taken immediately if unacceptable noise arises, particularly during the night periods.

Response

At the public meeting on 28 February 2011 with many residents of Glebe and members of the Glebe Society the proponents made a commitment to establish a Community Liaison Group and other matters set out in the document at **Appendix D**. That group will include representatives from the marina, NSW Maritime and the affected community. The proponent has further made a commitment in the Statement of Commitments to prepare a noise management plan for the construction and operational phases of the development, including addressing band management, restrictions, and compliance and complaint procedures during the operational phase.

Prior to the commencement of construction of the Project the proponent will provide:

- a 24-hour, toll free telephone number on which complaints about the Project may be registered;
- a postal address to which written complaints may be sent; and
- an email address to which electronic complaints may be transmitted.

These details would be published in a newspaper circulating in the local area prior to the commencement of construction.

2.4 Traffic

Some residents' submissions raised potential problems with increased traffic congestion particularly when combined with other developments proposed in the area, particularly the White Bay Cruise Passenger Terminal but also Harold Park Paceway and the dry boat storage. The City of Sydney, Leichhardt Municipal Council and the RTA raised traffic congestion as of concern together with bicycle access and green travel.

2.4.1 Cumulative Traffic Report

Issue

With the number of substantial new developments in the area it is suggested by Leichhardt Municipal Council (and backed by the RTA) that there needs to be a cumulative traffic study incorporating Harold Park Paceway, the Balmain Leagues development, the White Bay Cruise Passenger Terminal (including in event mode) and the Sydney Superyacht Marina. The Council states that the marina development ought to be placed on hold until suitable figures from the Balmain Leagues development and Harold Park Paceway are available to enable such a large study to be undertaken and completed. There are associated concerns about the James Craig Road /City West Link and James Craig Road /Roberts Road intersection.

Response

The proposed Balmain Leagues Club development received Director General's requirements on 5 April 2011. The proposed site includes:

- 200+ strata units (Residential 30,000 m²)
- Retail 20,000 m²
- Commercial 7,500 m²
- Club 3,500 m²

This is a significantly larger development than the proposed superyacht marina development with a developed floorspace of approximately 61,000m², nearly 10 times larger than the proposed marina development of approximately 6,440 m².

The Director General's requirements for the Balmain Leagues Club development include significant traffic studies to be carried out in the environmental assessment, including trip estimates, analysis of impacts on bus services, analysis of private vehicle and bus impacts on local intersections, including the cumulative impacts from the

White Bay Cruise Passenger Terminal and Carrier site and traffic modelling for many intersections in the vicinity including the City West Link/The Crescent and The Crescent/James Craig Road. These conditions probably reflect that traffic concerns were one of the major reasons for the proposals' refusal by the Joint Regional Planning Panel in July 2010. Traffic figures for the revised Balmain Leagues Club redevelopment are not yet available, but if the superyacht marina development is approved, presumably the Balmain Leagues Club traffic study will take into account the relatively minor impact of the superyacht marina development.

The approval of the White Bay Cruise Passenger Terminal was made conditional upon that development upgrading traffic intersections and making other traffic alterations in the area to accommodate the traffic anticipated to arise from that development.

The superyacht marina development reflects the implementation of development which was approved as part of the Master Plan some years ago. The recent advent of the Harold Park Paceway development was something which the RTA would have been consulted on (by the Department of Planning) and it would have been incumbent on the Harold Park developer to consider the Master Plan approval for Rozelle Bay. It is not realistic or appropriate to invalidate a Master Plan approval because some subsequent development proposals have been put forward in the area.

The relative projected traffic generations of the approved developments are as follows:

Table 8a – Projected traffic generations from approved developments not included in the Master Plan traffic study

	AM	PM	WEMD
Harold Park	461	692	754
Cruise Terminal	440	270	Not stated (say 200)
Total	901	962	954
Superyacht Marina	39 (4.3%)	40 (4.2%)	54 (5.7%)

If the figures for the dry boat storage are included in this equation (although it is considered that this, as with the superyacht redevelopment, has already been taken into consideration as part of the Master Plan approval) the figures from the above table are amended to read:

Table 8b – Addition to table 8a if the dry boat storage anticipated traffic is included

Dry Boat Storage	130	125	65
Total	1031	1087	1091
Superyacht Marina	39 (3.8%)	40 (3.7%)	54 (4.9%)

Thus, of the four developments concerned, the three developments which generate between 95-96% of the traffic have been already approved. However it is suggested by the Council that approval of the fourth development which will only generate 3.7-4.9% of the total increase in traffic should be deferred pending a very intensive, lengthy and expensive traffic modelling exercise. There are no details of the Balmain Leagues Club development which could be inserted into these tables as yet.

If the RTA thought that there was a need for a cumulative traffic study one assumes it would have been initiated in response to the Harold Park Paceway or White Bay Cruise Passenger Terminal proposals which have far greater traffic implications than the proposed redevelopment of the superyacht marina. The superyacht marina development (as with the dry boat development) already had their potential traffic implications taken into account when drafting the existing Master Plan.

The intersections of James Craig Road with the City-West Link and with Roberts Road have been addressed by the requirement to upgrade these intersections within the White Bay Cruise Passenger Terminal – presumably to the satisfaction of the RTA which requested the upgrade in their submission on that project. The traffic report for that project indicates that with intersection upgrades the James Craig Road/The Crescent intersection will remain at a Level of Service of C (or D if there is no filtered right hand movement)¹. It is noted that Sydney Ports Corporation has made no submission in respect of the proposal.

2.4.2 Appropriateness of traffic study

Issue

Leichhardt Municipal Council indicated that the ability to have a flexible floor plan allowed for the opportunity to unite spaces for a single large entertainment venue with different travel demands than covered in the EA. Further if there was a change in the mixed use, a new traffic and transport study would be required.

Response

The assessment has full regard for the available floor area. The peak usage times of the restaurant and yacht club areas are unlikely to be at or even near the peak traffic times on the road system.

¹ Halcrow 2010 Proposed White Bay Cruise Passenger Terminal Transport Report
[https://majorprojects.affinitylive.com/public/0aef884d2bd920c806813edacf0cebc/02%20Environmental%20Assessment%20App%20F1%20\(Transport\).pdf](https://majorprojects.affinitylive.com/public/0aef884d2bd920c806813edacf0cebc/02%20Environmental%20Assessment%20App%20F1%20(Transport).pdf) page 28

2.4.3 Loading and unloading and service vehicles

Issue

There is a request that loading and unloading be generally at the rear of the buildings and generally that delivery times are either during operating hours or outside peak traffic times. The City of Sydney has indicated that the traffic report does not appear to have taken service vehicles into account.

Response

It is agreed that in general deliveries will be to the rear of the buildings subject to the delivery of goods to the superyachts and from large trucks which require access to the foreshore.

The assessment for service vehicles in relation to the development is contained in Section 6 and Appendix D of the traffic report accompanying the EA. The additional vehicle movements (over and above existing) from service vehicles will be very minimal and infrequent. These movements will be quite imperceptible and will have no impact on access road/intersection capacity. It is impractical to constrain delivery times to outside peak hours which would suggest Clearway hours of 6-10am and 3-7pm. It is noted that the City of Sydney does not have a policy of restricting delivery times in the City. NSW Maritime's request for minimal foreshore deliveries outside operating hours is for the purposes of reducing acoustic impacts on the Glebe Point residents. Garbage and fuel collections and deliveries generally occur at night or in the early morning hours but their frequency are likely to be low.

2.4.4 Service Vehicles

Issue

Leichhardt Council noted that permanent car parks on water's edge should be avoided and temporary parking arrangements for servicing and passenger drop should be made so as not to restrict public enjoyment of the location. The City of Sydney stated that service vehicles using visitor parking may force visitors to on-street car parking.

Response

The majority of the car parks (15 of the 20) on the waters' edge are in front of the NSW Maritime car park and NSW Maritime building. There is no pedestrian access through the Site onto NSW Maritime land which will likely reduce the public's desire to access

this part of the Site. Additionally, these are in the area where the proposed pennant crane will service the small tender boats associated with the marina.

Passenger drop off is at the rear of the Site between the two buildings as is the majority of service parking.

