

JONES BAY WHARF MARINA EXPANSION, PYRMONT

Documentation may be found on

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3657

Hawcroft Consulting International
Suite 85, Lower Deck, Jones Bay Wharf
19-21 Pirrama Rd, Pyrmont, NSW
2009

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This Development Application (DA or EA) is subject to 3A approval. The Government is the consent authority.

Toga Development No. 27 Pty Ltd (Toga) has submitted an application for the expansion of the existing marina on Jones Bay Wharf. The application states that expansion will increase vessel numbers from 43 to 73 and current marina employees by 70%. If the proposal is approved, this will result in a considerable impact on business, resident and community amenities.

We object to this proposed expansion and the reasons for our objection follow.

TRAFFIC

"In accordance with the management plan, berthing facility lot owners and occupiers, vessel service contractors and other persons carrying out maintenance on marina structures are permitted access onto the [pedestrian] apron of the wharf" – Appendix F – Traffic Impact Study from Toga's Environmental Assessment submission.

- Traffic and parking impact statistics provided by the Traffic Impact Statement submitted on behalf of Toga are based on a predicted 70% increase in marina employees. This relates directly to the proposed percentage increase in vessels.
- Independent surveys of the current vessel numbers and berthing facilities indicate that the maximum capacity of the current marina is closer to 30 vessels and not the 43 indicated by Toga. This means that the expansion provides for an increase of approximately 43 vessels which equates to a 143% increase.
- The eastern side of the wharf will have an increase from approximately 7 to 44 vessels plus 7 water taxi spaces (a total of 51)
- Based on Toga's method of calculation, a 143% increase in vessels would equate to a 143% increase in employees. This would double the proposed number of cars accessing the marina and requiring parking spaces.
- Estimated averages of 3 service trucks per day are required for the servicing of a commercial vessel. With an increase of 44 vessels on the eastern side this equates to 132 vehicles upon the apron per day. This could cause potential safety issues for pedestrian users.
- Traffic Congestion within the immediate vicinity will increase and available roadside parking will decrease.
- The columns and island in the middle of the road at the entrance to Jones Bay Wharf already causes disturbance to traffic flow particularly with the dropping off and picking up of taxi passengers and servicing/ deliveries. The proposed increase in traffic accessing the marina extension will only exacerbate this congestion.

OWNERSHIP, PARKING & PUBLIC LIABILITY

"Based on an increase in employee workforce of some 70%, the expanded marine facility could be expected to have a parking demand of some 40 to 50 vehicles during the peak weekday period" –

Appendix F – Traffic Impact Study

- As stated in the Traffic Impact Study above the proposed 70% increase in workforce is most likely underestimated.
- Proposal predicts an increase of vehicles requiring parking during peak weekday period. Based on a 143% increase in vessels, the increase in vehicles is more likely to be in the vicinity of 30 to 40 vehicles. Extra vehicles cannot be accommodated on site and are expected to find spaces within the adjacent Promontory Car Park. Promontory Car Park cannot accommodate the current demand and currently parks the overflow of cars on the access ramps between floors. It is therefore unlikely to be able to accommodate any increase in vehicles. (see photographs i, ii, iii, iv, v, vi, vii)
- The applicants have not accurately represented the proposed "exclusive" parking spaces on the apron/ promenade of the wharf (the 10m 24/7 public access easement around the offices on the wharf)
- The apron is leased by Commercial North and Commercial South Strata from Maritime NSW under the Strata Management Act. The apron forms part of the common property of the Strata and is covered by the Owner's Corporation public liability insurance.

Toga has proposed 10-12 parking spaces on this apron. This use of another's property for Toga's exclusive benefit is in contravention of the Strata Management Act.

To use these spaces as proposed, Toga would require the granting of an exclusive use licence by a special resolution of the Owners Corporation. This has not been obtained. Without these spaces, the proposed marina expansion is unable to provide the extra parking required on site as outlined in their Traffic Management Proposal.

- Toga proposes to use additional security staff, under the management of the Marina Manager, to police the traffic on the apron. The use of the Strata's common property for vehicles under the policing of Toga staff will have considerable effect on the Owner's Corporation Public Liability policy.
The division of responsibility and liability between Toga use of the apron and the owner's corporation has not adequately been considered.
- The increase in marina employee numbers and the associated public liability has not been considered.

