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GLEBE POINT RESIDENTS GROUP

Michael Buckley
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

2 Leichhardt Street
Glebe NSW 2037

3 March 2011

Dear Michael

Re: Sydney Super Yacht Marina Rozelle Bay (MP 09_0165)

I refer to the above Major Project Proposal and as Chair of the Glebe Point Residents Group make the following submission identifying the main concerns of the community with the proposal.

This proposal is in contravention of the intent of the Master Plan for the site which was approved by the Department of Planning in September 2002 and which does not identify as preferred uses the restaurants, liquor outlets and function facilities proposed in the business mix.

Further to the above I am most concerned at the advice received from you that approval of the buildings will be determined without examining the proposed uses. The uses will need to have individual applications as they are to come on stream. This doesn't make any sense. The buildings are to be purpose built to allow for noise containment. The large number of balconies and areas of decking reflect the proposed uses which are not preferred uses under the Master Plan. Add to this the need for the community to examine and comment on a large number of individual DAs. The proponents must be told now what is and isn't an acceptable use in accordance with the Master Plan or they will construct buildings for which there will be no use.

Consultation

The applicants are required to consult with affected members of the community in relation to the Proposal. Consultation with the community was virtually non-existent. The proponents know the major community groups in Glebe Point. They worked with the Glebe Society and the Glebe Point Residents Group when the Slipways DA was under consideration, with a good result.

The proposal identifies Glebe Point residents as those closest to the proposed development. At p.25 of the Executive Summary it states that across Rozelle Bay are the closest properties at Glebe Point (approximately 200-250 metres distant) and Jubilee Park, Bicentennial Park and Federal Park open spaces. In fact far more residential properties than those identified in the proposal will be affected. This is well known in the Glebe Point Precinct because of the very bad experience with Liquidity. Noise travels across water and the noise from Liquidity affected properties in the streets leading back from the Parks as well as along Glebe Point Road and as far back as Leichhardt Street. All units and homes on the Point were affected.

The only consultation identified in the Proposal in relation to Glebe was with the White Bay Steering Committee, which has nothing to do with Glebe, and supposedly the Body Corporate of 501 Glebe Point Road being one apartment block on the Point. The Executive Committee of the Body Corporate of 501 have said that they were not consulted. We have requested information on the consultation from the proponents but it has not been forthcoming. When the issue of consultation was raised with the proponents they advised that they had met their requirement with two small advertisements in the local paper in May and June last year and an exhibition at Liquidity. It was pointed out that residents don't necessarily read the advertisements in the local paper nor go to Liquidity for coffee. Liquidity is not in Glebe and is on the site for the proposed development.

In Appendix N there are only two submissions from Glebe following this supposed consultation. One submission was from a major importer of boats. This I think sums up the consultation process. At a meeting with the proponents requested by some residents, after receiving the notification of the Proposal from the Department of Planning, they were invited to meet with the Glebe residents and discuss their proposal. A meeting took place on 28 February in Liquidity. This was the first real consultation with the community and far too late. The residents who attended almost unanimously raised their objections to outside amplified music or any outside music at all.

Noise

Noise is the aspect of most concern to Glebe Point residents. At P.32 of the Executive Summary it states that there are two main buildings. Both buildings have balconies, outdoor areas and decks. Together the buildings have 6,145 sqm of indoor footprint and outdoor deck and balcony areas of 1,843 sqm. Further both buildings, in addition to maritime related businesses, can have retail and commercial offices, cafes and restaurants, function facilities, a hotel (tavern) and package liquor outlets, general bar licence and package liquor outlets and a marine based club ('licensed facilities'). At p46 it states the operating hours for cafes, restaurants and licensed facilities would be 8.00am to 12.00 midnight or ideally 2.00am 7 days a week. At the meeting with the proponents they said that the entertainment facilities would be secondary to the marine related activities. The proposed uses for the buildings would hardly substantiate this claim. See further comment on this below at 'Business Mix'.

The proponents say that the buildings will be purpose built to address noise abatement. However there were no answers to the major concerns with outdoor amplified music or any music outdoors. The noise from outdoor music cannot be captured.

As noted above there are a lot of outdoor deck and balcony areas, and this would be in addition to other open space. It is proposed to have live bands playing up until 10.00pm at night. Two independent Assessments have been made of the Noise Report at Appendix 'L'. The Assessments have been done by Dr Martin Lawrence and Dr Fergus Frick, both being people with credible qualifications in acoustics. These Assessments are to be submitted to the Department of Planning. Both Assessments reach the same conclusion being that **there should be no outdoor amplified music at any time because of the impact on Glebe residents.**

Business Mix

There are two buildings proposed to accommodate the businesses. A third building is to be used as a car park. Of major concern with the two buildings is that there are no specified areas for the different types of businesses. This means that the areas can be put on the market and the most attractive offers will be successful without any obligation on the proponents to have a specified business mix. It could be that most of the space will become entertainment related. It could become a major restaurant /functions precinct operating 7 days a week until 2.00am with all the related noise problems. **This would be in contravention of the Master Plan which does not allow an Entertainment Precinct on this site.** The Department of Planning signed off on the Master Plan for this Bay in September 2002. It is called: **Master Plan, Rozelle and Blackwattle Bays Maritime Precincts**

In this Master Plan at page 34 it states under *Preferred Land Uses* for this site:

Food and retail outlet ancillary to main use

All other preferred uses are maritime related.

Traffic

Traffic is of concern in particular with the announcement that the Cruise Passenger Terminal is to move to White Bay. A new road is to be built to join up with James Craig Road which is a private Road servicing the total Maritime Complex. The ingress from Robert Road to the site and the egress from James Craig Road to Robert Road already have problems and that is without this proposal, the Dry Boat Storage facility still to be developed and the Cruise Passenger Terminal.

Conclusions

In the Master Plan approved by the Department of Planning in September 2002, the only preferred use that relates to food and retail for this site is for one food and retail outlet ancillary to the main use. Therefore this proposal should not be allowed as it contravenes the intent of the Master Plan which is a legal document.

In the event that the Department chooses to act outside the intent of the Master Plan, the following major concerns need to be addressed being **outdoor amplified music, outdoor music in general and business mix.**

There should be no outdoor music. There are nine large balconies on one of the two main buildings. Ideally all balconies should be enclosed. If this cannot be achieved then the Consent Provisions must require that balcony doors are closed when there is music being played inside. These provisions should also place restrictions on the use of balconies and decks in the evening after a certain time as noise ,other than that from music, travels in the evening and over water.

In relation to Business Mix, the Consent Provisions must specify strict requirements for the business mix which will result in this precinct being developed as a Maritime Precinct and not an Entertainment Precinct.

NOTE: I have attached a copy of a document issued by the Directors of the Superyacht Marina following the meeting held with residents. The document outlines the commitments of the Directors. Dot point no 7, music simulations, is the only matter that was agreed at the meeting. As I have said in my submission, the residents almost unanimously said no to any outdoor music. However some of them did agree to participate in the music simulations. Dot point 6, a Community Liaison Group, is considered to be a good initiative as is dot point 8, a Noise Management Plan.

Susan Cleary

Chair

Glebe Point Residents Group
susiecleary@ozemail.com.au



Following a public meeting on 28 February 2011 with residents of Glebe and members of the Glebe Society, the Directors of Sydney Superyacht Marina Pty Ltd makes the following commitments:

- The number of outdoor bands would be restricted to two bands playing at any one time.
- The hours that outdoor bands could play would be restricted to 11:00hrs to 20:00 hrs. During special events¹ the hours would be 9:00hrs to 20:00 hrs.
- Outdoor bands would only play on the ground level.
- Sub-tenants would be required to arrange outdoor bands with the facility manager
- All doors and windows would be closed after 20:00hrs for tenancies playing indoor music.
- Sydney Superyacht Marina Pty Ltd would set up a Community Liaison Group, which would include Sydney Superyacht representatives, NSW Maritime and representatives of the affected community.
- Prior to submitting a Preferred Project Report to Department of Planning, Sydney Superyacht Marina Pty Ltd would engage Benbow Environmental to conduct music simulations from the Superyacht Marina Site and noise monitoring at the nearest residents. The volume of music would be incrementally increased until it is audible at the nearest residence. The acceptable criteria for amplification of music would be set below the measured audible recognition level.
- Sydney Superyacht Marina Pty Ltd would prepare a Noise Management Plan for the construction and operation phases of the development.
- The Noise Management Plan would address site management issues such as booking of bands, restriction on type of amplifiers that can be used on site, liaison with the community, compliant response, compliance monitoring and contingency measures.