The Site identifies loading bays behind both buildings which total 9 (six tandem car parks and 3 behind the western building). The RTA's Guide to Traffic Management identifies delivery and service vehicle parking for sites of less than 20,000m² as set out in **Table 9**.

Table 9 RTA Requirements for service parking

	RTA requirements	Estimated SSYM space (from Table 11)	No. service bays Required
Commercial	1/4000m ²	1526	0.5
Shops & Restaurants	1/400m ²	2417	6.0
Other	1/2000m ²	1982	1
Total		5925	7.5

The parking figures established by the traffic report and reconsidered in section 2.4.5 below are derived from Leichhardt Council's DCP which use floor space as a determinate of parking requirements. This includes parking for staff and visitors to the Site. There should be no specific reason why vehicles servicing the Site would necessarily require other visitors to park off-site.

2.4.5 Car Parking

Issue

Transport NSW stated that the proponents needed to demonstrate a minimal approach to car parking particularly considering the stage 1 consultation of the Bays Precinct. Car parking should comply with Australian standards.

Response

Leichhardt Municipal Council's DCP specifies a minimum and maximum provision for various uses. Calculations have been conducted using the percentage areas set out in **Table 3**. Whilst this only leaves 8% of the GFA as common area, a percentage which is likely to be exceeded, the percentages do represent a basis upon which an estimate can be calculated. The GFA of the Site is 6440m². **Table 10** sets out the DCP requirements, and the car parking numbers arising from it.

In calculating these figures, it is assumed that as the restaurant/cafes/bars and takeaways are ancillary development to the main marina development, to include figures for parking for those ancillary uses would be to require car spaces for the same vehicles twice.

Table 10 Car Park Calculations using Leichhardt DCP

Land Use	SSYM m2	DCP Staff Max	SSYM Staff Max	DCP Staff Min	SSYM Staff Min	DCP Visitor Max / 100m2 GFA	SSYM Visitor Max	DCP Visitor Min / 100m2 GFA	SSYM Visitor Min
Clubs	1932								
Lounge & Bar	367					10	36.7	5	18.4
Dining/ auditorium	1565					8	124.8	4	62.6
Commercial & Retail	2877¹					3	86.3	1.5	43.2
Workshop	50					2	1	1	0.5
Restaurant									
Indoor	100 ²					10	10	5	5
Outdoor	90 ³					5	5	2.5	2.5
Staff ⁴	45	0.55	24.8	0.44	19.8				
Total			24.8		19.8		263.8		132.2

Notes

1. 2877m2 is derived by 2576 (40% GFA Marine) – 50m2 (workshop) + 351 (estimate of provided / retail space within the 7% GFA)
2. 100m2 is derived as an estimate of the seafood restaurant space within the 7% provided GFA
3. 90m2 represents half the outdoor space on the deck of the western building outside the provided section
4. Staff numbers are calculated under the DCP as 0.55 and 0.44 spaces per staff employed. The figure of 45 is taken from the table used to ascertain bike numbers in Table 11 of the PPR. Whilst visitors will be ancillary and hence numbers are not included, the staff will be included because their sole reason for being on Site is to work at the restaurants/bars/cafes/takeaways.

Hence the total number of car parks required under the DCP is the sum of staff and visitor parking, being 289 Maximum and 152 minimum.

It is noted that generally the yacht clubs' highest patronage will be in the evenings and the weekends when the commercial and retail uses are likely to be lightly occupied.

The consent for the water based section of the marina requires 24 car parks in addition to the number calculated above, ie a total number of 313 maximum and 176 minimum. The total number of car parks on the Site is 187 including 3 accessible spaces (plus 9 loading parking spaces), hence the development complies with the minimum car parking requirements of the DCP.

Consideration of the Bays Precinct is made in section 2.6.2. Car parking standards will comply with AS2890.1-2004.

2.4.6 Car Park Lifts and Circulation

Issue

The RTA and the Department have expressed some concern that provision for only 2 car park lifts may be insufficient. The Department also sought greater detail about the operation of the lifts, circulation, loading bays and disabled bays.

Response

The proponent will include a third car park lift in the plans for the car park. A revised plan showing the car park and including the circulation plans is shown in **Appendix A**. The car park lifts being considered for the Site have a unidirectional average throughput of 65 vehicles per hour with a lifting speed of approximately 1 metre/second.

The lift cars will have a critical radiant heat flux not less than 2.2 and a maximum smoke development rate of 750 % minutes. The stairways of the car park are discussed in the Building Code of Australia Capability Assessment of Brentnall Technical Solutions attached to this report as **Appendix C**. They will achieve BCA compliance.

To further alleviate the concerns regarding ingress and egress to the car park, the proponent has proposed a single lane ramp to be included on the northern side of the car park which will provide access to each of the levels. It will be identified as a downwards only ramp, most specifically to assist in the rapid vacation of the car park. If it becomes possible to alter direction of the one way flow during the course of a day depending upon anticipated inflow and egress, a traffic management plan could be drafted to consider such an option.

The car park has increased in size because of the inclusion of the ramp. In the EA each level was denoted as of 923 m². This figure has now risen to 1115m². The setback from the northern boundary remains the same. This has changed the site coverage which is now calculated as: Ground Eastern 1650 + Level 1 western 1565 + 1115m² car park = 4330m². The Site area is 11,640m², hence Site coverage is 0.37:1, still below the required 0.5:1 under the Master Plan. Id deck space of 1000m² is added site coverage is 0.46:1.

The inclusion of a third lift and the access ramp has required an amendment to the circulation and this is shown in the plans at **Appendix A**. The circulation changes retain the queuing of cars for the lifts within the Site rather than along Maritime Close. Exit from

the upper levels of the car park will be directly into the access on the eastern side of the Site onto Maritime Close.

It is proposed that three accessible car spaces will be provided at ground level outside the entrance to the car park, allowing easy access to the buildings. These are of a size in accordance with AS2890.6:2009. Three loading bays have been provided to the rear of the western building and another six tandem loading bays have been provided to the rear of the eastern building.

The Proponent will draft a traffic plan for approval by the Department as part of the OEMP to include such matters as management during peak parking periods, staff parking, and the possibility of valet parking. It is anticipated that such provisions will include demand management strategy involving shuttle buses to the city and valet parking for any function events which may be held at the Yacht Club. It is also anticipated that staff parking, could be located on the top level of the car park.

It is proposed to install electronic displays such as those found in shopping centre car parks to notify visitors of where vacant spaces can be found. Further, if there are no car parks free on an upper level, the lifts will be programmed not to stop on that level when a car is entering the car park.

2.4.7 Public transport and taxi demand

Issue

Leichhardt Municipal Council has questioned whether the locally available public transport will actually be used by the marina users, given the user characteristics, hours of operation and transport availability. They have suggested a taxi demand survey be conducted with sufficient set down and pick up locations set out in the plans.

Response

There are frequent high capacity/high frequency bus services available in the vicinity and taxis will also represent part of the mode share for public transport. Whilst it is possible that the superyacht guests are unlikely to make use of public transport because of the quantity of goods usually brought on board for a trip – clothes, food, fishing gear etc., this does not mean that other users of the Site will not use the available public transport.

Visitors to the Site may take advantage of:

- the light rail (approximately 800 metres from the Site) which operates until past midnight on Friday and Saturday nights and to about 11pm other nights; and

- the bus services which generally operate from approximately 5am to midnight (or 3am in some circumstances).

The extension of the light rail to Dulwich Hill will only increase the likelihood that locals will make use of the public transport available to them.

It is not understood what purpose a 'taxi demand study' would serve. The proposed development is a relatively small venue when considered in relation to other venues in the metropolitan area. The periods of peak activity will be limited to a few hours in a few days of the week and in such circumstances:

- There would not be a need or any point in allocating a taxi rank;
- Modern communications enable taxis to be 'called' as required;
- Taxis delivering passengers will invariably depart to the City or Darling Harbour where there is a much higher demand particularly at night.

2.4.8 Cycle parking and end of trip facilities

Issue

The City of Sydney has recommended a review of the level of cycle parking under the NSW Planning Guidelines for Walking and Cycling² to ensure parking and end of trip facilities are adequate.