NOISE IMPACT

"The predicted levels comply with the criteria, except during the night time period at 3 Darling Island Road. Boat movements have been assessed against the screening sleep disturbance criterion...The criterion is exceeded by 7dBA at 3 Darling Island" – Appendix L – Noise Impact Statement from Toga's Environmental Assessment submission

The aim of the Noise Impact Statement was to determine the noise impact of the proposal on the surrounding resident and commercial developments. Owners and tenants on the wharf were not considered.

- Increase in waste and servicing evidently leads to an increase in noise pollution, effecting firstly the tenants on Jones Bay Wharf, and secondly residents on Darling Island and Pirrama Rd.

- Current residents on 3 Darling Point Rd can attest to disturbing noise levels of returning vessels in the evening due to the vessels motors, the unloading of bottles and garbage, the carrying of voices and the cleaning of boats. An increase of evening-use vessels (returning up to 12 midnight) from approx. 5 to 25 on the east of Jones Bay Wharf will cause further disturbance and disruption to the sleep of local residents.
- Residents at 25 Pirrama Rd are affected currently by the unloading of bottles and garbage, the carrying of voices and traffic on Pirrama Rd. This issue is intensified by the picking up and dropping off of passengers for Doltone House functions. An increase of servicing trucks, employees and vessels will increase this problem.
- With an increase in vessels from 43 to 73 (or more realistically 30 to 73) and specifically 7 to 51 on the eastern side of the wharf adjacent to Darling Island, the noise levels will be unacceptable for residents of Darling Island and Pirrama Road.

VISUAL IMPACT AND CONTEXTUAL EFFECTS

"Site visibility is the extent to which the expanded marina would be visible from surrounding areas. As an extension to an existing marina in front of a foreshore promenade the indicative potential visual impact of the proposal is in the higher range of impacts as defined in the Sydney Harbour Foreshores & Waterways Area Development Control Plan (DCP)."

– Appendix N – Visual Impact Statement from Toga's Environmental Assessment submission.

The aim of the Visual Impact Statement was to determine the visual impact of the proposal on the surrounding public domain, waterway, resident and commercial developments. Owners and tenants on the wharf were listed as viewers affected but no discussion, feedback or mitigation of this impact was provided.

- Approx. ⅓ of the water on the east bay will be covered and nearly ⅓ on the west, with the remainder used as a thoroughfare for the vessels
- Visual impact for residents at 3 Darling Island is expected to be moderate and is scaled at an impact level of 2 out of 3 by the Visual Impact Statement
- The photomontages which have been provided by Toga misrepresent the impact of the development by deceptively reducing boat sizes and numbers and excluding proposed pontoons (see photographs viii, ix, x)
- The Visual Impact Statement claims that the configuration of larger vessels to the north and smaller vessels to the south reduces visual impact. The density of the smaller vessels makes this statement redundant in relation to the visual impact from the surrounding residential buildings and parks
- The proposed visual impact defined by the statement relies on the "dynamic" nature of the vessels to reduce its density. Historically, current vessels remain berthed for the majority of the day with an average of 6 out of 7 vessels constantly docked on the east side. (see comparative study)
- The argument that the impact on views is insignificant compared to the previous wharf usage (large steam vessels) is irrelevant and misleading as the wharf is now used for commercial offices and public recreation where an outlook is important.
- The Visual Impact Statement claims the proposal will have minimal impact as similar vessels to those existing will berth. This does not consider the increase in vessels. Additionally, the largest current boats are approximately 28m in length and the largest proposed vessel is 45m in length.
- Height of vessels has not been addressed. The major visual impact of the marina for the occupants of Jones Bay Wharf is the height of the cabins above the apron. The increased

density of vessels, particularly on the east side, has the potential to eliminate water views from the ground floor offices.

HERITAGE

"Development should minimise any adverse impacts on views and vistas to and from public spaces, landmarks and heritage items" – Harbour Regional Environment Plan (2005)

- Jones Bay Wharf is listed as a heritage site under the Sydney Local Environmental Plan (2005) (item No. 99 in Schedule 9) & an item under the National Trust Register and has not been adequately addressed in the Toga Development No. 27 Pty Ltd. Submission.
- The visual impact on the heritage listed Jones Bay Wharf is of concern, as the number and height/ size of vessels will affect the historic integrity of the site.
- Local landmarks such as James Watkinson Reserve's views and vistas to the Bay will be affected.