The above commitments would be included in the preferred project report and form part of the proposed project.

Tony Ellis
Director
Sydney Superyacht Marina

Brian James
Director
Sydney Superyacht Marina

Justin James
Director
Sydney Superyacht Marina

¹ Special Event Days are Christmas Day, Boxing Day, New Years Eve, New Years Day, Australia Day, plus five additional days per calendar year provided 21 days notice is provided to the Department of Planning and NSW Maritime.

Philip & Jane Christensen
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By email: michael.buckley@planning.nsw.gov.au

Attention: Michael Buckley
Department of Planning
23-33 Bridge Street
Sydney NSW 2000

Sydney Super Yacht Marina

Dear Mr Buckley,

We refer to the **Sydney Super Yacht Marina, Rozelle Bay, application number MP 09_0165.**

We object to this project.

We own and reside in apartment 16, 501 Glebe Point Road, Glebe. This apartment is directly across the water (Blackwattle Bay) from the Proposed Development. The distance is approximately 400 metres and our apartment opens directly facing the Proposed Development. We have several serious concerns about the Proposed Development and wish to record our objections as follows –

1. We feel that the element of large open areas, a function centre, a tavern, restaurants – particularly with live bands and amplified music – is out of character with the industrial/working harbour idea the Blackwattle Bay precinct. This is one of the few such areas left in Sydney and so the preservation of its character is very important.

We enjoy the industrial/working harbour idea and this is completely out of character. The activities are totally out of character with the idea of a working harbour and associated facilities.

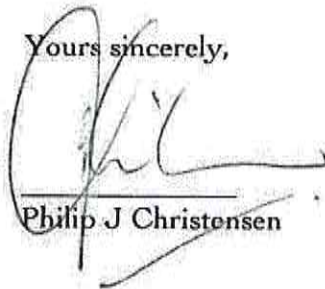
The Proposed Development would be more suitable for areas like Darling Harbour.

2. The noise from live bands, amplified music and large numbers of people outdoors will be unacceptably high. In this regard we refer to the attached reports from Dr Judy Cashmore, Dr Martin Lawrence and Dr Fergus Fricke. Exacerbating this noise is the proposed hours of operation. This is a

lovely peaceful area and we think it wrong that the area is disturbed by this sort of noise. This is not, and never has been an entertainment precinct.

3. There will be a mix of restaurants, licensed tavern, function centre, nine balconies, outdoor areas with outdoor bands operating from 8am to midnight daily seven days a week and the tavern possibly opening to 2am, seven days a week. There will also be amplified music indoors – but with open doors and windows. There will also be noise from large groups of people in the outdoors area. We strongly object to this. It will not only be out of character with the area but will pose unacceptable noise levels. There is already significant noise from the traffic on the Anzac Bridge – and we are concerned that the noise from the Proposed Development – alone and ‘fighting’ with the background ‘rumble’ of the Anzac Bridge traffic noise will be horrible.
4. Reference is made to a car park of four storeys. We cannot see this in the plans on display. A four storey car park would be quite high and could appear higher in profile than the Anzac Bridge road (to the immediate north of the Proposed Development.) We believe the vista from the Glebe foreshore across Blackwattle Bay through to Balmain (to the ridge of Darling St, Balmain) should be preserved. We are concerned that the lovely open vista will be interrupted by a four storey car park.
5. Whilst the area is an industrial harbour, it should nevertheless be as ‘green’ as possible. The plans do not show much about plantings. In particular, a large concrete car park should be covered as much as possible with vegetation to reduce the visual impact of the large concrete structure.

Yours sincerely,



Philip J Christensen



Jane Christensen

Political Donations Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see Page 1 for details), please fill in this form and sign below.

Disclosure statement details

Name of person making this disclosure

PHILIP JOHN CHRISTENSEN

Planning application reference (e.g. DA number, planning application title or reference, property address or other description)

MP 09-0165

Your interest in the planning application (circle relevant option below)

You are the APPLICANT

YES NO

OR

You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION

YES NO

Reportable political donations made by person making this declaration or by other relevant persons

* State below any reportable political donations you have made over the 'relevant period' (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include the Australian Business Number (ABN).

* If you are the applicant of a relevant planning application state below any reportable political donations that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR

* If you are a person making a submission in relation to an application, state below any reportable political donations that you know, or ought reasonably to know, were made by an associate.

Name of donor (or ABN if an entity)	Donor's residential address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
BONDURNE RESOURCES /L	114, 14 MILLER PLACE SYDNEY.	LIBERAL PARTY.	2010	\$10,000
"	"	NATIONAL PARTY.	2010	\$10,000.

Please list all reportable political donations—additional space is provided overhead if required.

By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.

Signature(s) and Date

4.3.11

Name(s)

PHILIP JOHN CHRISTENSEN

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If you are required under section 14(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see Page 1 for details), please fill in this form and sign below.

Disclosure statement details

Name of person making this disclosure

DEBRAH JANE CHRISTENSEN

Planning application reference (e.g. DA number, planning application title or reference, property address or other description)
MP 09_0165

Your interest in the planning application (circle relevant option below)

You are the APPLICANT YES / NO OR You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION YES / NO

Reportable political donations made by person making this declaration or by other relevant persons

- State below any reportable political donations you have made over the relevant period (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include the Australian Business Number (ABN).
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Name of donor (or ABN if an entity)	Donor's residential address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
	REFER HUSBAND	MILIP CHRISTENSEN		
	Attended.			

Please list all reportable political donations—additional space is provided overleaf if required.

By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.

Signature(s) and Date

[Signature] 4.3.11

Name(s)

DEBRAH JANE CHRISTENSEN

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Dr Judy Cashmore AO and Mr Mark Cashmore

28/501 Glebe Point Rd, Glebe NSW 2037
tel (02) 9660 6748 mobile 0403 010 949 email judycash@bigpond.net.au

Michael Buckley,
Major Projects Assessment,
Department of Planning,
23-33 Bridge Street,
Sydney NSW 2001
3 March 2011

Dear Michael,

Redevelopment of Sydney Super Yacht Marina, Rozelle Bay (MP 09 0165)

We live at 501 Glebe Point Road in an apartment (Pavilions) which faces due north directly opposite and across the bay from the proposed development. We are the closest residents to the proposed development of the Super Yacht Marina, Rozelle Bay (approx 230 m over water). We purchased our apartment in August 2009 after legal advice that any development in the area that could affect us would be consistent with present use of the Bay as a working maritime environment.

We object strongly to various aspects of the proposed development. The reasons for our objection are outlined below, and fall into two categories: those related to the scale, business mix and associated noise, and concerns about the process.

* **Noise**

Noise from the proposed development - We have perused the "Environmental Noise Impact Statement" and have had the benefit of advice from two people with significant expertise in sound assessment. Dr Martin Lawrence (Apartment 30 at Pavilions) has considerable expertise in this area, having spent many decades working on issues of noise propagation around the world and providing advice to the UN. Dr Fergus Fricke is one of Australia's leading experts on airborne noise and a resident of Birchgrove. Both Martin Lawrence and Fergus Fricke have reached the same conclusion – for different reasons - that "there should be no outdoor amplified music".

We have also had cause on several occasions to walk around the bay to the existing berths to request that people working on a super yacht turn down their radio which was annoying us even though the doors to our apartment were closed. When we arrived there, we were surprised that the music was not as loud as we expected it would be. Two bands (as currently proposed) playing about 240m away over water does therefore pose a very

significant source of concern and likely annoyance. The quality of noise we would hear from two bands playing simultaneously would be particularly unpleasant; for those standing close to one or other of the bands on the site would, however, hear that one band. If visitors to the Super Yacht Marina Development wish to hear music, then it should be contained in an acoustically insulated building.