Response

These guidelines were drawn up in 2004 by DIPNR and the RTA. The relevant provisions are set out in section 7.6 of the document, particularly table 1. In general the guidelines suggest that approximately 3-5% of journey to work trips, and 5-10% of recreation and entertainment trips should be provided for, in cycle facilities with numbers of facilities calculated using employee and visitor numbers rather than floor space. **Table 11** below considers these rates but there are a number of provisos to the calculations set out in that table:

- Whilst using number of employees or visitors may be a useful guide for an existing use where numbers are reasonably certain, for a proposed use such as this development, any estimate can only reflect the estimated floor space to be set aside for any particular use. This is the method by which the bicycle numbers were determined under the Leichhardt DCP.

² http://www.planning.nsw.gov.au/plansforaction/pdf/guide_pages.pdf

- The number of car parks provided on Site is also determined by the estimated floor space given over to each particular use.
- The number of estimated employees at the Site made in the EA is approximately 50, not the figure derived from the figures set out in **Table 11**.
- Visitors to the Site will be spread out over many hours due to the mixed usage on Site. It would be unlikely that the Site will be required to cater for each visitor at the same time, hence the calculated totals are likely to give a greater number of required facilities than will be necessary.
- Many assumptions are required to be made for this table which are detailed further in footnotes to the table.

Table 11 Estimated staff and visitor numbers and cycle spots under NSW Planning Guidelines for Walking & Cycling

Land use type	Staff %	No. staff at SSYM	No. required spaces	Customer /visitor %	No. estimated	No. required spaces	Total No. required
Commercial & retail	3-5%	73.7+59.3 =133 ¹	3.99-6.65	5-10%	174 ⁴	8.7-17.4	12.69-24.05
Café restaurant	3-5%	44.6 ¹	1.34-2.23	3-5% seating capacity	426 ²	12.78-21.3	14.1-23.5
Licensed clubs	3-5%	26.1 ¹	0.78-1.31	3-5% seating capacity	699 ³	20.97-34.95	21.75-36.26
Industry/workshop	3-5%	1 ¹	0.03-0.05	5-10%	5	0.25-0.5	0.28-0.55
TOTAL		204.9	6.14-10.24		1304	42.7-74.15	48.84-84.39

Notes re Table 11

1. Figures for estimated employees are taken from the *2001 Floor Space and Employment Survey City of Sydney Local Government Area Summary Report* http://www.cityofsydney.nsw.gov.au/AboutSydney/documents/cityresearch/catz_dite_floorspace_survey.pdf . Those figures (derived from page 33) indicate the following estimate of employees:

Use	Survey average m ² /person	m ² in proposal	Estimate employees no.
Office/Commercial	20.7	2576-50-1000=1526	73.7
Shop/showroom	22.8	351+1000=1351	59.3
Restaurant/Eating	23.9	966+100=1066	44.6
Industrial	40.99	50	1.2
Entertainment/Leisure	74.1	1932	26.1
TOTAL			204.9

2. Estimates of visitors to restaurants are determined by assuming 60% of the space has tables (40% for kitchen/storage). At an estimate of 1.5m² per diner, and restaurant space at 1066m² (60% of 1066=639.6) an estimate of 426 seats can be made for restaurants.
3. Estimates of visitors to the yacht club are determined by assuming of the 1932m², 1565m² is for dining/auditorium 200m² is for lounge and 167m² is for bar. Of the dining/auditorium component it is assumed 60% of the space has tables (40% for kitchen/storage). At an estimate of 1.5m² per diner and dining/auditorium space at 1565m², an estimate of 626 visitors can be made. Estimate of the seating capacity of the lounge/bar area of 367m² for the yacht club is estimated at 3m² per person over 60% of the area (ie 367x60%/3=73.4). Total visitors for the yacht club therefore 626+73.4=699.
4. Estimates of visitors to retail and commercial are based on 1 visitor for every 4 commercial employees, (ie 18) and 8 visitors per each retail employee (ie 474). Because of the location, it is assumed that approximately 66% of the visitors to the retail stores would also visit a restaurant/café, so this number is reduced accordingly so retail visitors are 156, bringing the total visitors to 174.

Estimates of minimum bike numbers can also be derived from the Leichhardt DCP section A8.0. Those figures are calculated in **Table 12**.

Table 12 Bike Storage Numbers determined under Leichhardt DCP

Land Use	SSYM m2	DCP Min/100m2 GFA	Staff	SSYM Min	DCP Visitor Min/100m2 GFA	SSYM Visitor Min	No. SSYM Staff & Visitor
Clubs	1932						
Lounge & Bar	367						
Bar	167	4		6.68	4	6.68	
Lounge	200	1		2.00	1	2.00	
Dining/ auditorium	1565	0			0		
Commercial & Retail	2877¹						
Commercial	1526 ²	0.5		7.63	0.133	2.02	
Retail	1351 ³	0.3		4.05	0.2	2.70	
Workshop	50	0.1		0.05			
Restaurant							
Indoor	639.6 ⁴	4		44.18	2 spaces -	2	
Outdoor	465 ⁴ = 1104.6				no area calculations		
Total				64.59		15.4	
Total							80

Notes re Table 12

1. 2877m² is derived by 2576 (40% GFA Marine) – 50m² (workshop) + 351 (estimate of provedore / retail space within the 7% GFA)

2. 1526m² Commercial is derived by 2576 (40% GFA marine) – 50m² (workshop) – 1000 (estimate of retail space in the marine GFA)
3. 1351m² Retail is derived by (451-100=351 being 7% providedore GFA less 100m² for seafood restaurant) + 1000 estimated retail from marine GFA
4. Restaurant spaces for staff bikes are 4/100m² of public area (40% of internal GFA is removed as not public). This is calculated as 60% of 1066 (internal GFA) + 465 outdoor space = and 2 spaces required for visitors irrespective of area

The number of bicycle parks set out in the plans for the development is 65. Under Leichhardt Council's DCP it is calculated that 80 bike spaces are required, however this includes statistics indicating that 44 bike spaces are required for the estimated 45 restaurant employees. A more sensible estimate is 10, bring the DCP bike calculations to 46. Calculations under the NSW Planning Guidelines for Walking and Cycling require between 49 and 85 bicycle spaces. The figure provided in the proposal is within this range.

The end trip facilities set out in the NSW Planning Guidelines for Walking and Cycling and Table 3 on page 48 sets out the suggested minimum locker, shower and change room facilities. **Table 13** below sets out the suggested figures for the 50 employees anticipated by Sydney Superyacht Marina in the EA, and the estimated number of employees derived from note 1 to Table 11 (being 205).

Table 13 End trip facilities for cyclists required by NSW Planning Guidelines

Staff	Lockers	Showers	Changerooms
50-149	1 per 3 racks	4(2 male, 2 female)	2 (1 male, 1 female)
150-299	1 per 3 racks	6 (3 male, 3 female)	2 (1 male, 1 female)

The proponent intends to include a variety of end of trip facilities on the Site, including showers, change rooms and lockers, but the exact location of these will be finalised when floor plans for the construction are completed. It is anticipated that a considerable number of cyclists visiting the Site would be recreational cyclists who do not generally need to shower in the middle of their recreational trip. It is proposed to have cycles available to visiting crew from the superyachts to facilitate their movement around the local area.

2.4.9 Enhancement of public transport options and green travel plan

Issue

The City of Sydney has requested a green travel plan be adopted for employees and visitors. Transport NSW has also requested a work place travel plan and travel access

guide for employees and visitors. Transport NSW indicated a desire to see more details on the enhancement of access to public transport and active transport options, particularly in relation to the Master Plan provisions.

Response

A green travel plan and/or travel access and workplace travel plan can be included in the Traffic Management Plan as part of the OEMP and included on the website of the marina for the assistance of visitors. Tenants of the marina Site can be encouraged to include that information on their websites.

As indicated in section 2.4.8 cycle parking and end of trip facilities are included in the proposal. Directions and signposting to the nearest bus stops and light rail station can be installed at relevant places at the buildings and on the website. Figure 4.1 in the EA sets out very clearly the connecting routes in the area for cycle and walking paths into which the proposal will feed. The Master Plan provisions are set out in section 2.5 of that document many of which relate to the whole precinct and not specific sites. As the proponent is a lessee of only one of many Sites within the precinct its ability to fundamentally affect green travel options throughout the precinct are limited. Arrangements for modified internal movement with access points, parking, loading zones, road connections and car parking are set out in plan DA05B in **Appendix A**. Other details will be set out in the Traffic Management Plan forming part of the OEMP.