POLLUTION & ECOLOGY

"Development should have a neutral or beneficial effect on quality of water entering waterways" - Harbour Regional Environment Plan (2005)

- The increase number of vessels means the increased risk of concentrated spillage of fuel, bilge water, sewage, litter and rubbish associated with commercial practices. Within a confined space, the concentration of these spillages will be detrimental to the immediate area.
- The high concentration of vessels in close proximity within the two small bays increases the risk of potential accidents & subsequent spillages.
- The increased number of vessels with propeller and jet action will disturb the aquatic inhabitants and the structure of their assemblage on and around the existing Jones Bay Wharf.
- Anti-fouling paints used on the underside of the vessels within a confined bay will have toxic effects on the aquatic inhabitants.

PUBLIC INTERACTION

"Consideration [must be made] of pedestrian linkage improvements (in particular the extension of the foreshore boardwalk)" – Director Generals Requirements

"The construction of this boardwalk is to be undertaken by others" – Preliminary EA Jones Bay Wharf Marina Extension

- Proposed boardwalk required to aid 'pedestrian connectivity and access' has still not been properly designed or approved, requiring negotiations with adjoining landowners.
- Responsibility for construction has not been identified.
- Boardwalk does not serve as an adequate linkage as it does not lead to any public walkway.
- Increase in promenade/ apron use for servicing vehicles to 132 depletes pedestrian safety.

Existing plan, plan submitted by Toga Development No. 27 Pty Ltd and modified to show all proposed. Original plan

APPENDIXES: PHOTOGRAPHS



Photograph i. Promontory Car Park showing parking onto ramps due to overreaching capacity, Level 1. December 7, 2010.



Photograph ii. Promontory Car park showing parking onto ramps due to overreaching capacity, Level 2. December 7, 2010.



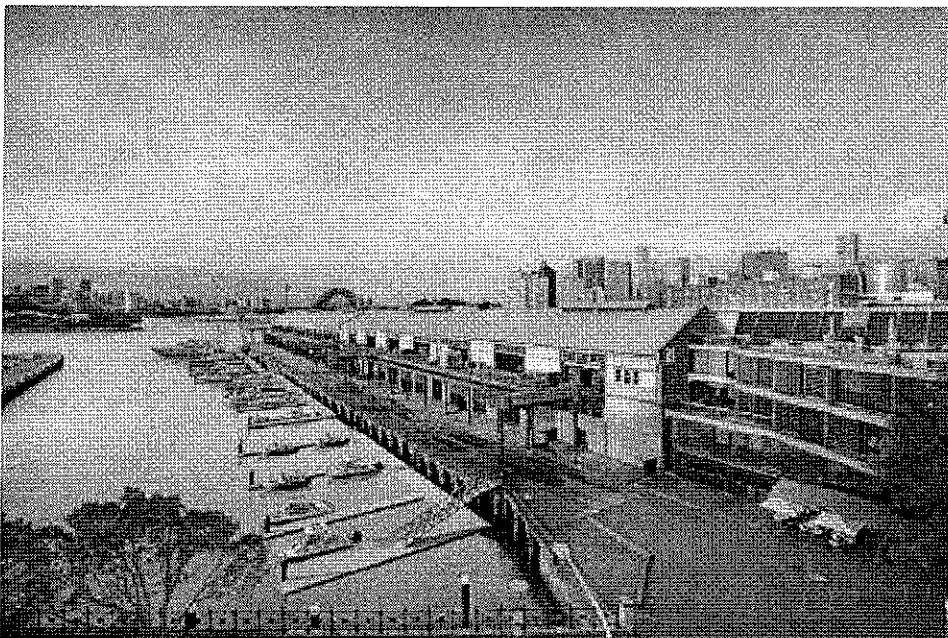
Photograph iii. Promontory Car park showing parking on corner of thoroughfare, Level 3-4. December 14, 2010.