It is not just the music and the imposition of someone else's choice of music that we are concerned about. The plans provide for a function centre and large groups of people in licensed premises. The noise from their conversation increasing in volume as people talk over the noise of the music and as the night wears on (fuelled by alcohol) is also a significant concern to us and other residents here.

* **Scale of Proposal and Business Mix**

The scale of the proposed development is considerably larger than that required for a Super Yacht Marina dedicated to providing services to those using the Harbour and bays. This development represents a significant entertainment precinct with a marina attached, and we understand from advice that it is in contravention of the Master Plan for Rozelle and Blackwattle Bays maritime Precincts.

The two main buildings have some 8,000 sq m of floor space, including about 30% of outdoor deck and balcony areas. Nine significant balconies opening to the south and a four-storey car park will not conform to the general appearance of the foreshore.

The significant floor space must of course be utilised to make a return on investment and there are no constraints on their allocated use giving the operators carte blanche to 'sell' this space to those offering the best financial return. This development could easily evolve into a significant noisy and unattractive entertainment and mixed business precinct that is the antithesis of what the master plan envisages. It would severely compromise the amenity of the area for the residents and visitors to the area across the water.

* **Consultation?**

The required consultation has been minimal. As outlined in Appendix N of the Environmental Assessment document, it consisted of (1) two small ads in the back pages of the *Inner West Courier* among the ads for sale and for work in one case and among the ads for sexual services on the other; (2) the display of a notice etc at Liquidity and (3) the notification of the "Resident's body corporate at Pavilions at the end of Glebe Point Road" (our building) which did not occur. There was no consultation with the Glebe Society or the Glebe Point Residents Group prior to the proposal being lodged.

The very brief summary of the 87 submissions listed in Appendix N includes only 2 from Glebe, the residential area most affected; one was from a major importer of boats. This is hardly a transparent process. Whereas we were advised by the Department of Planning that our submissions in this process can be public, this summary listing provides little indication of the substance of these earlier submissions or who they were from.

After residents in Glebe, including Pavilions, and the Glebe Society contacted the developers, a last minute meeting with local residents was held on Monday 28 February at Liquidity, four days before submissions are due. About 50 people attended and clearly indicated their very strong concerns about noise from the proposed entertainment precinct with a mix of a function centre, cafes, restaurants, nine balconies, outdoor bands and amplified music with licensed premises operating from 8 am till 12 midnight daily and possibly with a tavern licence till 2 am 7 days a week.

The developers sent those attending the attached pdf outlining the "commitments" made by the three directors of Sydney Super Yacht Marina following the meeting. It needs to be very clear that this document **does not represent any agreement** with the residents who attended - **nor does it reflect the views of those present.**

Indeed, the first two dot points which propose that two bands would be permitted to play for **nine hours a day seven days a week** are **entirely at odds** with the overwhelming sentiment expressed at the meeting, namely that there be **no bands permitted to play outside at any time.** The overall concern of the residents was the proposed shift from a marina with ancillary services to an entertainment precinct out of synch with the maritime industrial character of the area and the expectation that this be part of an overall plan for a working harbour.

* **Is this proposed compliant with the Master Plan for this area?**

The advice we have received is that this proposal contravenes the intent of the Master Plan for this site which was approved by the Department of Planning in 2002. The development of an Entertainment Precinct, which is in effect what the proposal comprises, is not allowed under the Master Plan. The plan refers to food and retail outlet ancillary to main use, and all other preferred uses being maritime related. The proposed development is considerably larger than that required for a Super Yacht Marina dedicated to providing services to those using the Harbour and bays. This development represents a significant entertainment precinct with a marina attached, and would significantly impair the amenity of the local residents.

Yours sincerely



Dr Judy Cashmore AO



Mark Cashmore

28/501 Glebe Point Rd, Glebe NSW 2037

tel (02) 9660 6748 mobile 0403 010 949 email judycash@bigpond.net.au



Following a public meeting on 28 February 2011 with residents of Glebe and members of the Glebe Society, the Directors of Sydney Superyacht Marina Pty Ltd makes the following commitments:

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Submission regarding Major Project: Sydney Superyacht Marina

Application Number:
MP 09_0165

Submission by:

Dr Martin Lawrence & Ms Liz Simpson-Booker

Apartment 30, 501 Glebe Point Road, Glebe 2037

tel: 9518 6186; mob: 0409 606 452; email: martin.lawrence@unswalumni.com

Our apartment complex contains the closest residences to the proposed development of the Sydney Superyacht marina, directly across Rozelle Bay. Our individual apartment is right on the corner closest to the development.

We are concerned about a number of issues. But most emphatically we are extremely concerned about the noise levels that will result at our residence if the proposal is not constrained.

Operational Noise from the Marina

We have focussed on operational noise. (We are prepared to live with construction noise, as it is time limited in nature, and will mostly be restricted to day-time noise.)

Historical experience shows us what can happen at this location. The restaurant Liquidity (which is part of the redevelopment) has at times had functions with amplified music. While the music was nominally inside, in the warmer half of the year one wall of the building (facing the Bay and hence our residence) was opened. This allowed the noise to escape from inside. On such nights, residents in our building had to delay the time of going to bed until after the music finished. This is a measure of the impact of noise at the development site on our residences. Inside noise with open doors produced so much noise as to make sleep impossible.

The noise analysis provided in the Environment Assessment has a number of deficiencies that lead to an underestimate of the effect of noise on the nearest residences. I assert this based on my own knowledge (I am an acoustic engineer who has worked in senior positions at the United Nations) and that of Prof. Fergus Fricke (who is one of Australia's leading experts on noise). Both Prof. Fricke and I prepared a set of comments on the noise situation, in order to enable more informed comment by local residents. Both of these sets of comments are included as annexes to this submission.

There are primarily two separate worrying sources of noise. The first is outside amplified music (whether from a band or recorded music). The other is noise from the nine balconies facing directly towards our premises.

Suggested Remedies for Noise Problems

1.) We strongly believe that there should be no outdoor amplified music.

However, if there is to be any outdoor amplified music allowed, it should be constrained by all the following:

- maximum of one source at a time,
- time of day,

maximum number of days per month,
maximum source noise level.

2.) Noise generated inside should remain inside.

The noise inside such facilities as restaurants and taverns can get quite high. In the first instance air-conditioned premises with good sound insulation are required. As far as we can tell, the development provided for this. However, there is potential for the balcony doors to be left open, allowing the noise to spill out. This needs to be constrained in some way.

3.) The balconies should be fully enclosed.

Open balconies will not only allow inside noise to leak out, they will also be used by restaurants, etc., for patrons, smokers, etc. This will generate a lot of noise over the nine balconies. The only fully effective way of controlling this is to fully enclose the balconies. However, if this were not acceptable, then installing acoustic-blocking glass partitions at the front and sides of each balcony would reduce the noise from this source.

3.) There should be an ongoing community consultative process regarding noise, subsequent to commencement of operations.

4.) Subsequent to commencement of operations, the developer should be required to conduct noise monitoring at one of the closest residences. The noise monitoring should be for significant time periods and should encompass times of the highest noise output from the facility.

5.) The proposed tavern should not be allowed to remain open late in the evening. (People fuelled with alcohol returning to their vehicles can be very noisy.)

Non-Maritime Use

The project appears to be to build a mixed entertainment / retail complex, with a bit of maritime activity as an adjunct. We understood when we bought our residence that this harbour area was for working harbour. This focus is enshrined in a number of documents including the Master Plan covering Rozelle and Blackwattle Bays. Any proposed development should be refocused on maritime activity, with the possibility of including some other activity (say, a restaurant) as a minor adjunct.

Consultation

The consultation process has been poor up until after NSW Planning sent a letter a few weeks ago. Since then, at the community's request, there has been a meeting of the proponents with members of the local community. Following this meeting the proponents provided a set of undertakings to help control the noise. These undertakings are far from satisfying the universally expressed views of the residents on noise.

Concluding Comments

We are extremely concerned about the noise impact of the proposed development. This level of concern arises from experience with this site, consideration of the proposal, and scientific/engineering considerations of the issues.

We strenuously object to the proposal in its current form.