2.5 Public Access to the foreshore

In the EA it was proposed that the public access to the foreshore would be closed after operating hours to help provide for the security of the valuable superyacht assets. Whilst not of particular concern to the general community, Leichhardt Municipal Council and the City of Sydney did support 24 hour foreshore access set out in the Master Plan, calling for alternative security asset provisions to be made. Leichhardt Municipal Council indicated that a key element of the proposal should be to enhance the public domain by increasing pedestrian thoroughfares and the walkability of local neighbourhoods, including disabled access, in an unbroken promenade along the shores of Rozelle Bay.

2.5.1 Need for continuous 24 hour access to foreshore

Issue

The Master Plan establishes a 24 hour public access easement around the eastern building boundaries, including the foreshore. Closing access during the night-time will be a privatisation of the foreshore. Closure for the purposes of craning boats or customs should be very limited in time.

Response

Following the receipt of submissions, the proponent will make alternative arrangements for security of the assets possibly by pontoon gates and bollards. This will enable access to continue along the foreshore at all times other than any short periods when customs require closure or for safety reasons when the pennant crane is in use. However the proponent requires the ability to review those arrangements in conjunction with NSW Maritime and Leichhardt Municipal Council if security problems arise in the future. The proposal includes the possibility of dormitory accommodation for marina staff to help overcome security concerns arising from 24 hour access to the foreshore.

24 hour access meets the desire of Leichhardt Municipal Council to increase pedestrian promenades and enables as far as possible, (given that the proponent does not control the adjoining land), the unbroken promenade along the foreshore of Rozelle Bay.

2.5.2 Future pedestrian and cycle paths details

Issue

More details are requested for pedestrian and cycling access to and through the Site.

Response

Pedestrian paths have been provided through the Site as required by the Master Plan, including by way of the 24 hour access along the foreshore as detailed in 2.5.1 above. When the dry boat storage is constructed to the west of the Site the pedestrian linkages will be able to connect to those planned for the dry boat storage which continue along the foreshore and then take a path behind one of the buildings before turning along the line of James Craig Road. It is however noted that the Master Plan and the consent for the dry boat storage have foreshore access restrictions for forklift and operational purposes. The proponent has been advised that NSW Maritime will not give public access to their workboat marinas or workshop areas and that there are no plans to open the foreshore in front of the NSW Maritime building for public access.

The proposed cycle paths are shown in figure 4.1 of the EA showing a linkage to the existing cycle paths on James Craig Road near Anzac Bridge. The proponent is limited

in its ability to provide cycle routes accessing the Site because it does not own or occupy the adjoining properties.

It is not intended to have cycle ways linking through the Site across the foreshore, although cycling to and from the Site will be encouraged and is supported by the provision of 65 bike spaces and end of trip facilities. There will be provision for a cycle path into the Site along the public access easements at the sides of the buildings as required by figure 42 of the Master Plan, which the placement of the bicycle racks adjacent to these areas reflects. However given the open nature of access to the waterfront and the pedestrian promenade, and the fact that the waterfront wharf edge diagram in figure 40 of the Master Plan specifically makes no reference to a bicycle path along the waterfront, it is considered that encouraging cycling across the waterfront promenade could create the environment for accidents between pedestrians and cyclists. The cycle routes within the Site will be constructed in a manner which takes into account the relevant provisions of the Austroads guides³ and the RTA NSW Bicycle Guidelines. It is noted that provisions of Austroads Part 14: Bicycles has been superseded.

2.5.3 Negative Perceptions of views and water access

Issue

Leichhardt Municipal Council indicated that it anticipates that there will be a negative impact on the perceived visual amenity and pedestrian access to water views and access to water frontage.

Response

This is not an issue raised by the general public. The photo montages in the EA illustrate the relatively small impact that the proposed development will have visually. The buildings are below the skyline, with vegetation continuing to dominate that skyline between the surrounding large structures of the White Bay Power Station, silos and Anzac Bridge. The colour treatment suits the maritime area, and views of the buildings themselves will be interrupted by the moored superyachts. The broken façade will have significantly less impact than for instance, the existing NSW Maritime building.

Pedestrian access to water views and water frontage at the Site is currently limited and not actively encouraged, nor are there any obvious linkages to facilitate this. The

³ Austroads Ltd 2011 Cycling Aspects of Austroads Guides
<https://www.onlinepublications.austroads.com.au/items/AP-G88-11>

proposal opens up these views and access in a way which can be enjoyed by the public at large.

One submission raised concern about view impacts of berthed boats. This application does not include any changes to development on the water.

2.5.4 Pennant Crane

Issue

NSW Maritime has requested that the maximum size of the pennant crane on the foreshore be 5.1 metres from existing ground level with maximum hoisting capacity of 5000 kg.

Response

This is agreed.

2.6 Strategic Planning

These are issues raised almost solely by Leichhardt Municipal Council and the City of Sydney. Principally this issue demanded that any consideration of the proposal await the finalising of the new Bays Precinct Strategic Plan because the current Master Plan is either obsolete or has parts not agreed with by the councils.

2.6.1 The Master Plan is obsolete or not wholly supported

Issue

The City of Sydney and Leichhardt Municipal Council have indicated respectively that the current Master Plan is obsolete and that the objectives and detail of the Master Plan include aspects with which Leichhardt Municipal Council does not concur.

Response

Whilst the government has implemented the Bays Precinct review, such a review does not prevent the proponent being required to have regard to the Master Plan provisions, which remain operative and consideration of which is required by the Director

General's requirements. The community has placed great emphasis on the land use provisions of the Master Plan in its submissions as discussed in section 2.1.2.

2.6.2 The proposed Bays Precinct plan

Issue

The new planning process for the Bays Precinct began in March 2007 with the announcement by the Premier that a community reference panel would be established to provide input into future land use in the Bays Precinct. The Community Reference Group was established in June 2009 and the Stage 1 consultation process report was published in February 2011. That report⁴ makes no specific reference to the Site regarding future land use, with the only land use opportunity possibly applicable to the Site as being "acknowledge[s] Sydney as a global city". A series of planning principles derived from the Stage 1 consultation were also distilled.

Stage 2 of the engagement with the community, business and industry is currently underway until 31 May 2011. There is no indication on SHFA's website or that of the Bays Precinct, when the planning principles will be finalised for inclusion in a new Bays Master Plan, nor when that Master Plan will be approved.

Leichhardt Municipal Council and The City of Sydney (and one resident submission) have stated that consideration of the proposal should await the completion of the Bays Precinct revised plan.

Response

For the purposes of meeting the concerns of the Councils to take the new planning process into account, a response to those planning principles is set out below.

To be required to stop all development consideration in the Bays Precinct for the indeterminate period during which the new Bays Precinct Master Plan is to be drafted would result in a halt in development consideration for the past 4 years, and potentially another 18 months to 2 years. Such stagnation on development is unreasonable particularly in those sites within the Bays Precinct which are not the subject of active consideration by the Community Reference Groups (such as the Sydney Superyacht Marina Site).

Table 14 identifies the Planning Principles derived from the Stage 1 consultation and the way in which the proposed development meets those planning principles.

