

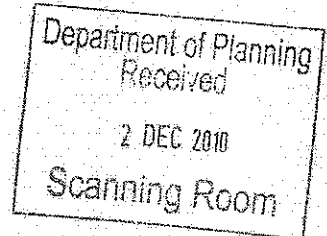
Hippocampus whitei



PCU017334

SYDNEY HARBOUR ASSOCIATION
PO Box 265 ROSE BAY NSW 2029

Director,
Government Land & Social Projects
Department of Planning
GPO Box 39 SYDNEY NSW 2001



MP09_0205, Jones Bay Wharf Marina Expansion, Pyrmont

We support the expansion of the marina in the location proposed. However, we do not support the detail of the marina configuration as presently envisaged, and therefore object to it.

The location is appropriate for a facility that can handle long vessels. Such locations are not particularly plentiful in the Harbour.

However, the proposal envisages that some forty per cent of the vessels to be accommodated will be relatively short, that is, 15m or less in length.

Within 20 years or so, it seems very likely that such shorter vessels may be stored - by choice or by *fiat* - on land, so as to cope with the growing demand for mooring space for the longer vessels that are becoming an increasing proportion of the recreational vessel fleet, and which are necessarily stored on water.

We think the layout should be revised such that the marina berths are designed to accommodate vessels of 15 metres length or greater, even if they are used in the short term for shorter vessels.

If all the berths were laid out at right angles to the wharf, upgrading over time would be considerably facilitated.

The attached sketch illustrates our approach.

We recommend that the proposal in its present form be refused, and the applicant be invited to consider a revised design having the capability to accommodate longer vessels at all berths.

Michael Rolfe, President
30 November 2010

JONES BAY SHOULD BE RETAINED FOR BERTHING LARGE VESSELS OVER 20M. ANY BERTHING OTHER VESSELS SHOULD ONLY BE ON TEMPORARY BASIS UNTIL LARGE VESSELS ARE AVAILABLE. (30 YEAR TIME FRAME IS NECESSARY)

BERTH SIZE	NUMBER
12m	14
15m	17
18m	20
20m	1
22m	9
23m	1
20m	7
33m	1
44m	1
45m	2
TOTAL	73