Annex 1

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

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

1. The report relies on background noise level measurements carried out by another consultant in 2003 even though, in the present report, the measurements are stated as having been carried out in 2007. Given that in the meantime commercial shipping has ceased to use the Glebe Island and White Bay terminals there is likely to have been a significant reduction in ship noise, associated dock operations noise and vehicular transport noise such as that from car transporters using James Craig Road, and hence a significant reduction in background noise.
It is not sufficient to state that, "It is not anticipated that the local ambient noise environment has undergone significant variation." Under the circumstances, at the very least, some checks on the previous background noise levels should have been made.
2. In section 3.1 it is stated that, "Industrial noise sources and traffic were noted as being prominent." It is not stated where the industrial noise was coming from and it is surprising that the industrial noise includes, "vessel engines, fans, generators cranes, fork lifts, trucks etc (generally associated with cargo unloading)".
3. The inclusion of a scale map showing where the measurements were taken would have been useful, if not essential. It is notable that the 2003 background measurements presented do not include measurements made at the nearest residences (at Glebe Point/Federal Road) to the proposed development even though later in the report it is clear that the Glebe Point residences are the ones that will be most affected by the noise emanating from the marina facilities.
4. Live bands (amplified music) are identified as potentially being the major noise source. A simulation was carried out to predict noise levels at surrounding residences. The simulation required a number of assumptions, some of which have been justified and others which haven't. The sound power level of a band is assumed to be 105 dB(A). Bands can and are often considerably in excess of this sound power level and 10 bands would be 10 dB higher in total. Also, the spectrum of the sound has not been specified. This is particularly significant given that the criterion used may not be that used for the assessment of noise from licensed premises (see point 5 below). The assessment carried out does not appear to have considered the possibility of a temperature inversion occurring or the effect of "horn" shape of the restaurant structure which would result a better acoustic impedance match and hence higher resulting noise levels from a given noise source.
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that the relevant criterion is that used by the SCC. In its simplest form this states that the noise from licensed premises, when measured (L_{Aeq}), should not be greater than 5dB above the background (L_{A90}) from 7am until midnight and should not be greater than the background level between midnight and 7am. These conditions can only be met if the noise from the premises alone is about the same level as the background level alone and at night is at least 10 dB below the background level. The SCC has also used such assessments based on any 1/3 octave band sound levels between 31.5 Hz and 12.5 kHz not exceeding the limits above. This condition is inevitably much more difficult to comply with.

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Dr Fergus Fricke
Honorary Associate Professor
Faculty of Architecture Design and Planning
University of Sydney

Annex 2

Sydney Superyacht Marina

By Martin Lawrence, PhD.

I have prepared the following notes to assist in consideration of the noise aspects of the proposed Sydney Superyacht Marina on the Glebe area. I have extensive experience in the field of sound propagation, having been an advisor in this field to the United Nations, the Australian Government, and private industry. I am also a resident of Glebe.

I have examined the Environmental Assessment documentation for the proposed Sydney Superyacht Marina. I perceive that noise impact should be the biggest concern for nearby residents. I have focussed on the detailed noise report by Benbow Environmental Appendix L: Noise Impact Assessment. This report is the basis for Section 4.3 "Noise" of the Environmental Assessment, Volume II.

The noise generated is broken down into two considerations, one for Operational use of the facility and the other for noise during Construction.

I have focused on the noise from Operational use, since the Operational noise will be ongoing, while the Construction noise will be temporary.

My comments are intended to clarify and simplify the technical conclusions of the report, point out discrepancies in the methodology of the report and their implications, and focus on the impact at Glebe.

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Separately, a post-construction noise assessment of operational noise is recommended by the noise consultant in order to validate the noise levels predicted (Page 1).

Glebe Situation:

Glebe contains the closest residential sites to the proposed Superyacht Marina.

The recommended Project-Specific Noise Levels are higher at the Glebe sites than at any other sites (due to the higher background noise already existing, presumably from the traffic on Anzac Bridge and Victoria Road).

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Notwithstanding the strong case for noise controls based on the Noise Report, there are reasons to believe that situation is even worse than described, due to the following issues.

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Summary:

The Noise Report finds that outdoor amplified music will exceed the recommended noise levels at Glebe during the evening (6pm to 10pm) and night (post 10pm) periods. Reducing the number of bands reduces the noise.

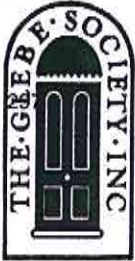
However, consideration of the above discussion indicates that the noise level at Glebe resulting from the proposed Superyacht Marina is underestimated in the Noise Report. Any outdoor amplified music during the evening or night periods would substantially exceed the recommended levels, while during the daytime it would also potentially exceed the recommended levels.

Proposed Mitigation / Contingency Measures:

The Environmental Assessment Volume II sets out mitigation / contingency measures proposed by the developer. This includes a number of desirable measures. But there is also one contentious one: Provision for two simultaneous music bands up until 10pm.

Recommendation:

There should be a control prohibiting any **outdoor amplified music**.



www.glebesociety.org.au

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ABN 99 023 656

THE GLEBE SOCIETY INC.

PO BOX 100, GLEBE NSW 2037 AUSTRALIA

Conserving our heritage ... Encouraging a sense of community ... Working for Glebe's future

The Manager
Major Projects Assessment
Department of Planning
GPO Box 39
SYDNEY, NSW 2001

By email: plan_comment@planning.nsw.gov.au

4th March 2011

Dear Sir,

RE: Exhibition of Redevelopment of Sydney Super Yacht Marina, Rozelle Bay (MP 09_0165)

I write on behalf of the Glebe Society Inc. (TGSI) enclosing our submission.

Anthony Larkum

For the Bays & Foreshore Sub-Committee

Glebe is a human-scale, coherent and largely complete 19thC townscape which is listed on the Register of the National Estate and Classified as an Urban Conservation Area by the National Trust.

The Glebe Society, Inc., Submission over the Super Yachts Marina – Land-Based Environmental Development Application (MP 09_0165)

Preamble

This site was intended for a temporary marina for large cruisers during the Sydney Olympics in 2000, and the State Government promised it would be removed. Instead, it has been made permanent on the basis of a DA in 2008, which did not have proper public consultation. The original temporary arrangement, the annual extensions, and the DA in 2008 all referred to a water-based facility with a minimal land base. Any justification for an extension to the land base can only be made on the basis of the relevant wording in the Rozelle Bay Master Plan 2000, which stated, in relation to a boating facility "Preferred Land Uses. Food and retail outlet, ancillary to main use". Thus the Glebe Society regards this DA as an ambit claim for an entertainment centre, with no real justification and quite out of context with the Government's aim for "Working Harbour" facilities to be built in this area.

Lack of public consultation is also true of the current proposal. Such consultation as has taken place has been at the insistence of nearby residents. The proposal should be readvertised and widespread public consultation should take place.

Objections

The Glebe Society's specific objections to this proposal are the following:

1. Ill-defined use of the site. The present proposal for a major land-based facility with little connection to the operation of the marina is seen as an ambit claim by the developers to build an entertainment centre. Apart from an office for the Marina and a Ships Chandler, the facilities have little connection with the operation of the Super Yacht Marina, nor those of the Government's stated plan for "Working Harbour" facilities on the waterfront in this Bay. There seems to be a general lack of compliance with previous guidelines set out in the Rozelle Bay Masterplan (2000), Sydney Regional Environmental Plan (Sydney Harbour Catchment, 2004) and Sydney Harbour Foreshore and Waterways Development Control Plan (2006)[some of the specific recommendations are set out in Appendix 1].

2. Musical Noise. The Glebe Society is strongly of the opinion that there should be no amplified musical entertainment outdoors on the site.

In fact the proposal incorporates plans for two spaces for out-door musical bands performing up to 10 pm at night. The noise modelling performed for the assessment shows an expected breaching of the standard allowances for parts of Glebe. Glebe has the closest residences to be noise affected. The residents of Glebe have previous experience of the nuisance occasioned by live music from the operation of "Liquidity" on the same site and from the White Bay Hotel on Victoria Road. In both these instance the music came from indoor facilities where the balconies or windows were open, and identify a real concern for the proper screening of indoor noise from any proposed buildings (see below).