Photograph iv. Photomontage of east side, excluding a prominent proposed pontoon and approx. 14 vessels. Appendix N – Visual Impact Assessment, pg. 8, RPS on behalf of Jones Bay Wharf Development No. 27, 7 December 2010.
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Photograph v. Photograph of existing showing actual boat sizes. Appendix N – Visual Impact Assessment, pg. 4, RPS on behalf of Jones Bay Wharf Development No. 27, 7 December 2010.
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3657



Photograph vi. Photomontage of west side, distorted to seem elongated, drastic reduction in vessel sizes. Appendix N – Visual Impact Assessment, pg. 4, RPS on behalf of Jones Bay Wharf Development No. 27, 7 December 2010.
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3657

As this proposed development will seriously alter this historic Pyrmont precinct we do not support the proposed development and ask for your support in our objection.

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AUSTRALIA

16 .

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Pymont 2009

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December 21, 2010

Department of Planning
23-33 Bridge Street
Sydney 2000

Attention: Amy Ravitz-Williams

Dear Ms Ravitz-Williams

Re: Proposed Expansion Marina Jones Bay Wharf Your Ref: MP09_0205

I am the Secretary of Owners Corporation Strata Plan: 78349 and am objecting on behalf of the majority of owners to the above Application.

We reside in a building on the southern side of Pirrama Road Pymont, directly opposite Jones Bay Wharf, only approximately 30m from the proposed marina. Our building was erected on the boundary of the footpath of Pirrama and every unit has a bedroom on that boundary.

When the building was erected, Jones Bay Wharf was totally commercial, with permission for 2 restaurants and some coffee shops. The western side of the wharf has a private marina and the eastern side has housed approximately 6 large vessels, two or three of which appear to be a commercial type.

Since 2007, Doltone House, a function centre has moved into the wharf under controversial circumstances, and now Toga is asking that about 30+ vessels, all commercial, be housed, not along the wharf as was always requested, but sideways into the small area of Harbour.

We strongly oppose this development on a number of grounds.

The area is a mixture of commercial and residential units, the vast majority being residential homes. It is clearly not in the public interest that more commercial activity be brought into the area.

. The Casino, only 50m east has been given permission to considerably expand, to contain 11 new restaurants, shops etc. Doltone House has been given permission to open a second function centre opposite the Casino with little parking requested by City Council.

. Residents who have lived here for years have been totally overlooked as our quality of life is eroded, especially at night. Our objections are never considered.

. Pirrama Road in the section of the wharf is very narrow, has steel pillars in the centre, and is very dangerous as vans and trucks turn into the wharf, and taxis let off passengers anywhere in the vicinity.

. There is not one car space available on the wharf and Toga has requested that common property of the Stratas on the wharf, be given to them for exclusive use, so they can prove to you they have some areas to park trucks and vans which may service their commercial vessels. This request is highly dogmatic and if it were our Strata Plan, that request would never be allowed.

. The parking at Promontory is nearly always to capacity. The applicant states that it would encourage employees to use public transport!!!!!! This statement is not believable.

. From 5pm onwards, the commercial tenants may leave the wharf, but Doltone House can have up to 3 Functions nightly, housing 500 people, not to mention those who attend Flying Fish restaurant, and the other two restaurants on the wharf. Many evenings are a traffic chaos and highly dangerous with people looking for parking, cabs letting off guests, and stretch limos and busses doing likewise.

. At 11pm to midnight guests leave, shouting and calling out to each other, especially if there has been a function with a considerable intake of alcohol and the traffic once again volumes. Doltone House employees then drag garbage bins down to the centre of the wharf, making unbelievable noise.

. Around 2am URM comes to the wharf and smashes bottles for at least 20 minutes. When backing, the truck makes a loud noise, and being night time the wharf echos. This happens every night.

. Also between 2am and 4am trucks deliver food, Grima takes away paper, Fresh Poultry delivers ? We have filled in many logs to Council stating the times and number of trucks which wake us nightly.

. Toga wishes to house 30+ vessels. Those vessels will return at night with sewerage, food waste and bottles to somehow disappear....
As it is the Wharf does not have enough space for garbage. Will this nighttime activity, which we have been trying to address, increase?

This has not once been addressed by Toga. Will more trucks come to the wharf at night? Will they be washing down the vessels at night.

. These huge numbers of vessels will create more noise, more night activity, with little thought given to residents who live nearby.

. Clearly, it is not appropriate, nor fair, that residents have to face more noise, at least 30 more trucks or vans a day. We were here before these interests and residents interests should be considered.