⁴ <http://www.shfa.nsw.gov.au/content/library/documents/49022BD6-093B-C524-999E54DA847A36CE.pdf>

Table 14 Planning Principles from Stage 1 Consultation for Bays Precinct

Planning Principle	The Proposal
The Foreshore	
Promote foreshore access throughout Bays Precinct	The proposal promotes foreshore access by the provision of the boardwalk, enabling linkages to the dry boat storage when developed. The proponent agrees to 24 hour access along the foreshore unless it requires closure in consultation with NSW Maritime and Leichhardt Municipal Council
Prioritise land uses based on their need for waterfront proximity	As a service and administration support network for superyachts, waterfront proximity is essential
Prioritise land uses based on their need for deep water berthing	Deep water access is required for superyachts. Some submissions from the public suggested superyachts be moved to Birkenhead Point, however that marina only services a small number of boats over 15m in length
Preserve passive maritime recreational opportunities	The development does not include any changes to the water based section of the marina hence the development will preserve passive recreational opportunities
Heritage	
Utilise existing heritage features as project driver	There are no existing heritage features on or adjacent to the Site
Conserve, interpret and adaptively reuse the precinct's heritage	Boards explaining the heritage of the precinct can be included as part of the public domain infrastructure
Traffic and Transport and Access	
Create an integrated traffic and transport and access plan to:	
<ul style="list-style-type: none"> • promote sustainable transport options 	Green travel plan for staff and put on the website public transport access routes
<ul style="list-style-type: none"> • connect, enhance and promote public transport options throughout the precinct 	as above.
<ul style="list-style-type: none"> • reduce car dependency 	The development has included less than the maximum number of car spaces provided for in Leichhardt Council's DCP parking provisions. 65 bike spaces are provided.
<ul style="list-style-type: none"> • enhance pedestrian and cycle connections 	Figure 4.1 of the EA shows the proposed linkages for pedestrians and cyclists to existing pathways
<ul style="list-style-type: none"> • investigate the provision of ferry services to White Bay, and in future, to Glebe Island 	Not applicable, although the possibility of a ferry service could be considered in future to the Site
<ul style="list-style-type: none"> • investigate light rail extension options to White Bay 	Not Applicable
Public Domain	
Emphasise the public domain through foreshore access and pedestrian streetscapes	The wide foreshore promenade enables access, including linkages to adjacent sites in future. The streetscape furniture proposed is that set out in the Master Plan.

Planning Principle	The Proposal
Recognise the waters of Sydney Harbour as a component of the public domain	The public promenade and ability for the public to use the facilities proposed on the Site recognises the public's right to access and enjoy the water vistas
Foster open space throughout the precinct for both passive and active uses	The Site does contain a wide open space for public use on the promenade. The Site is not zoned for open space/parkland.
Community and Culture	
Provide for new and existing communities	The proposed development increases the facilities for the existing superyacht marina customers. The provision of marine offices gives further outlets to the boating community in the area for services. The yacht club will help create a community based around the marina services and other retail, commercial and ancillary facilities to experience the pleasant surrounds of Rozelle Bay not currently accessible other than by open parklands
Foster social inclusion	Generally there will be no limit to those members of the public able to access the Site (other than as required by legislation relating to clubs and liquor outlets). It will appeal to the marine and general public alike.
Foster creative, incubator industries	The Site allows for a mixed use particularly for marine orientated industries, whilst enabling a variety of other industries to commence trading from the waterfront site
Contribute to Sydney's rich culture	The current use of the Site has little encouragement for those not related to the superyacht industry to visit. A greater variety of visitors to the Site is anticipated following development.
Design Excellence	
Urban design and built form should be sympathetic to the scale and character of surrounding areas while responding to the precinct's natural features (e.g. topography, views, headlands)	The Site is adjacent to the rectangular Maritime building and to the proposed dry boat storage facility. Both have flat roofs. The proposed buildings are of a lower height to the adjacent existing and proposed buildings and the height will not interrupt the profile of the land rising from Victoria Road and the Anzac Bridge. The montages in the EA indicate sympathetic treatment to views.
Design review principles should be entrenched in precinct redevelopment for both built form and public domain	The proposal has generally complied with the intent of the currently applying under the Master Plan. It is unknown what the proposed design review principles will be under any new Master Plan
Environmental Showcase	
Lead in environmental sustainability	Various provisions are outlined in the EA – rainwater & stormwater tanks, photovoltaic cells, use of recycled materials and recycling demolition waste, construction materials to be selected for environmentally responsible properties
Allow flexibility to adopt future gains in environmental technologies	As much as can be economically viable, such provision will be taken into account
Infrastructure	

Planning Principle	The Proposal
Recognise infrastructure needs and implement them before or during new development taking place	Requirements of Sydney Water, Energy Australia and Railcorp have been considered during planning and will be applied during construction
Economic Sustainability	
Complement and contribute to Sydney as a global city	The superyacht industry is a growing and important part of marine based economic inputs to Australian cities. The development will help to make Sydney an important destination for superyachts and help to promote Sydney as a global city
Public Interest	
Retain public ownership of Bays Precinct	Ownership of the Site will remain with NSW Maritime

2.6.3 Impact on nearby commercial centres

Issue

Leichhardt Municipal Council notes that the draft Inner West Subregional Strategy states that a wider range of employment uses must be able to illustrate that it will not negatively impact on any surrounding specialised or commercial centres, but can contribute to the further economic growth of those centres.

Response

The Site is identified as employment lands category 2 (land with potential to allow for a wider range of employment uses). Commercial uses in the area are centred around Darling Street in Balmain (1-2km from the Site within highly residential districts); Norton Street Leichhardt (approximately 3km distant); and Sydney Fish Markets (approximately 1-1.5km away across Anzac Bridge).

The surrounding suburbs are amongst the most densely populated in Sydney (as illustrated in figure 8 of the City of Cities Metropolitan Strategy 2005). It is highly unlikely that a mixed use site with an GFA of 6440m² will have a significant impact on the town centres of Balmain and Norton Street, Leichhardt which (by definition under the Metro Strategy) have a larger group of shops and services with an 800m radius and contain between 4,500 to 9,500 dwellings.

The proposition in the draft subregional strategy requiring no negative economic impact on nearby commercial lands is not supported by the objectives of the *Environmental Planning & Assessment Act 1979*. It is also counter to the provisions of the draft Competition SEPP placed on exhibition by the Department of Planning in July 2010. It should be noted that the subregional strategy is still in draft form.

2.6.4 Physical and Perceptual Linkages

Issue

Leichhardt Municipal Council has stated that the Site lacks physical and perceptual linkages to the surrounding urban fabric.

Response

The development seeks to improve the physical linkages by enhancing foreshore access and linking with the existing pedestrian and cycle routes in the area. It is also near bus and light rail opportunities. The Site's history is one of maritime industry with limited public access and the physical road pattern reflects that history. Many developments in the marine environment have sought to open an area previously considered to "lack physical and perceptual linkages" and yet these have proved successful. Examples in Sydney include Walsh Bay, Woolloomooloo Bay, Darling Harbour/King Street Wharf, and Birkenhead Point. Developments which may also be considered to lack linkages but which are being considered for development are the Sydney Fish Markets and Barangaroo. Whilst all these developments have detractors, their ability to overcome a lack of physical and perceptual linkages is illustrated.

2.7 Urban Design

2.7.1 Architectural design

Issue

A number of issues arose, although with no particular theme. Leichhardt Municipal Council raised two issues, firstly that it was inconsistent with clause 5.7 of the Sydney Harbour Foreshores and Waterways Area DCP by virtue of having a flat and not hipped or gabled roof and secondly that it is inconsistent with the landscape area 7 of the DCP. Council also stated that:

- The architectural design does not reflect fine grained character and diversity of waterside buildings in the area
- The architectural form does not reflect the heritage of Balmain, Mort Bay and Snails Bay

- The architectural treatment does not reflect a sense of place (similar buildings are found throughout the world in similar locations) or make a positive contribution to this particular place in its current social context

One submission from the Sydney Harbour Association sought simpler fenestration, one indicated that the scale of the development is inappropriate and a number sought that the balconies be enclosed for the purposes of reducing noise impact.

Response

The roofline reflects the adjoining flat NSW Maritime roof, and the proposed dry boat storage roofline. It is noted the recently approved White Bay Cruise Passenger terminal has a waved roofline, not a hipped or gabled one. The hipped and gabled form roofline clearly refers to the rooflines which are consistently seen on the finger wharfs at Walsh Bay, Woolloomooloo Bay, and Pyrmont Bay. There is very little evidence of such rooflines on the industrial and marine oriented buildings of the Balmain Peninsula, White, Rozelle and Blackwattle Bays.

Regarding the Landscape Character 7, it is clear from the maps and the discussion in the EA, that whilst this may be the geographically closest character landscape to the Site, it does not actually apply to it. Council has not indicated why it ought to apply and if it did, what in the proposed development is inconsistent with its terms.

The proposed buildings are not trying to recreate an historical architectural theme of maritime buildings. Between the cited areas of Snails Bay, Mort Bay and Balmain on the one hand and Rozelle Bay on the other there are considerable differences and to seek to transport the architectural heritage from the former to the latter is not justified given the following:

- there is a considerable geographical division (water, and the roads of the City West and Victoria Road)
- the highly industrialised maritime area of White Bay and Glebe Island buffer the mainly residential areas of Balmain from Rozelle Bay so that there is very little architectural linkage between the areas cited by the Council to the Site
- whilst some housing particularly in the Balmain and Glebe area is of a fine grained nature, the majority of industrial and maritime waterside buildings in the area are generally unarticulated and cannot be said to contribute to a sense of place which presumably in the Council's context, requires an architectural form best illustrated by the finger wharfs of Sydney Harbour.