3. Noise from the multi-use nature of the proposed project. This issue interacts with the musical noise problem. It is the potentially large number and range of non-maritime activities that might occur that could lead to the noise problems. Noise from indoor bands, from noisy parties, from balconies and from cars at closing time are a real concern. Provision should be made to contain indoor noise by the proper use of baffles, etc, and preventing open access to balconies, where live music is played indoors.

5. Over-development. The needs for the management of the Marina can be accommodated in a single building, which with attendant servicing needs (Ships Chandlers, etc) could be housed in a single one-storey building. The current EA is therefore an ambit claim to erect an entertainment centre. This proposal should merely serve the needs of the marina and should in no way aim at becoming a mini Darling Harbour. It has no legitimacy on land that is dedicated to waterfront activity according to the Working Harbour principles of the State Government.

6. Traffic management. The Glebe Society is concerned at the increase in traffic that this development will place on traffic on James Craig Drive and beyond. With the increased traffic already implied by the passenger terminal at White Bay and the planned Dry Boat Storage Facility, traffic is likely to

reach very high levels, with attendant problems of noise, air pollution and traffic hindrance to the Western Link. The increased traffic attendant on the development of the nearby Harold Park should also be taken into consideration. The Roads and Traffic Authority needs to carry out a careful study of all these impacts and make some rational decisions on the capacity of the whole area when fully developed.

7. Public access to the foreshore. As outlined in Appendix 1, three State regional Plans apply to the area (Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2004; Rozelle Bay Master Plan; and Sydney Harbour Foreshore and Waterways Development Control Plan. All these plans recommend public access to the foreshore and public walk ways around the foreshore in this area. The current EA should encourage public access to the foreshore and coordinate with plans for walk ways and parks in the whole Bays Precinct.

8. Impact on the Natural Communities of Rozelle Bay. Rozelle is a marine area adversely impacted by industrial activity and is in the process of being regenerated. The EA makes no concessions to this in terms of strict controls on run-off, accidental rubbish and other impacts, nor the regeneration of natural communities either on land or off-shore.

9. Lack of consultation with the local community. A meeting held on the 28th February was the first public opportunity for local residents to voice their opinions of the development. This was far too late. At that meeting of over 50 residents there was overwhelming agreement that there should be no outdoors amplified music on the site. The EA should be readvertised and a new final date set.

Conclusions

- 1. In the Master Plan approved by the Department of Planning in September 2002, the only preferred use that relates to food and retail for this site is for one food and retail outlet ancillary to the main use. Therefore this proposal should not be allowed as it contravenes the intent of the Master Plan which is a legal document.**
- 2. In the event that the Department chooses to act outside the intent of the Master Plan, the following major concerns need to be addressed: outdoor amplified music, outdoor music in general and business mix.**
- 3. There should be no outdoor music. In addition, the number of balconies should be reduced. There are nine large balconies on one of the two main buildings. Ideally all balconies should be enclosed and the Consent Provisions must require that balcony doors are closed when there is music being played inside. These provisions should also place restrictions on the use of balconies and decks in the evening after a certain time as noise, other than that from music, travels in the evening and especially over water.**
- 4. In relation to Business Mix, the Consent Provisions must specify strict requirements for the business mix which will result in this precinct being developed as a Maritime Precinct and not an Entertainment Precinct.**
- 5. Lack of public consultation should mean that the EA consent is suspended and a new round of public consultation held.**

Appendix 1

Compliance with the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2004

Part 2 Planning principles	Requirements	Comments
13 Sydney Harbour Catchment	The planning principles for land within the Sydney Harbour Catchment are as follows:	
	a) development is to protect, and where practicable, improve the hydrological, ecological and geomorphological processes on which the health of the catchment depends	Runoff to the detriment of the local ecology
	b) natural assets of the catchment are to be maintained and, where feasible, restored for their scenic and cultural values and their biodiversity and geodiversity	Development does nothing to restore natural biodiversity in the surrounding bays and will impact negatively on attempts to restore wetlands, mangroves and seagrasses
	c) decisions with respect to development of land are to take account of the cumulative environmental impact of development within the catchment	Development takes no account of other proposed developments in the surrounding bays and the impact of, for instance on more yachts on the accumulation of antifoulant chemicals.
	d) action is to be taken to achieve the targets set out in Water Quality and River Flow interim Environmental Objectives for Sydney Harbour and Parramatta River Catchment, such as to be consistent with guidelines set out in Australian Water Quality Guidelines for Fresh and Marine Water	Runoff is a problem. Also the stirring up of sediments with heavy metals and dioxins will also contravene these objectives.
14 Foreshores and Waterways Area	The planning principles for land within the Foreshores and Waterways are as follows	
	a) public access to and along the foreshores should be increased, maintained and improved	Public access to the foreshore is being denied. There is surely a way to allow limited access along the shoreline with restriction during the moving of boats and yachts
21 Biodiversity, ecology and environment protection	The matters to be taken into consideration in relation to biodiversity, ecology and environmental protection are as follows:	
	c) the need for development to avoid indirect impacts on aquatic vegetation such as changes to flow, current wave action and changes to water quality	This aspect has never been considered in past or present proposals.
	d) the need for development to protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation	Development does none of these things. Development will impact negatively on attempts to restore wetlands, mangroves seagrasses and algae to the local bays
22 Public access to foreshores and waterways	The matters to be taken into consideration in relation to public access to the foreshores and waterways are as follows:	

	a) the need for development to maintain and improve public access to and along the foreshore	Public access to the foreshore is being denied. There is surely a way to allow limited access along the shoreline with restriction during the moving of boats and yachts
Part 6 Wetlands protection		
61 Objectives	The objective of this plan in relation to wetlands are:	
	a) to preserve, protect and encourage the restoration and rehabilitation of wetlands, and	Runoff is likely to be detrimental these objectives. Pollution from antifouling agents on boat hulls is also a major consideration.
	b) to maintain and restore the health and viability of wetlands	The above comment applies

Compliance with Rozelle Bay Master Plan 2000

Planning Principles	Requirements	Comments
Land Use	A pedestrian and cycle connection is to be included along the alignment of the internal access road for Rozelle Bay and along Pyrmont Bridge Road in Blackwattle Bay	Public access to the foreshore is being denied. There is surely a way to allow limited access for pedestrians and cyclists along the shoreline with restriction during the moving of boats and yachts
2.4 Ecologically sustainable development principles		
Environmental management plan	An Environmental Management Plan (EMP) must accompany development applications for each of the Rozelle and Blackwattle Bay Sites. The EMP is to address ESD principles, stormwater management, water quality, noise management, retention and recycling of buildings, contamination, management during demolition, removal and construction phases, waste management and waste minimisation	An EMP is not presented as such but is incorporated within the DA. It is possible that it is for this reason that the DA ignores problems of chemicals from hulls and over-crowding of the Bays
Marinas and boat repair facilities	Development applications should address the Environmental Protection Authority's Environmental guidelines for Best Management practices for Marinas & Boat Repair Facilities (1999) with particular reference to liquid waste, solid wastes, spray operations, TBT paint avoidance, solvents and cleaning agent odours, stormwater, excessive noise, sewage, grey water and bilge water requirements	Development generates potential for runoff into sensitive marine foreshore areas. Development will generate unacceptable noise levels for surrounding residential areas. Anti-fouling agents on boat hulls poses a problem for sensitive marine life in the Bay
Pedestrian and cycle links	Pedestrian and cycling links are to be provided through the precinct and integrated into adjoining areas	Public access to the foreshore is being denied on safety grounds. There is surely a way to allow limited access for pedestrians and cyclists along the shoreline with restriction during the moving of boats and yachts
	Pedestrian links should recognize safety and security issues associated with commercial working waterfront and maritime activities	Agreed, but see comment above

Waterfront access	Working waterfront access for the public should be provided to the foreshore on the limited basis during business hours subject to restrictions for safety or security reasons associated with ongoing maritime operations. Measures for maintaining such access into the future need to be introduced	Public access to the foreshore is being denied. There is surely a way to allow limited access for pedestrians and cyclists along the shoreline with restriction during the moving of boats and yachts
	Access to the waterfront should be provided	Public access to the waterfront is being denied.