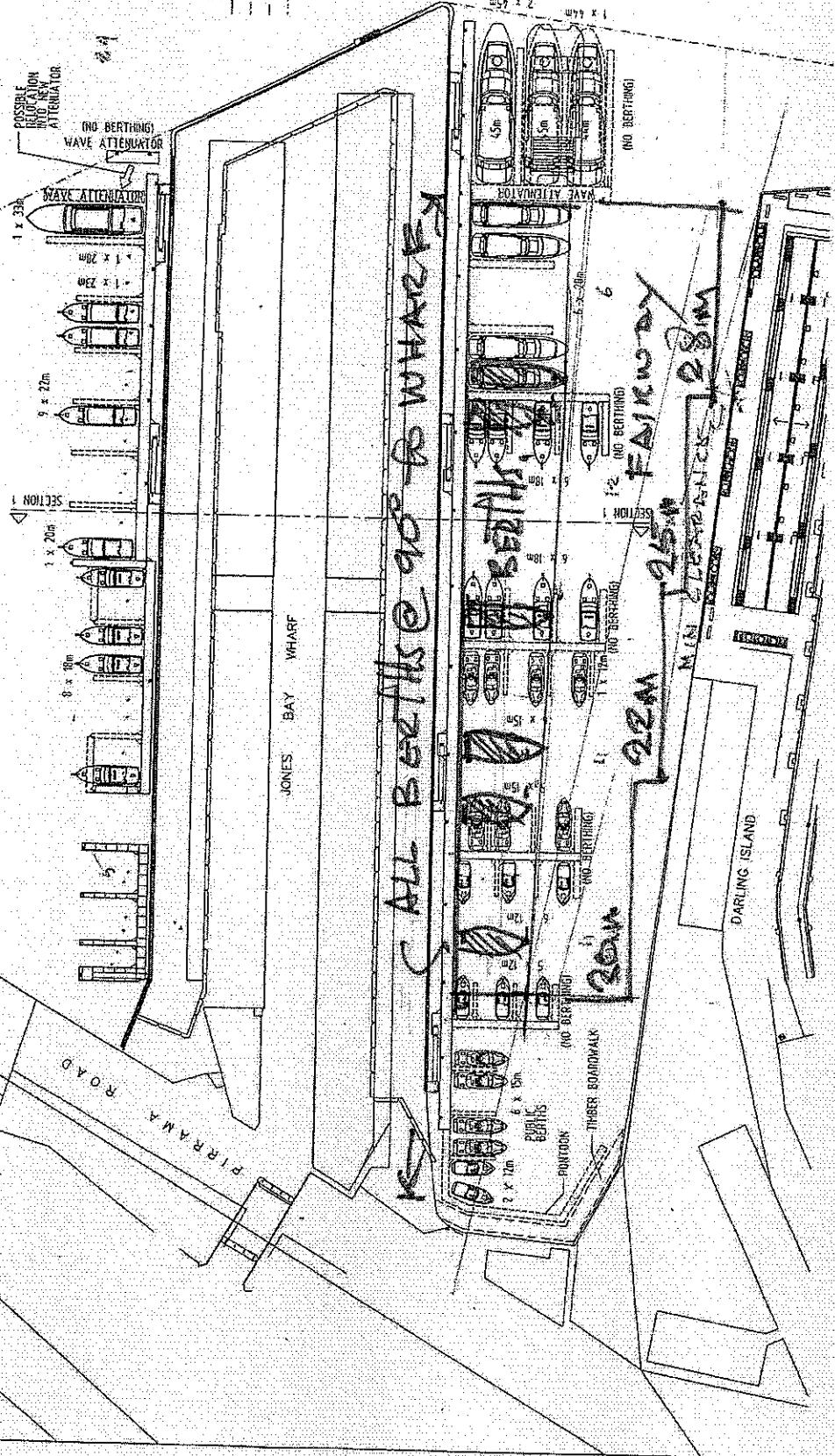
LEGEND

EXISTING FLOATING STRUCTURES
PROPOSED FLOATING EXTENSION
NORTHERN LEASE LIMITS
DEMOLITION OF STRUCTURE

DARLING HARBOUR

0 10 20 30 40 50m
SCALE 1:250 (A3)

PRELIMINARY



SYDNEY HARBOUR ASSOCIATION. P.O. BOX 365 ROSARY N.S.W 2029.



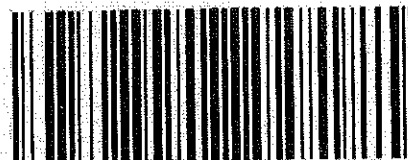
FAXED
7.12.2010

CORINTHIAN ENGINEERING PTY LIMITED

ABN 42 003 153 624

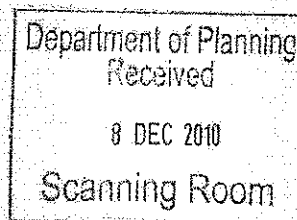
Jones Bay Wharf
Suite 54, 28-32 Pirrama Road
Pyrmont NSW 2009 Australia

Telephone +61 2 9552 5500 Facsimile +61 2 9552 5549

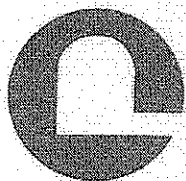


PCU017551

Director, Government Land & Social Projects
Department of Planning
GPO Box 39
Sydney NSW 2001



6th December 2010



Marina Expansion, Jones Bay Wharf, Pyrmont

MP 09-0205

Dear Director,

I am writing to object to the proposed Marina Expansion at Jones Bay Wharf, Pyrmont for the following reasons:

Parking - The Jones Bay Wharf Marina Operational Management Plan states 'Marina users are able to use on street parking bays and the adjacent public parking facility at the "Promontory Car Park 19-21 Pirrama Rd'. The Traffic Impact Study for the proposed Marina Expansion at point 3.18 states 'The surveys found a peak parking demand of some 163 vehicles at 4.00pm. This represents an overall car park utilisation of some 85% indicating that off-street parking is available'.