Surrounding larger scale structures around the waterfront are reflected in the scale and modulation of the scheme. The scheme achieves 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 revitalised character of this precinct and its proposed mixed maritime uses.

The scale and tectonics of the scheme will be in contrast to the imposing large industrial forms behind and will be appropriate to the yachts in the foreground, when viewed from across Rozelle Bay. The sweeping curves and overhangs are also informed by superyacht nautical design themes. A contemporary expression does not mimic the past, but rather heralds the future dynamic maritime precinct anticipated in the Master Plan, just as the new residential Pavilions opposite on Glebe Point do not seek to copy from a bygone era.

The current social context to which reference is made is not specified by the Council, however the current context of the area could be described as an industrial run down, underutilised bay side location, with lower level employment, and almost no social interaction beyond the use of the area by workers at NSW Maritime, and workers and customers of the superyacht marina and the other marine based industries along the Bay. There is little interaction with residents either from Glebe Point or Balmain and Rozelle. With no distinctive architectural style (other than large industrial buildings and reasonably modern architectural apartment blocks on Glebe Point) evident in Rozelle, Blackwattle or White Bays it is difficult to discern what architectural treatment the Council suggests.

The request by the member of the public for simpler fenestration perhaps reflects the current marine buildings in the area. However the architectural design is to articulate the buildings so as not to present to the waterfront a large building effect. The scale of development largely fits within the building envelopes envisaged by the Master Plan, they will be lower than the approved buildings behind for the dry boat storage and fit well below the skyline created by Victoria Road.

Discussion about enclosing of balconies is made in section 2.2.3. The proponent proposes to have self-closing doors on the balcony exits to alleviate noise dispersal from inside the buildings. The most western balcony on the western building will be enclosed. Furthermore, if noise from the balconies becomes a problem, these issues can be brought to the attention of the Community Liaison Group and will also be subject to the noise level conditions to be imposed on the development if approved. Noise mitigation

to be detailed in a noise management plan may include restrictions on hours of activities on the balconies, or partially enclosing them.

2.7.2 Landscaping

Issue

Some members of the public indicated that the Site required more landscaping and further that natural communities ought to be regenerated. Leichhardt Municipal Council has also requested a provision for landscaping if the creepers on the car park fail to grow and have expressed a desire that the car park design not adversely affect sight lines across the Site.

Response

The landscaping provisions incorporate the landscape features set out in the Master Plan. The proposal retains the line of eucalyptus planted near the boundary with NSW Maritime, and it includes planting on areas of hardstand and parking at intervals generally twice as close as minimally required in the Master Plan. There is a limit to the amount of landscaping which is possible given that the foreshore is an overhanging concrete apron. The Master Plan figure 40 does not include any vegetation planting on the waterfront public access area. Figure 42 of the Master Plan indicates tree planting and low shrubs along the through Site linkages of the public access easements. This has been provided for in the existing landscape plan.

Regarding regeneration of natural communities, the Site has been a highly industrialised site for generations. There is no endemic vegetation on the Site currently, and any native vegetation has been planted. As detailed in the contamination report of Douglas Partners, the Site was originally reclaimed in 1891, and part of it is an overhanging concrete apron. As the Site has never been other than reclaimed land composed of fill and used for maritime or industrial purposes there has never been any native vegetation which could be regenerated, nor is there any native seed stock from the Site to create a natural community.

The suggested plantings and vegetation types set out in the Master Plan reflect the plantings which the drafters of the Master Plan considered suitable vegetation to form part of any new vegetation community in this area. The proponent has suggested the use of many of those vegetation types and is willing to consult with Council to make reasonable adaptations to those vegetation types. A final landscaping plan with adjustments to incorporate the proposed changes set out in this Preferred Project Report can be required as part of the construction certificate details.

The creepers are intended to create a “living wall” effect which will by their very nature seek to reduce the visual impact of the car park. The proponent will plant and maintain the creepers to the best of their ability, taking into consideration the environmental conditions of the Site.

Regarding sight lines across the Site, the car park will be behind the eastern building, hence while the car park may obscure the view of the eastern building when viewed from James Craig Road, it will have little bearing on any sightlines to the water as the view corridor between the existing NSW Maritime building and the development will remain open. The Master Plan has provisions for a building 5.5 metres taller than the proposed car park on the land between the car park and City West Link (see figure 2.6 of the EA), hence in future the car park is less likely to be as visually obvious as that shown in the elevations in figure 2.4 of the EA.

2.7.3 Promenade Landscaping

Issue

Leichhardt Municipal Council has indicated that the pedestrian promenade has no vertical features or definition of space and there is a lack of detail as to how it will be used. The Council is further concerned that the microclimatic effects of sun, wind and rain have not been translated into urban design and landscape elements which could, if included, contribute to the place being a welcome and attractive destination for the public and users of the facilities. Council also has suggested installing public art referencing Sydney’s working harbour origins.

Response

Leichhardt Municipal Council has indicated that it does not necessarily concur with the architectural and landscape brief in the Master Plan, yet it has given no indication as to what it recommends would ensure quality design outcomes. The proponent is required to take into account the Master Plan and has therefore put forward the landscaping features set out in that document such as in figure 40 and section 2.6 of the Master Plan. There is no indication in the Stage 1 Bays Precinct documents indicating what if any change to the landscaping is being considered by the new Bays Precinct plan.

The proponent has given an indication of the way in which the promenade will be used in the figure on page 15 of the EA. Wide promenades for public use, including some seating, lighting, bollards and toe rails are a feature of many Sydney Harbour locations such as Woolloomooloo Bay, King Street and Cockle Bay Wharfs and Darling Harbour.

Management of the promenade area would be under the control of the management of the development.

2.7.4 Identification beacon on car park

Issue

One resident described the lift tower as an unacceptable advertising sign. Leichardt Municipal Council indicated that the lift shaft will be significantly higher than the surrounding buildings and there is no indication of how it will make a positive contribution to the sense of place or identity and architectural merit, or how it is adequately integrated with the existing or proposed waterfront buildings. The Department stated that the tower is too high and must be reduced from the proposed RL 21.64 to an appropriate scale compatible with other built form elements.

Response

The beacon is designed to identify the precinct. Signage will be subject to separate development applications applying SEPP 64. The identification tower has been moved to the SE corner of the car park following the relocation of the lifts. This brings it closer to the identified position of the focal point in the Master Plan.

It is the very intention of the beacon's business/precinct signage to carry identification of the precinct with the intention that it be visible from Anzac Bridge and surrounds for those who are seeking to locate the precinct. It should be noted that access to the Site by James Craig Road, including having to double back around the roundabout is not immediately apparent to casual visitors to the Site. The tower will therefore aid navigation to the Site, and assist in giving the precinct an identity.

In response to the concerns the proponent proposes to reduce the height of the tower from RL 21.64 to RL 19.64. The tower has a functional as well as identification role. The height of the upper level of the car park is at RL 11.90 with an anticipated lift overrun of 1.1 metres and 4.04 metres of lift motor room and plant. The functional role of the illuminated identification sign extends for approximately 2.6m height above these service provisions.

The Master Plan in section 2.3.1 provides for the focal point to be a maximum 5 metres higher than the control envelope of RL 11. Hence the height of the focal point will be 3.64 metres above that designated by the Master Plan. To put this into context, the focal point height (whose use is intended as identification) will be only 2.14 metres higher than the building height permitted on the land to the north of the Site behind the car park, and 5.56 metres lower than the approved dry boat storage building to the

west (see figure 2.6 of the EA). In the wider context of Rozelle Bay, with Superyacht buildings along the waterfront, and the towering grain silos and Anzac Bridge, the beacon/focal point is appropriately scaled, as illustrated in project perspectives.

2.8 Social Impact Assessment

Leichhardt Municipal Council has expressed the opinion that a full scale Social Impact Assessment (SIA) is required for the project due to its nature and scale. The impact of crime as a result of the congregation of licensed venues requires management.