. This small section of harbor is used by walkers, joggers, fishermen and is well used and is very popular, and is to be encouraged.

. Toga Marina would change the area forever, from an open space for the public, to be covered with commercial vessels, crowding out the area, also parked trucks, totally in opposition to the original concept of the historic wharf, being for the general public.

. This development will affect hundreds of residents adversely. The Pirrama Road area is already overdeveloped. We have not seen as yet the impact of the huge addition to the Casino.

. Sydney Harbour is for the public use and not for a private company's gain.

Open space is desperately needed and the Wharf and the Harbour around it should not be expanded for private use.

We totally oppose the Application for an Extension to the Marina.

Yours sincerely



Maureen Salier
For and on Behalf of the Owners Corporation 78349

Amy Ravitz-Williams - RE: jones bay wharf expansion

From: "Mary Kelly" <maryk@dkg.com.au>
To: "Amy Ravitz-Williams" <Amy.Ravitz-Williams@planning.nsw.gov.au>
Date: 24/12/2010 4:40 PM
Subject: RE: jones bay wharf expansion

My apologies for not making the deadline today.

Robert and I object to the expansion of the Jones Bay Marinea.

It is right opposite our Unit 219, 3 Darling Island Road, Pyrmont. NSW 2009.

The expansion will affect us with noise because there is not much room in the water area, the boats will make a lot of noise reversing or geeting it wrong trying to enter the holding bays.

The expansion will also restrict our beautiful view of the harbour.

Please ask for a noise and beautification survey to be done.

Jones Bay Wharf is a beautiful old and historical building and looks great just as it is.

Please accept this objection, I know it is 4.30 pm, but is Christmas Eve and a very busy time of the year.

Thanks for your help and could you please let me know if you will present this objection on the grounds that it is Christmas Eve and a very time of the year.

**Regards,
Mary Kelly
Director**

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Mobile: + 61 418 211 309

**Delaney Kelly Golding Pty Limited**

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From: "Mary Kelly" <maryk@dkg.com.au>
To: <Amy.Ravitz-Williams@planning.nsw.gov.au>
Date: 29/12/2010 6:59 pm
Subject: FW: View of Jones Bay Wharf from 219/3 Darling Island Road, Pyrmont.1
Attachments: photo.JPG; ATT104934.txt

Hello Amy,

If the Planning Department accept my objection lodgement then please allow me to also present some photos of our view of Jones Bay Wharf. If the development goes through we will not be able to see Jones Bay Wharf, we will see boats.

Many Residents of Pyrmont walk the area here and also a lot of Tourists. The area in front of my Balcony is a Public Walkway and it is a really peacefull area.

It is an absolute shame that such a historical old building is not protected from further development.

The scenery around Darling Island is beautiful and the Government should protect and maintain the City's heritage.

Regards,
Mary Kelly
Director
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From: "Mary Kelly" <maryk@dkg.com.au>
To: <Amy.Ravitz-Williams@planning.nsw.gov.au>
Date: 29/12/2010 7:27 pm
Subject: Objection ----- and View of Jones Bay Wharf from 219/3 Darling Island Road, Pyrmont.6
(please read this)
Attachments: photo.JPG; ATT93416.txt

Hello Amy,

If the Planning Department accept my objection lodgement then please allow me to also present some photos of our view of Jones Bay Wharf.

If the development goes through we will not be able to see Jones Bay Wharf, we will see boats.

Many Residents and Workers from Pyrmont walk around and have Lunch on the Darling Island Public Walkway facing Westwards and in in front of my Unit.

This is a really peaceful area.

It is an absolute shame that such a historical old building (Jones Bay Wharf) is not protected from further development.

The old building and scenery around Darling Island is beautiful and the Government should protect and maintain the City's heritage from further development.

PS

Does the Planning Department understand:

1. The impact Two (2) large Commercial Boats, sitting side by side at the end of Jones Bay Wharf together with a number of other Boats moored and also sitting side by side will have on Jones Bay Wharf?
2. The environmental impact this Development will have on the area?
3. Understand how this Development will impact Pyrmont Residents, Tourists and Worker's who are walking, having lunch, fishing or just sitting around really beautiful scenic area.

Please advise me if my Objection and Photos are accepted.

Thank you for your help and in anticipation.

Regards,
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