The increase in the number of full time employees and contractors working on the additional vessels will be around 1-2 per vessel on a daily basis, around 50 workers. The current parking situation at the "Promontory Car Park" is unacceptable. On a daily basis the Car Park is full, and the full sign displayed Monday to Friday from around 930am, and in some cases cars are reversing back onto Pirrama Rd if the Car Park is full and the sign is not displayed. We have 4 permanent passes for the "Promontory Car Park" and our staff are often unable to find spaces. Employees working on vessels do not normally use public transport as they have their cleaning and maintenance equipment in their

cars/utilities/trucks that they have to access regularly. The current parking facilities do not cope now, let alone with the increase in employees/contractors that will require parking.

Access and Service Bays - The amended Traffic and Pedestrian Managements Plan at point 2.11 states that 'Vessel service contractors and other persons carrying out maintenance on the marine structures are allowed access onto the apron of the wharf through the retractable bollards' And 2.12 states 'a 10km/hr speed limit applies to all areas of the wharf traversed by vehicles'

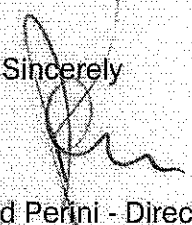
The increase in the number of vessel service contractors requiring access to the apron of the wharf through the retractable bollards will be a danger to pedestrians walking to the different restaurants, cafes and offices located around the wharf. The lack of parking and contractors requiring access to equipment in their cars will lead to cars being parked on these aprons regularly. No one is policing the speed limit now, so expecting it to be policed in the future is unrealistic.

Waste Management - The waste management facility is already inadequate at Jones Bay Wharf, and the increase in the number of vessels unloading waste can only make it worse.

Security and Management - The Security and Management of the current day to day operations on the Marina at Jones Bay Wharf is currently unsatisfactory. Security access is not policed and there is no pre registration with management.

Disturbance to occupiers - The construction of the proposed Marina Expansion would cause horrific noise and other disturbance to current occupiers of the Wharf. This proposed Marina Expansion should have been included in the original development of the site, and is incompatible with occupied premises.

Yours Sincerely



Richard Perini - Director
Corinthian Engineering



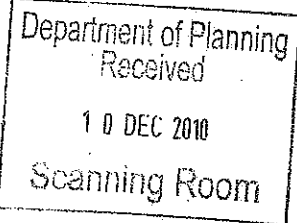
PCU017668

PO BOX 188
PYRMONT
NSW 2009
Telephone (02) 9660 5634
Email nmonk@pacific.net.au

Neville & Cushla Monk

8 December 2010

Department of Planning
GPO Box 39
Sydney
NSW 2001



Attention: Major Projects Assessment.

Jones Bay Wharf Marina Expansion, Jones Bay Wharf, Pyrmont
MP09_0205.

Dear Sir,

I wish to lodge an objection to the above referenced EA on the following grounds:

My wife and I are residents of Promontory Apartments, 204/15 Pirrama Rd, Pyrmont which are located directly opposite Jones Bay Wharf. The Promontory Car Park is below our apartment.

This car park has a substantial impact on our amenity due to the fact that it services the business people who drive to work, casual visitors to the area and the two function centres of Doltone House. The Traffic Impact Study included in the EA inadequately addresses the facts of the use of this car park and the impact that additional traffic will have on the residents of the Apartments located within the same complex as this car park.

The Traffic Impact Study neglects to even consider that Doltone House is a major user of this car park for its functions which often fill the car park's casual spaces both during morning peak and afternoon peak periods. Doltone House on Jones Bay Wharf and Darling Island caters for over 1300 patrons. Parking for patrons attending both of these function centres is advertised and encouraged by the proprietors of Doltone House to be catered for by the Promontory Car Park which has a capacity of 190 vehicles. When Doltone House has a breakfast function parking in the area is at a premium as all on street parking is restricted to a maximum of 2 hours and the limited amount of parking fills up very quickly. As the Parking Station is unmanned (automated ticketing machines are used) there is no one available to direct traffic away from the full car park and the ensuing traffic congestion on Pirrama Rd is intolerable. The distress that the grid lock causes and

.....