2.8.1 Assessment based on locality

Issue

The Council indicates the social impact assessment conducted in the EA is insufficient because it fails to establish the “locality” of the study. The Council identifies three different localities which need to be made the focus of SIA, being:

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

Council argues that no demographic data of the locality was presented to support the assertion that the social landscape will not be changed by the development.

Response

The statistics mentioned in the EA are derived from the ABS figures referencing the Leichhardt (a) Statistical Local Area. This area is within the statistical subdivision of Inner Sydney, itself within the Statistical division of Sydney. Its borders align with the borders of the Leichhardt Local Government Area (LGA) for which figures for crime and the Office of Liquor, Gaming and Racing refer.⁵

⁵ [http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/09F1DC078E7F667ACA2574CF0013CA7D/\\$File/12160_nsw_maps_jul%202008.pdf](http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/09F1DC078E7F667ACA2574CF0013CA7D/$File/12160_nsw_maps_jul%202008.pdf)

It is therefore not correct to say that the locality has not been defined.

Turning to the three nominated localities **Figure 3** shows the 500m and 1000m radius from the Site and **Figure 4** shows a 5km radius from the Site. The comments below in this section are prefaced by stating that any application for a liquor licence will be subject to the rigours applying to both the application process and conditions on the licence, hence details about the impact of these uses will be much more thoroughly canvassed by the licence operators.



Figure 3 Radius of 500m and 1000m from the Site

- 500 metre radius of proposed development

The residential dwellings in this area are primarily at Glebe Point. The noise impacts relating to those residences are dealt with in section 2.2 of this report

and are not discussed in this section. Visual aspects are dealt with in section 2.5.3 and 2.7. To access Glebe Point from the Site requires either walking at least 1.5km or driving for approximately 4km. The remainder of the area within the radius consists of marine industries. The parklands are a 1km walk from the Site. It is therefore felt that the social impact on this very lightly occupied area could only be described as extremely minimal.

- 1000 metre radius from the proposed development

This area incorporates residences within an arc from the junction of Beattie and Mullens Streets in Rozelle and the junction of Darling Street and Victoria Road in Rozelle to the north; a small amount of housing in Annandale north of Rose Street in the south west to an arc of Glebe Point Road and Ferry Road in Glebe to the south east; and a small amount of housing in Pyrmont to the east. This area is mostly comprised within the Leichhardt LGA, save the area in Glebe Point and Pyrmont which is within the City of Sydney LGA. Leaving aside the noise impacts dealt with in section 2.2, and given the paucity of access to Glebe Point by water public transport, an analysis of impacts should be limited to those areas within walking/cycling/road distance of 1km. This eliminates all of Glebe and almost all of the streets in Annandale from this assessment.

The remaining area within this radius (which is completely within Rozelle) is approximately 2/3rd lightly populated⁶ with 0-2500 people/km², although in reality it covers the White Bay and Glebe Island wharves and disused railyards which essentially have no population. The remaining 1/3rd (an area of approximately 0.5km²) averages 4,000 to 8,000 /km². The area covered in this radius therefore encompasses approximately 2,000-4,000 people.

A small number of residents live within this radius and whilst it is possible that they may find employment at the marina development, the numbers are likely to be small given the small catchment. One would imagine that the most likely social impacts from the development will be felt at the Light Rail station and at bus stops along Victoria Road. There is very little reason why users of the Site would otherwise pass near any residences caught within this zone. There is clearly the possibility of impacts felt by other occupiers of businesses along James Craig Road and Glebe Island, however these are currently of low intensity and the likelihood of crimes must be considered low given the population and openings for opportunistic crimes.

⁶ The NSW Office of Liquor Gaming and Racing Social Profile Report for Leichhardt of February 2009 http://www.olgr.nsw.gov.au/pdfs/Social_Profile_Reports/1_Social_Profile_Leichhardt.pdf

To the west and south the suburbs of Drummoyne and Russell Lea are within the Canada Bay LGA, Haberfield is in the Ashfield LGA, and Newtown and Stanmore are within the Marrickville LGA. The majority of the remaining suburbs are within the Leichhardt LGA. The density of the area of approximately 7km² within the Canada Bay LGA⁷ is approximately 4000-8000 per km²⁸ giving an approximate population of 42,000 within the 5000m radius in Canada Bay LGA. Haberfield's population is approximately 6,600⁹.

The suburbs of Stanmore and Newtown (and other areas in Marrickville LGA within the 5000m radius) include approximately half of Marrickville LGA's population of 71,800 – ie 36,000¹⁰.

An estimate of the population and number of estimated liquor licences for the 5000m radius is set out in **Table 15**. It indicates that there are higher than average number of liquor licences per 10,000 population (the state average is 22).

Table 15 Population and Liquor Licences in 5000m radius from Site

Suburb/LGA	Estimated population	Estimated liquor licences	Liquor licence rate /10,000 population.
Leichhardt LGA	49,000	204	41.8
Sydney LGA	156,500	1,789	114.3 ¹¹
Canada Bay LGA (part)	42,000	(136 in the Canada Bay LGA) – say 50	Say 11.9
Haberfield (part Ashfield LGA)	6,600.	(50 in Ashfield LGA) ¹² - say 25	Say 37.9
Stanmore, Newtown etc (part Marrickville LGA)	36,000	(165 in Marrickville LGA, concentrated at Newtown) – say 120	Say 33.3
TOTAL	290,100	Say 2188	Say 75.4

⁷ Area represents about 1/3rd of the Canada Bay LGA area of 20km²

http://canadabay.nsw.gov.au/environment_and_health/09_natural_environment/09_natural_areas_in_canada_bay/natural_areas_pg.html

⁸ The NSW Office of Liquor Gaming and Racing report of Canada Bay dated February 2009

http://www.olgr.nsw.gov.au/pdfs/Social_Profile_Reports/2_Social_Profile_Canada_Bay.pdf

⁹ ABS 20006 census data for Haberfield

<http://www.censusdata.abs.gov.au/ABSNavigation/prenav/ViewData?method=Place%20of%20Usual%20Residence&subaction=2&producttype=QuickStats&areacode=SSC11443&action=401&collection=Census&textversion=true&breadcrumb=PL&period=2006&navmapdisplayed=true&>

¹⁰ The NSW Office of Liquor Gaming and Racing Report February 2009 for Marrickville

http://www.olgr.nsw.gov.au/pdfs/Social_Profile_Reports/4_Social_Profile_Marrickville.pdf

¹¹ The NSW Office of Liquor Gaming and Racing Social Profile Report February 2009 for Sydney

http://www.olgr.nsw.gov.au/pdfs/Social_Profile_Reports/1_Social_Profile_Sydney.pdf

¹² NSW Office of Liquor Gaming and Racing Report February 2009

http://www.olgr.nsw.gov.au/pdfs/Social_Profile_Reports/2_Social_Profile_Ashfield.pdf

To the east the Crown Casino, the CBD of Sydney and its entertainment precincts of Darling Harbour and surrounds, George Street, and The Rocks together with the entertainment precincts located in Darlinghurst, Kings Cross and Oxford Street provide very significant social impacts arising from alcohol consumption related to liquor outlets. Those impacts are well documented.

Whilst the proposed development may have some small impact on this radius area, the likelihood is that adding a handful of licensed venues to this area which already comprises approximately 2200 licensed venues will have a negligible impact on the rate of liquor licences per head of population to this radius, and hence a very minimal impact generally on employment, standard of living, crime and liquor related offences within the 5000m radius.

2.8.2 Crime

Impacts

Leichhardt Municipal Council wishes a management plan and security plan to be required for the operation of the licensed premises and the Site as a whole, made particularly relevant because of the Site's relative isolation from the community.

Response

As specified above, the licensed premises will each be required to make application for their liquor licence and to satisfy the requirements of the relevant authorities that their management and security procedures will be adequate.

2.9 Impacts on the water

Issue

A few submissions commented on water based activities, including:

- View impacts from the berthed boats
- Safety hazard on the water and water traffic not addressed
- Impacts of increased private recreational boats on the contaminated seabed of Rozelle Bay
- Impacts on dragon boat racers, rowers and kayakers

Response

This application does not seek to amend any structure in or use of, the water and hence it has not specifically addressed water based issues as they do not form part of the application.