Compliance with Sydney Harbour Foreshore and Waterways Development Control Plan

Planning principles	Requirement	Comments
General requirement	Public access to waterways and public land is maintained and enhanced	Public access to the foreshore is being denied. There is surely a way to allow limited access for pedestrians and cyclists along the shoreline with restriction during the moving of boats and yachts
	Congestion of waterway and foreshore is minimised	Development will generate significant increase in water traffic to detriment of recreational boating and sporting activities on the Bays. This development has to be taken into consideration alongside other potential proposals for Rozelle and Blackwattle Bays, such as the Dry Boat surge facility, which will undoubtedly see greatly increased number of boats and yachts
	Conflicts on the waterway and foreshore are avoided	Development will conflict with both. For waterway, see above. For foreshore see comments on access to waterfront
	The development does not interfere with navigation, swimming or other recreational activities	Development will interfere with navigation, recreational and sporting activities
Foreshore access	Foreshore access is to be encouraged and promoted. Wherever possible, public access to and along the foreshore should be secured or improved	Public access to the foreshore is being denied. There is surely a way to allow limited access for pedestrians and cyclists along the shoreline with restriction during the moving of boats and yachts
Environmental management	Potential pollutant sources from the site must be controlled and meet established performance standards	Runoff poses a problem to sensitive foreshore communities.
	Appropriate controls are to be in place and managed to prevent any pollutants entering the environment	Proper controls should be instituted and monitored
	The adverse impacts of noise (considering hours of operation, existing background noise, expected departure/arrival times of vessels, noise level of marine patrons, noise level repair and testing of vessels and motors) are to be minimised through appropriate design and management measures.	Development will generate unacceptable noise levels for local residential areas through night-time activities, e.g outdoor musical entertainment.

Foreshore access	Foreshore access is to be encouraged and wherever possible, public access to and along the foreshore should be secured or improves	Public access to the foreshore is being denied. There is surely a way to allow limited access for pedestrians and cyclists along the shoreline with restriction during the moving of boats and yachts
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Appendix 2.

Two independent Assessments have been made of the Noise Report at Appendix 'L'. The Assessments have been done by Dr Martin Lawrence and Dr Fergus Frick, both being people with credible qualifications in acoustics.

A. Comments on noise evaluation of the proposed facilities associated with the Sydney Super Yacht Marina By Dr Fergus Fricke

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

1. The report relies on background noise level measurements carried out by another consultant in 2003 even though, in the present report, the measurements are stated as having been carried out in 2007. Given that in the meantime commercial shipping has ceased to use the Glebe Island and White Bay terminals there is likely to have been a significant reduction in ship noise, associated dock operations noise and vehicular transport noise such as that from car transporters using James Craig Road, and hence a significant reduction in background noise.

It is not sufficient to state that, "It is not anticipated that the local ambient noise environment has undergone significant variation." Under the circumstances, at the very least, some checks on the previous background noise levels should have been made.

2. In section 3.1 it is stated that, "Industrial noise sources and traffic were noted as being prominent." It is not stated where the industrial noise was coming from and it is surprising that the industrial noise includes, "vessel engines, fans, generators cranes, fork lifts, trucks etc (generally associated with cargo unloading)".

3. The inclusion of a scale map showing where the measurements were taken would have been useful, if not essential. It is notable that the 2003 background measurements presented do not include measurements made at the nearest residences (at Glebe Point/Federal Road) to the proposed development even though later in the report it is clear that the Glebe Point residences are the ones that will be most affected by the noise emanating from the marina facilities.

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Honorary Associate Professor
Faculty of Architecture Design and Planning
University of Sydney

B.
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However, consideration of the above discussion indicates that the noise level at Glebe resulting from the proposed Superyacht Marina is underestimated in the Noise Report. Any outdoor amplified music during the evening or night periods would substantially exceed the recommended levels, while during the daytime it would also potentially exceed the recommended levels.

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Provision for two simultaneous music bands up until 10pm.

Recommendation:

There should be a control prohibiting any outdoor amplified music.

6



Coalition of Glebe Groups

Chris Newton
218 Glebe Point Road
Glebe

Michael Buckley
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

4 March 2011

Dear Mr Buckley

Re: Sydney Super Yacht Marina Rozelle Bay (MP 09_0165)

I refer to the above Major Project Proposal and make the following submission as Chair of the Coalition of Glebe Groups (CoGG). CoGG is comprised of representatives of five Groups in Glebe being: The Glebe Society Inc; Chamber of Commerce; Glebe Point Residents Group; Glebe Community Action Group; Glebe Area Tenants' Group. The main concerns of the community with the proposal are as follows.

Noise

Noise is the aspect of most concern to Glebe Point residents.

The proposal identifies Glebe Point residents as those closest to the proposed development. The Proposal it states that across Rozelle Bay are the closest properties at Glebe Point (approximately 200-250 metres distant) and Jubilee Park, Bicentennial Park and Federal Park open spaces. The community knows from experience how readily noise travels over water. Liquidity and its associated noise problems when it operated as a function centre, sensitised people in Glebe

Point. Residents in the many apartments overlooking the Bay, residents in the streets leading back from the parks, residents in Glebe Point Road and residents as far back as Leichhardt Street were affected.

The proposal provides for 3 buildings, two for mixed use and one for car parking. In the Proposal it states that together the two buildings for mixed use have 6,145 sqm of indoor footprint and outdoor deck and balcony areas of 1,843 sqm. Further both buildings, in addition to maritime related businesses, can have retail and commercial offices, cafes and restaurants, function facilities, a hotel (tavern) and package liquor outlets, general bar licence and package liquor outlets and a marine based club ('licensed facilities'). The operating hours for cafes, restaurants and licensed facilities would be 8.00am to 12.00 midnight or ideally 2.00am, 7 days a week.

It is proposed to have live bands playing up until 10.00pm at night. Two independent Assessments have been made of the Noise Report at Appendix 'L'. The Assessments have been done by Dr Martin Lawrence and Dr Fergus Frick, both very well qualified people in the area of acoustics. It is understood that these two assessments will be submitted as part of another submission. *The conclusion reached in these two Assessments is that there should be no outdoor amplified music at any time because of the impact on Glebe residents.*

At a meeting with the proponents, the proponents said that the entertainment facilities would be secondary to the marine related activities. This is not stated in the proposal and the proposed *business mix* does not give one confidence that this would be the case.

The proponents answer to the noise problem is purpose built buildings to contain noise. The question of how one captures outside amplified noise, or any outside noise, has not been addressed because this noise cannot be reduced.

Business Mix

Of major concern with the two buildings for mixed use businesses is that the total space will go on the market not specified in any way for any one of the approved uses. The market will determine the mix not the precinct identity. As a result it could be that Maritime uses will be subsumed by entertainment uses and the precinct could end up as an entertainment precinct and not a Maritime precinct operating 7 days a week until 2.00am in the morning. Licenced premises would predominate in this scenario with all the associated noise problems. The Master Plan approved by the Department in September 2002 does not allow the entertainment, function centre and liquor outlets as proposed.

Consultation

The applicants failed to consult with the community on this proposal as required even though they have worked with members of the community previously. Consultation with the community was minimal. The proponents worked well with the Glebe Society and the Glebe Point Residents Group when the Slipways DA was under consideration.

In relation to the Glebe consultation it is stated in the proposal that the proponents consulted with the White Bay Steering Committee and the Body Corporate of 501 Glebe Point Road. The White bay Steering Committee has no connection with Glebe and the Body Corporate of 501 Glebe Point Road could not identify any documentation supporting consultation with them. The proponents advised, as outlined in their proposal, that they had met their requirement to consult by placing two small advertisements in the local paper in May and June last year and an exhibition at Liquidity. Liquidity does not attract passers by not being in the business precinct but isolated in the Maritime precinct across the Bay from Glebe. In Appendix N where submissions are listed following consultation, only two submissions from Glebe are listed. One submission was from a major importer of boats. As the proponents had failed to consult with Glebe residents they were invited to do so by having a meeting with residents. On 28 February a meeting was held at Liquidity. Residents from Glebe Point strongly raised their objections to any outside music.