December 8, 2010

Page 2

the ensuing blowing of horns by irate drivers and bus drivers is unacceptable to the residents of Promontory Apartments.

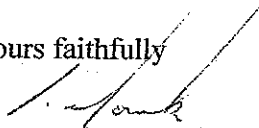
Any further traffic generated by an extension of the Wharf facilities which results in additional usage of the car park will only exasperate this situation.

While we understand that the intended expansion of the mooring facilities are for Commercial Vessels and that the current Consent Conditions are onerous it should be realized that at least one operator on the wharf, Kookaburra Sailing, often allows patrons of its two large America's Cup boats to disembark on the wharf for refreshments at their premises on Jones Bay Wharf.

It must be assumed that Party Boat operators are most likely to utilize these extended facilities and if the proprietors allow passengers to embark and disembark from the wharf then the noise and the ensuing anti social behaviour will have an adverse affect on the amenity of all residents of the nearby buildings. As there does not appear to be any compliance authority for residents to complain to have these breaches policed no further facilities should be approved.

We trust that you will consider our objections when assessing the merits of this Environmental Assessment and reject the application.

Yours faithfully



Neville Monk.

1

Dear Amy,

Further to our conversation this morning requesting an extension of 14 days in order to respond to the Jones Bay Wharf Marine Expansion, Pyrmont (MP 09- 0205). We respectfully seek this time in order to properly consult with our community.

It is close to Christmas and this proposed development will have a large impact on our residential community. Some of our main concerns are:

There is extreme traffic congestion on Pirrama Road during the times of events at Doltone House. There is considerable noise and disruption caused by late comings and goings and rubbish collection in the early hours. An increase of activity resulting from the servicing and increased use of the bay by an extra 30 vessels will further harm both the businesses on the wharf and the local residents.

Parking: We note they propose to use the existing public car park on Pirrama Road but would like to inform you that during events at Doltone House as they lease the station for their clients local visitors cannot get a space inside. So where will the 70 % increase in workers and no doubt a greater percentage of users park their cars? It is extremely difficult to pick up and set down under present conditions etc. These matters need to be discussed and properly evaluated.

The reduction of views to and from the harbour are another major consideration and the degradation of the small bay which is overlooked by James Watkinson Reserve is a matter of grave concern.

In spite of the fact that we are the main community group in Pyrmont we have only just been made aware of the situation and need this time to inform and discuss the issues with our members.

We would appreciate your early consideration of this matter and would like to take the opportunity of wishing you all a very happy Christmas.

Kind regards,

Jean Stuart President Pyrmont Community Group. Winners of the Australia Day Award for Outstanding Community Service.

This message is intended for the addressee named and may contain confidential/privileged information. If you are not the intended recipient, please delete it and notify the sender.

Views expressed in this message are those of the individual sender, and are not necessarily the views of the Department.

You should scan any attached files for viruses.

10482
9 December 2010

The Director General
The NSW Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Amy Ravitz-Williams

Dear Amy,

**JONES BAY WHARF MARINA EXPANSION
WHARVES 19-21, JONES BAY WHARF
MP09_0205**

We refer to the above matter and current exhibition of the Environmental Assessment for the Jones Bay Wharf Marina Expansion. This submission has been prepared by JBA Planning on behalf of and on instruction from REVY Investments (REVY). REVY are the owners of land on the north western side of Darling Island (REVY land) as illustrated in Figure 1. REVY do not in principle, object to the expansion of the Jones Bay Wharf Marina. However, the extent of the proposed Marina Lease unduly constrains and impedes the use of the REVY land.