2.10 Services**Issue**

The submitting authorities made clear the necessity to conduct searches and obtain the relevant certifications and communications regarding services to the Site. These include:

- Connections to Sydney Water services are available but need permits
- Need to consult with Sydney Water regarding water, wastewater and trade waste and a s73 certificate
- Need to consult with Rail Corp regarding the 11kv cable to the west of the Site
- If a co or tri-generation plant is constructed an environmental protection licence may be required under the Protection of the Environment Operations Act.
- Services search for rail services

Response

The proponent is aware of the above requirements and is happy to include requirements regarding the above in conditions of consent.

2.11 Contamination**Issue**

Leichhardt Municipal Council has indicated that the most detailed assessment of the baseline contamination assessment would be for an audit to be undertaken by an Environment Protection Authority auditor.

Response

The sampling analysis and quality plan (SAQP) and the baseline contamination assessment (BCA) were independently reviewed by NSW Maritime's consultant (Mr. Bill Ryall) who is a retired DECCW accredited auditor. The purpose of Mr Ryall's review was to independently consider the results of the Douglas Partners' assessment. The proponent has been informed that Mr Ryall indicated to NSW Maritime that the results of the investigation indicate the Site to be very minimally impacted by contaminants that could have been present. If the underground storage tanks are removed, Mr Ryall also advised NSW Maritime to obtain a validation report by an environmental consultant confirming no significant contamination fill materials or soil remains in place. In view of the independent review undertaken by Mr Bill Ryall, the need for a second review by a DECCW accredited auditor is not considered necessary.

2.12 Land on which activity is to be carried out

An error in the EA on page 1, in the executive summary, and twice in the first paragraph of section 1.2 incorrectly identifies one of the titles of the land on which the activity is to be carried out as Lot 10 DP1017367. It is in fact Lot 100 DP1017367.

3. Preferred Project Summary

3. Preferred Project Summary

On the basis of the submissions received and consultation with the NSW Maritime and the Department of Planning and Infrastructure, the following changes have been made to the project to manage and minimise any environmental impacts and to address the various concerns raised. Accordingly, the Environmental Assessment Report (as exhibited) together with the changes detailed in this report and outlined below comprise the Preferred Project.

3.1 Uses

- By using the definition of GFA in SREP26, the GFA is determined as 6440m². Of that GFA the uses of the buildings will be as set out below:

Use	Maximum/ minimum %	Estimated GFA per SREP 26
Marine related offices, retail and workshops, including not more than 3 marina attendant/crew dormitories	Not < 40%	Not < 2576 m ²
Yacht Club	Not > 30%	Not > 1932 m ²
Ancillary restaurants / takeaway /café / bars	Not > 15%	Not > 966 m ²
Marine Provedore / Seafood retail / seafood restaurant	Not > 7%	Not > 451 m ²

- The number of dormitory accommodation berths is reduced from 6 to no more than 3, for use by marina staff and crew only.
- About 240m² of lockable storage for marine equipment in custom made storage containers is included mostly under the new car park ramp with some adjacent to the north east corner of the eastern building.
- The marine provedore/seafood retail and seafood restaurant will provide marine based services to the marina clients, crew and tenants of the buildings. Reducing the number of dormitories to no more than 3.
- The function centre and tavern uses are removed.
- The marine based club will be a yacht club to be registered under the Registered Clubs Act 1976 and other relevant licensing legislation.
- The use of outside decks, terraces and balconies will be used in association with the internal tenancy directly adjacent.

This gives greater certainty that the uses will comply with the generally maritime zoning, and should alleviate concerns about noise arising from non-marine uses.

3.2 Noise and Hours of Operation

Improvements to the project concerning noise are detailed below:

- The number of outdoor external music performances to be at any time is reduced from two to one and all speakers and amplifiers must not face towards the water.
- Outdoor music must be associated with the ancillary restaurants/ cafes/ bars/ takeaways and be managed by the marina management
- Outdoor music is limited between 11:00-20:00 hours and between 9:00 hours to 20:00 hours on special event days. Special event days are Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Australia Day plus five additional days per calendar year on 21 days' notice.
- Outdoor seating areas would only be permitted in conjunction with the adjoining yacht club, restaurant/café/bar premises. The use of these areas is limited to 7.00am - 10.00pm on any day, and after 10.00pm all windows and doors from these tenancies are to be kept closed, except when needed for ingress/egress.
- All premises playing indoor music will be required to close all doors and windows after 20:00.
- Self-closing doors and air locks on doors to prevent breakout noise on yacht club. Glazing to have acoustic seals.
- Deliveries other than fuel tankers, direct servicing or yachts and garbage collection from the yachts will occur to the rear of the buildings.
- Project Specific Noise levels for compliance will be as below and will be managed by a Noise Management Plan:

Daytime: 60dB(A)

Evening: 50dB(A)

Nighttime: 45db(A)

- Hours of Operation will be as set out below:

Activity	Day	Time
Marine chandlery, and retail outlets	Monday – Friday	7:00am to 7:00pm
	Saturday - Sunday	7:00am to 8:00pm
Café / restaurant / licensed / food premises	Sunday – Wednesday	7:00am to 11:00pm
	Thursday – Saturday	7:00am to 12:00am
Yacht Club	Monday - Sunday	7:00am to 12:00am
Marina facilities, commercial	Monday - Sunday	24 hours

3.3 Community Liaison Group

- A Community Liaison Group is to be established and supported by the proponent, to include representatives from the marina, NSW Maritime and the affected community.
- Access to a 24 hour telephone contact to enable complaints to be made and action to be taken immediately if unacceptable noise arises, particularly during the night periods.
- The Applicant will prepare a noise management plan for the construction and operational phases of the development, including addressing band management, restrictions, and compliance and complaint procedures during the operational phase
- Prior to the commencement of construction to be published in a newspaper circulating in the local area the proponent will provide:
 - a 24-hour, toll free telephone number on which complaints about the Project may be registered;
 - a postal address to which written complaints may be sent; and
 - an email address to which electronic complaints may be transmitted.

3.4 Traffic

Improvements to traffic and car parking have been made as follows:

- Car park now has 3 lifts increased from 2 which are relocated to SE corner of building. This allows a downwards only ramp to be included on northern side for exit only, all of which will ease possible traffic congestion around parking.
- Possible other traffic management demand techniques such as electronic display of availability, programming of lifts if a level is full.

- The number of car parks on Site has reduced from 190 to 187 due to including the ramp on the car park.
- Circulation has changed to allow for car park alterations with queuing for lifts on internal roadway.
- Increased accessible car parks from 1 to 3 designed in accordance with AS2890.6:2009 at ground level.
- Deliveries other than fuel tankers, direct servicing or yachts and garbage collection from the yachts will occur to the rear of the buildings. 9 loading parking spaces are included to the rear of the buildings.
- A green travel plan and/or travel access and workplace travel plan will be included in the Traffic Management Plan as part of the OEMP and included on the website of the marina for the assistance of visitors.
- End of trip bicycle facilities, including showers, change rooms and lockers, will be included on Site with exact location to be finalised before the construction certificate.

3.5 Foreshore

- 24 hour access along the foreshore at all times will now be provided other than short periods when customs require closure or for safety reasons when the pennant crane is in use. This is subject to review of those arrangements in conjunction with NSW Maritime and Leichhardt Municipal Council if security problems arise.
- Restrictions on the pennant crane are included so the maximum size of the pennant crane on the foreshore will be 5.1 metres from existing ground level with a maximum hoisting capacity of 5000 kg.

3.6 Urban Design

- The focal point has been relocated to the SE corner of the car park, over the relocated lifts and closer to the focal point indicated on the Master Plan.
- The focal point height has decreased from RL21.64 to RL 19.64
- The western balcony of the western building will be enclosed.

3.7 Land on which activity is to be carried out

An error in the EA on page 1, in the executive summary, and twice in the first paragraph of section 1.2 incorrectly identifies one of the titles of the land on which the activity is to be carried out as Lot 10 DP1017367. It is in fact Lot 100 DP1017367.

3.8 Statement of Commitments

In accordance with Part 3A of the Environmental Planning and Assessment Act 1979, the commitments made by Sydney Superyacht Marina Pty Ltd to manage and minimise potential impacts arising from the development are set out in the Statement of Commitments in **Appendix I**.