Traffic

It has recently been announced that the Cruise Passenger Terminal is to move to White Bay. To manage traffic from this activity a new road is to be built to join up with James Craig Road which is a private Road servicing the total Maritime Complex. The intersection in and out of the precinct involving Robert Road and James Craig Road is already a problem. The additional traffic from the soon to be developed Dry Boat Storage complex, the Cruise Passenger terminal and the Super Yacht Marina will only add to the current congestion and problems.

Amendments Requested

The community is most concerned about *noise* and the proposed *business mix* which will affect the amount of noise emanating from entertainment and function facilities. In this respect it is noted that licensed facilities are proposed to play a significant role in the Precinct. The proposal should be amended so that any outside music is NOT allowed, amplified or otherwise. Restrictions should also be placed on the hours of use of balconies and decks.

The Consent Provisions in any approval must prescribe in some way the *business mix* to ensure that the result is in keeping with the requirement that this remain a Maritime Precinct. An Entertainment Precinct is not allowed under the Master Plan for the Bay (approved September 2002) and was never envisaged when the Plan was being developed. For this site it states under Preferred Land Uses:

'Food and retail outlet ancillary to main use'.

Chris Newton
Chair
CoGG



PCU019953

SYLLA HEILAND
4A LEICHHARDT ST
GLEBE, 2037

7

FEB 24, 2011

Major Projects Assessment
Dept. of Planning
Attention Michael Buckley
c/o PO Box 39
SYDNEY NSW 2001

Department of Planning
Received
25 FEB 2011
Scanning Room

Re: Major Project: Sydney Super Yacht
Marina, Rozelle Bay
(MP09-0165)

Herewith I object to the above
Project for the following reasons:

Outdoor amplified music would
disturb the nearest residential
properties in Glebe and should not
be allowed at any time.

No control on the amount of
space for any one use is proposed
and the maritime uses could be-
come secondary to entertainment
usage (cafes, restaurants, licensed
facilities open 7 days a week).
This is a Maritime Precinct though,
which needs to be recognized.

There would be an increase of traffic which is already a problem, especially at the intersection of James & Craig Road and Robert Road.

I would appreciate your consideration of my objection for these reasons.

Yours sincerely,
S. Heild

Major Projects Assessment
Dept. of Planning
GPO Box 39
Sydney NSW 2001



Email to: plan_comment@planning.nsw.gov.au

Attention: Michael Buckley

Dear Mr Buckley

Re: Major Project: Sydney Super Yacht Marina, Rozelle Bay (MP09_0165)

As a resident and home owner for the last 20 years at 22 Alexandra Road, Glebe I have a number of concerns in relation to the abovementioned Major Project proposal and take this opportunity to make my submission.

This proposal is in contravention of the intent of the Master Plan for the site which was approved by the Department of Planning in September 2002 and which does not identify as preferred uses the restaurants, liquor outlets and function facilities proposed in the business mix.

Further to the above I am most concerned at the advice you allegedly dispensed recently ie that approval of the buildings will be determined **without examining the proposed uses**. The uses will need to have **individual applications** as they are to come on stream. This doesn't make any sense. The buildings are to be purpose built to allow for noise containment. The large number of balconies and areas of decking reflect the proposed uses which are not preferred uses under the Master Plan. **Add to this the need for the community to examine and comment on a large number of individual DAs. The proponents must be told now what is and isn't an acceptable use in accordance with the Master Plan or they will construct buildings for which there will be no use.**

Consultation

The applicants are required to consult with affected members of the community in relation to the Proposal. Consultation with the community was virtually non-existent. The proponents know the major community groups in Glebe Point. They worked with the Glebe Society and the Glebe Point Residents Group when the Slipways DA was under consideration, with a good result.

The proposal identifies Glebe Point residents as those closest to the proposed development. At p.25 of the Executive Summary it states that across Rozelle Bay are the closest properties at Glebe Point (approximately 200-250 metres distant) and Jubilee Park, Bicentennial Park and Federal Park open spaces. In fact far more residential properties than those identified in the proposal will be affected. This is well known in the Glebe Point Precinct because of the very bad experience with Liquidity. Noise travels across water

and the noise from Liquidity affected properties in the streets leading back from the Parks as well as along Glebe Point Road and as far back as Leichhardt Street. All units and homes on the Point were affected.

The only consultation identified in the Proposal in relation to Glebe was with the White Bay Steering Committee, which has nothing to do with Glebe, and supposedly the Body Corporate of 501 Glebe Point Road being one apartment block on the Point. The Executive Committee of the Body Corporate of 501 have said that they were not consulted. We have requested information on the consultation from the proponents but it has not been forthcoming. When the issue of consultation was raised with the proponents they advised that they had met their requirement with two small advertisements in the local paper in May and June last year and an exhibition at Liquidity. It was pointed out that residents don't necessarily read the advertisements in the local paper nor go to Liquidity for coffee. Liquidity is not in Glebe and is on the site for the proposed development.

In Appendix N there are only two submissions from Glebe following this supposed consultation. One submission was from a major importer of boats. This I think sums up the consultation process. At a meeting with the proponents requested by some residents, after receiving the notification of the Proposal from the Department of Planning, they were invited to meet with the Glebe residents and discuss their proposal. A meeting took place on 28 February in Liquidity. This was the first real consultation with the community and far too late. The residents who attended almost unanimously raised their objections to outside amplified music or any outside music at all.

Noise

Noise is my greatest concern. At P.32 of the Executive Summary it states that there are two main buildings. Both buildings have balconies, outdoor areas and decks. Together the buildings have 6,145 sqm of indoor footprint and outdoor deck and balcony areas of 1,843 sqm. Further both buildings, in addition to maritime related businesses, can have retail and commercial offices, cafes and restaurants, function facilities, a hotel (tavern) and package liquor outlets, general bar licence and package liquor outlets and a marine based club ('licensed facilities'). At p46 it states the operating hours for cafes, restaurants and licensed facilities would be 8.00am to 12.00 midnight or ideally 2.00am seven days a week. At the meeting with the proponents they said that the entertainment facilities would be secondary to the marine related activities. The proposed uses for the buildings would hardly substantiate this claim. See further comment on this below at 'Business Mix'.

The proponents say that the buildings will be purpose built to address noise abatement. However there were no answers to the major concerns with outdoor amplified music or any music outdoors. The noise from outdoor music cannot be captured.

As noted above there are a lot of outdoor deck and balcony areas, and this would be in addition to other open space. It is proposed to have live bands playing up until 10.00pm at night. Two independent Assessments have been made of the Noise Report at Appendix 'L'. The Assessments have been done by Dr Martin Lawrence and Dr Fergus Frick, both being people with credible qualifications in acoustics. These Assessments are to be submitted to the Department of Planning. Both Assessments reach the same

conclusion being that **there should be no outdoor amplified music at any time because of the impact on Glebe residents.**

When Liquidity was operating I made numerous complaints to various bodies in relation to music, voices, cars, all clearly audible inside my unit... to the point where I needed to turn the volume up on my TV. All to no avail as laws were not adhered to (initial POPE Licence was done so without a sound engineer's report on ambient noise) furthermore, Condition 14 (attached to the POPE licence) stipulated:

"The L10 noise level emitted from the premises, when assessed at any residential boundary, shall not exceed the L90 ambient background level in any Octave Band Centre frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB(A) between the period 7am to midnight.

The L10 noise level emitted from the premises, when assessed at any residential boundary, shall not exceed the L90 ambient background level in any Octave Band Centre frequency (31.5 Hz to 8 kHz inclusive) between the period midnight to 7am.

Notwithstanding the above, noise emission from the premises shall not be audible inside any habitable room of any residential premises between the period 12 midnight and 7 am.

L10 may be taken as the average maximum deflection on a sound level meter.

Yet, notwithstanding the above my lifestyle was regularly negatively impacted upon. Therefore, I cannot agree to any outdoor music (amplified or not) at any time.