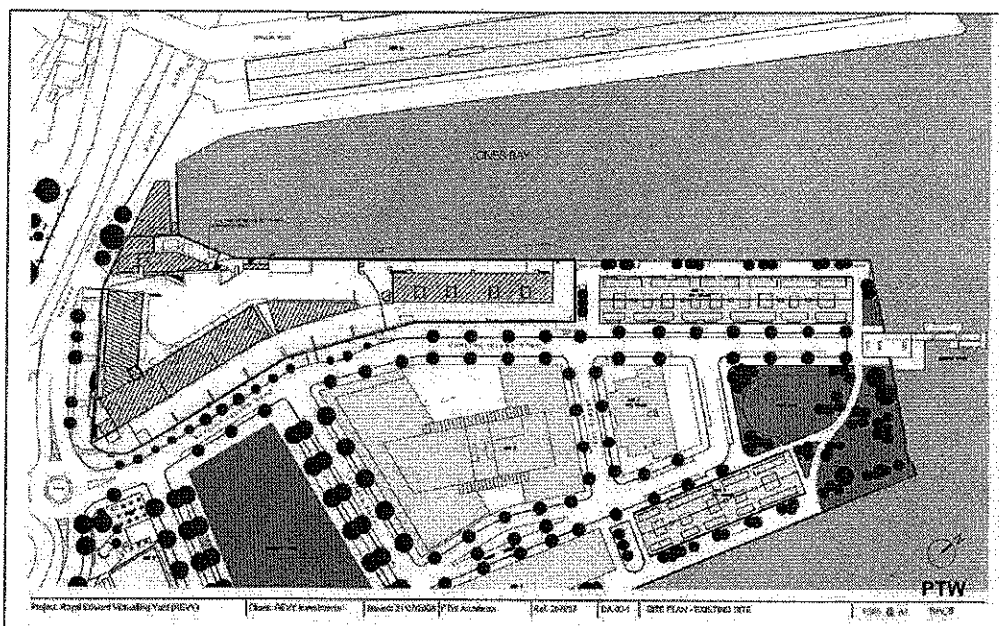


Figure 1 - Site Plan

The plan (3671-02/G) submitted with the Environmental Assessment prepared by International Marina Consultants illustrates the enlargement of the existing lease boundary (illustrated in hatched green). This proposed enlarged lease area extends to the seawall owned by REVY as illustrated in **Figure 2** below.

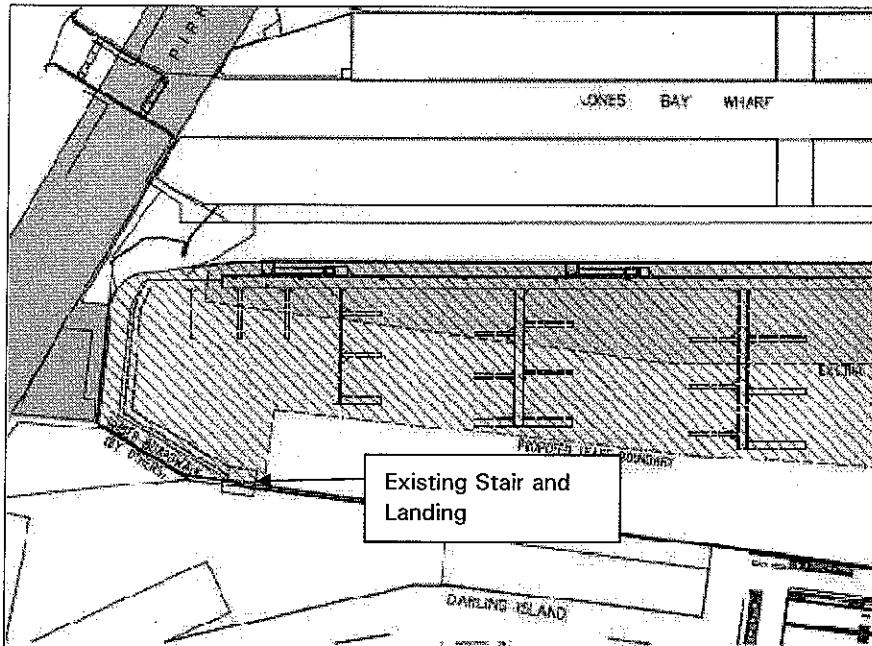


Figure 2 – Extract of proposed lease plan

There is no planning justification as to why the enlarged lease boundary needs to extend to the landward edge of the REVY land. Located on the REVY land adjacent to the proposed lease boundary is an existing stair and landing. The location of the stair and landing is illustrated on **Figure 2** above. This facility is operational and is regularly used by the occupants of the land for the dropping off and picking up of passengers by boat. Refer to **Figures 3** and **4** below.

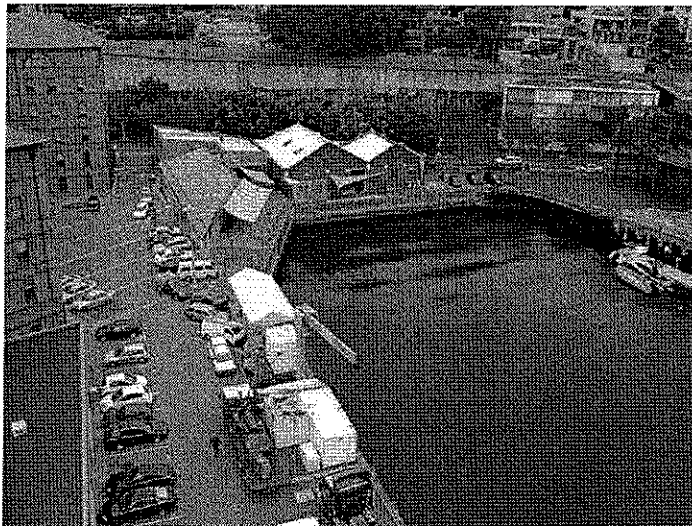


Figure 3 – Stair & Landing Surrounds

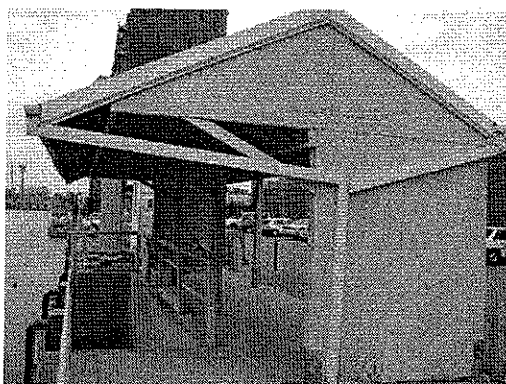


Figure 4 - Stair & Landing

The extent of the lease boundary will preclude the use by REVY of an important facility on its own land. This facility has been part of the land since the wharves construction in 1902. The facility can be seen in historical photographs included at **Attachment 2**.

Clause 4 of the *Sydney Harbour Waterway and Foreshore Development Control Plan* requires that the consent authority be satisfied (amongst other things) that *"public access to the waterway is maintained and enhanced."* The establishment of the proposed lease will restrict public access to the existing way by granting property rights to one entity over waterway which has historically been used by the public and users of Darling Island. The expanded lease area does not promote the shared access to Sydney Harbour.

The Environmental Assessment Report which accompanies the application does not provide any justification as to why such a large lease is required by the proponent, apart from saying that the matter has been agreed with NSW Maritime.

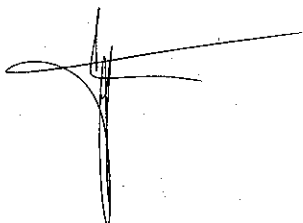
REVY recommends that the lease boundaries be altered in accordance with the Plan at **Attachment 1**. The alterations proposed by REVY Investments:

- allow for a clear 25 metre channel between the proposed Marina and the existing Darling Island seawall; and
- permit vessels of up to 15 metres in length to use the existing drop off/pick up points at Darling Island.

We strongly recommend that the Department of Planning (in conjunction with NSW Maritime) adopt the lease boundary changes proposed by REVY. In addition to the recommended changes to the lease boundary, REVY requests that all physical structures proposed as part of the Marina should be wholly incorporated within the revised leasehold boundaries.

Should you have any queries about this matter, please do not hesitate to contact me on 9409 4946 or aduggan@jbaplanning.com.au.