Mixed Uses

There are two buildings proposed to accommodate the businesses. A third building is to be used as a car park. Of major concern with the two buildings is that there are no specified areas for the different types of businesses. This means that the areas can be put on the market and the most attractive offers will be successful without any obligation on the proponents to have a specified business mix. It could be that most of the space will become entertainment related. It could become a major restaurant /functions precinct operating 7 days a week until 2.00am with all the related noise problems. **This would be in contravention of the Master Plan which does not allow an Entertainment Precinct on this site.** The Department of Planning signed off on the Master Plan for this Bay in September 2002. It is called: **Master Plan, Rozelle and Blackwattle Bays Maritime Precincts.**

In this Master Plan at page 34 it states under Preferred Land Uses for this site:

Food and retail outlet ancillary to main use

All other preferred uses are maritime related.

Traffic

Traffic is of concern in particular with the announcement that the Cruise Passenger Terminal is to move to White Bay. A new road is to be built to join up with James Craig Road which is a private Road servicing the total Maritime Complex. The ingress from Robert Road to the site and the egress from James Craig Road to Robert Road already have problems and that is without this proposal, the Dry Boat Storage facility still to be developed and the Cruise Passenger Terminal.

Conclusions

In the Master Plan approved by the Department of Planning in September 2002, the only preferred use that relates to food and retail for this site is for one food and retail outlet ancillary to the main use. Therefore this proposal should not be allowed as it contravenes the intent of the Master Plan which is a legal document.

In the event that the Department chooses to act outside the intent of the Master Plan, the following major concerns need to be addressed being outdoor amplified music, **outdoor music in general and business mix.**

There should be no outdoor music. There are nine large balconies on one of the two main buildings. Ideally all balconies should be enclosed. If this cannot be achieved then the Consent Provisions must require that balcony doors are closed when there is music being played inside. These provisions should also place restrictions on the use of balconies and decks in the evening after a certain time as noise, other than that from music (scraping of tables and chairs on decking), travels in the evening and over water.

In relation to Business Mix, the Consent Provisions must specify strict requirements for the business mix which will result in this precinct being developed as a Maritime Precinct and not an Entertainment Precinct.

NOTE: I have attached a copy of a document issued by the Directors of the Superyacht Marina following the meeting held with residents. The document outlines the commitments of the Directors. Dot point no 7, music simulations, is the only matter that was agreed at the meeting. As I have said in my submission, the residents almost unanimously said no to any outdoor music. However, some of them did agree to participate in the music simulations. Dot point 6, a Community Liaison Group, is considered to be a good initiative as is dot point 8, a Noise Management Plan.

Regards

Roberta di Brazza
22 Alexandra Road
Glebe



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Rose Zwi
14/501 Glebe Point Road
Glebe. NSW 2037

2011-03-03

ATTENTION:

Michael Buckley
Major Projects Assessment
Department of Planning
GPO Box 30, Sydney NSW 2001

Department of Planning
Received
9 MAR 2011
Scanning Room

MAJOR PROJECT: SYDNEY SUPER YACHT MARINA
ROZELLE BAY (MPO9 0165)

Despite the fact that the developers agreed to meet with local residents on Monday 28 February to discuss their concerns about the development, the three directors of Sydney Super Yacht Marina have ignored the core objections of over fifty people who attended the meeting.

The audience clearly indicated their strong concerns about the noise from the entertainment precinct, which are planned to have a mixture of function centres, cafes, restaurants, with outdoor bands and amplified music operating from 8 a.m. to midnight, in addition to a tavern operating till 2 a.m. 7 days a week.

The problem is not the marina. The site should be operated only for genuine maritime use, not as an entertainment venue. It is far too close to residences for any amplified music. The noise of the bands during the operation of Liquidity, kept residents in the area from sleep until the bands stopped. Objections to the Balmain Police, Water Police and the Leichardt Council proved ineffective.

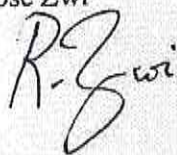
Despite requests from residents, the committee of the Sydney Super Yacht Marina gave no undertaking to:

1. Limit amplified music outside the proposed hours to indoor, double glazed and soundproofed facilities.
2. Restrict the number and days and nights when amplified music would be allowed.
3. Restrict or specify the number of weeks per year on which amplified music would be allowed.

These objections were made perfectly clear at the meeting at Liquidity, but the pdf sent out by the directors of the Sydney Super Yacht Marina did not represent any agreement with the residents who attended. On the contrary: they propose that two bands be permitted to play for nine hours a day, seven days a week. This is entirely at odds with the overwhelming sentiment expressed at the meeting: that no bands be permitted to play outside at any time.

I hope you will give your serious attention to the justifiable objections lodged by the residents in the area.

Rose Zwi

A handwritten signature in black ink, appearing to read 'R-Zwi', written in a cursive style.

14/19 Stewart Street
GLEBE NSW 2037

4 March 2011

Mr Michael Buckley
Major Projects Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Dear Mr Buckley

Re: SYDNEY SUPER YACHT MARINE ROZELLE BAY (MP 09_0165)

I refer to the above Major Project Proposal and my concerns are as follows:

Master Plan Rozelle and Blackwattle Bays Maritime Precincts:

It is my understanding that the Master Plan signed by the Department of Planning in September 2002 was for the area to be developed as a Maritime Precinct and not an entertainment area.

This proposal places emphasis on other activities with maritime uses secondary.

Consultation:

I live directly opposite the site concerned and attend Glebe Point Resident Group (GPRG) meetings regularly. As far as I am aware there was no liaison with the group at any time. This proposal has a huge impact on the quality of lifestyle of those residents living in the Glebe Point area. We residents are closest to the site concerned.

Noise:

Noise travels very quickly across water, whether it be car, unloading/loading of ships, music from harbour cruise vessels etc. Glebe Point residents live in an amphitheatre. The evening noise from functions held at "Liquidity" have been horrendous. Many a time I 'phoned the Police complaining about excessive noise; it was no use 'phoning the venue as they either did not answer the 'phone or when did "passed the buck".

I note that there are two buildings with balconies and outdoor areas and amongst the mix of businesses will be retail and commercial offices, cafes, restaurants, function facilities a hotel (tavern) and package liquor outlets, general bar licence and a marine based club ("licensed facilities").

Operating hours in the proposal are stated as – cafes, restaurants and licensed facilities 8.00a.m. to 12.00midnight or ideally 2.00a.m. 7 days a week. Proposal is that buildings will be purpose built to address noise abatement.

What about outdoors amplified outdoor music – this noise can not be captured.

I am strongly against any outdoor music, be it amplified or not.

Business Mix:

There are two buildings proposed to accommodate businesses. My concern is that there are no specified areas for the different types of businesses. To me it means that the areas can be placed on the market and the most attractive offers will be accepted without any obligation to have a specified business mix, i.e. major restaurants/function centre operating 7 days a week until 2.00a.m. with all the associated noise levels.

I am very disappointed that proposal did not state it would have maritime businesses in the majority with food and retail outlets ancilliary to the main use.

I have no objection to the accommodation for crew members of the “super yachts” berthed adjacent to the proposed development.

Traffic:

I understand that a new road is to be built to join up with James Craig Road, which is a private road servicing the total maritime complex. The ingress from Robert Road to the site and the egress from James Craig Road to Robert Road already have problems. The Dry Boat Storage facility in Rozelle Bay has not been developed and the Cruise Ship Passenger Terminal has not been tested fully. Let alone the proposed development of Harold Park, Glebe with another 1200 residences.

I believe NSW Maritime arranges private bus transfer for their staff from/to the city, so how can the proponents expect visitors to their site to use public transport!

Conclusion:

This proposal contravenes the Master Plan approved by the Department of Planning 2002, especially in relation to the one food and retail outlet. This site should be developed in the main as a maritime use.

There is to be no outside/outdoor music of any kind. All balconies should be enclosed. If this cannot be achieved then part of the consent should be that all balcony doors must be closed when music is being played.

Operating Hours for all businesses to be 8.00a.m. to 10.00a.m. Monday – Saturday, Sunday 8.00a.m to 8.00p.m. as this site is directly opposite the residential areas of Glebe Point and Annandale.

Yours sincerely,

Roslyn Wheeler
roswheeler@bigpond.com