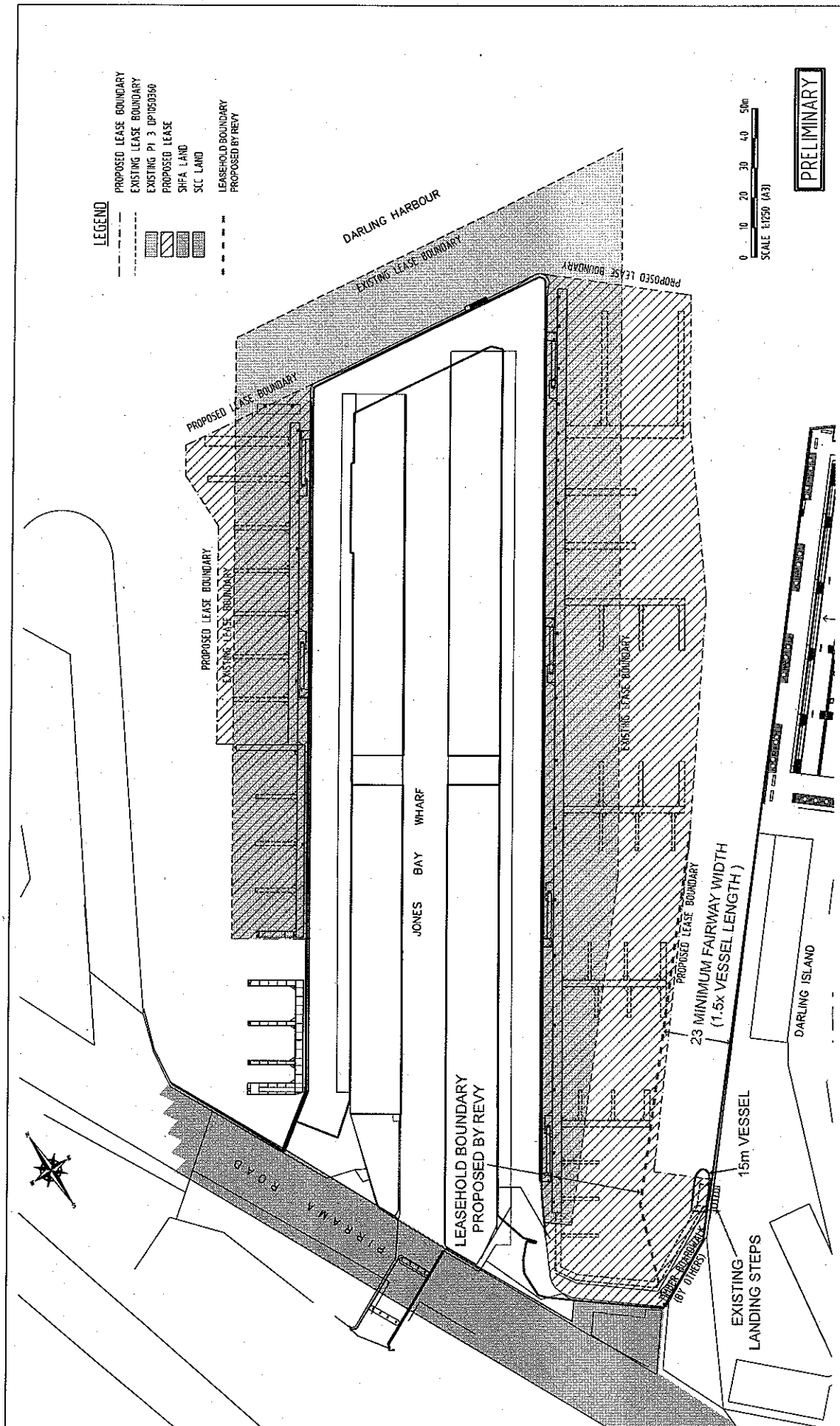
Yours faithfully

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Andrew Duggan
Director

Attachments;

1. *Recommended Lease Boundary*
2. *Historic Images*



LEGEND

- PROPOSED LEASE BOUNDARY
- EXISTING LEASE BOUNDARY
- EXISTING PI 3 DP050500
- PROPOSED LEASE
- SHEA LAND
- SCC LAND
- LEASEHOLD BOUNDARY PROPOSED BY REV

0 10 20 30 40 50m
SCALE 1:1250 (A3)

PRELIMINARY

NOTES:

- ALL DIMENSIONS ARE SHOWN IN METRES.

International Marina Consultants
Consultants to the Marina Industry.

433 Annerley Road
ANNERLEY QLD 4093
AUSTRALIA
Phone (07)38923111
Fax (07)38925011
Email: imc@imc-marinas.com

Client: TOGA GROUP

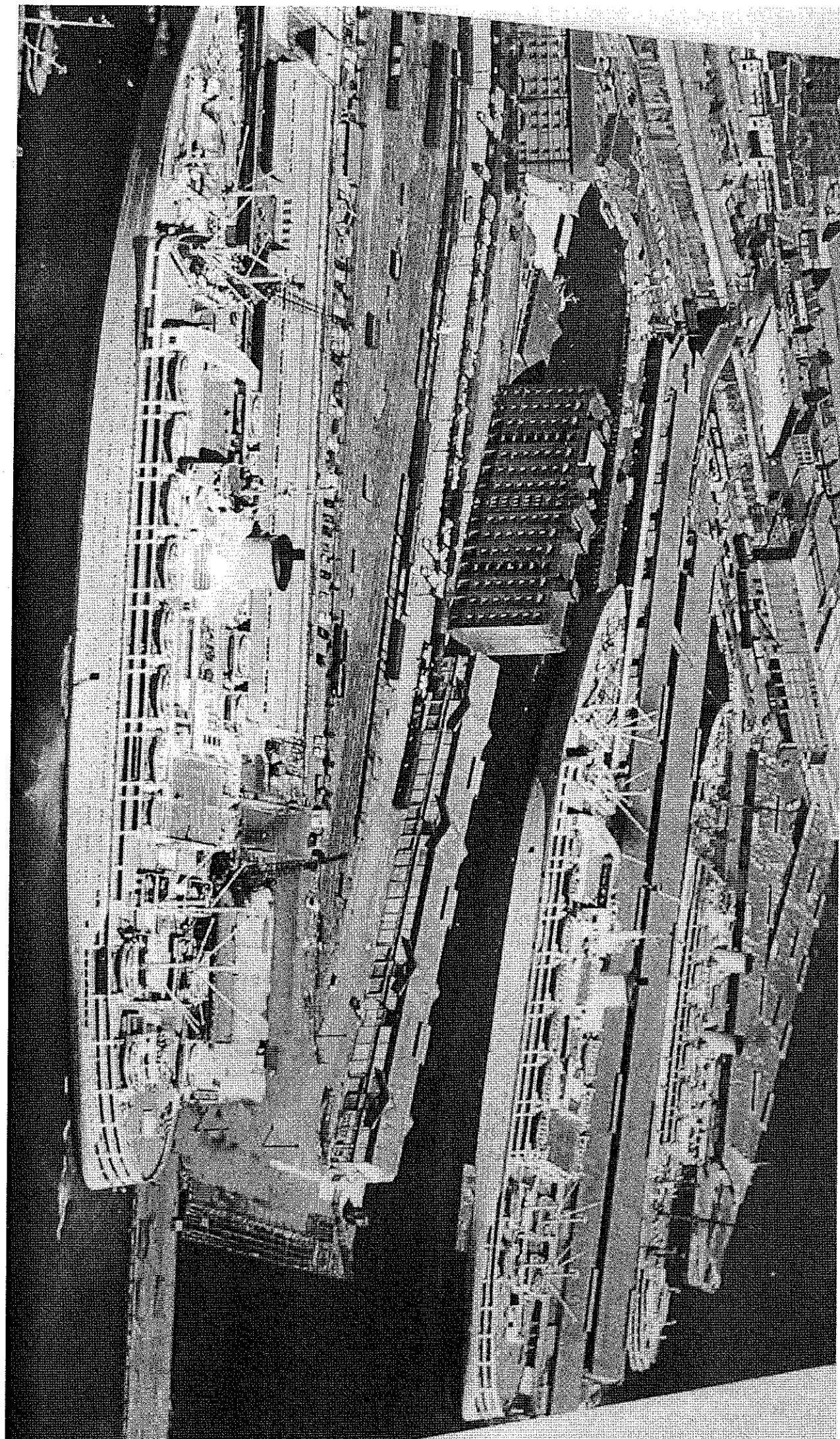
Project: JONES BAY MARINA EXPANSION

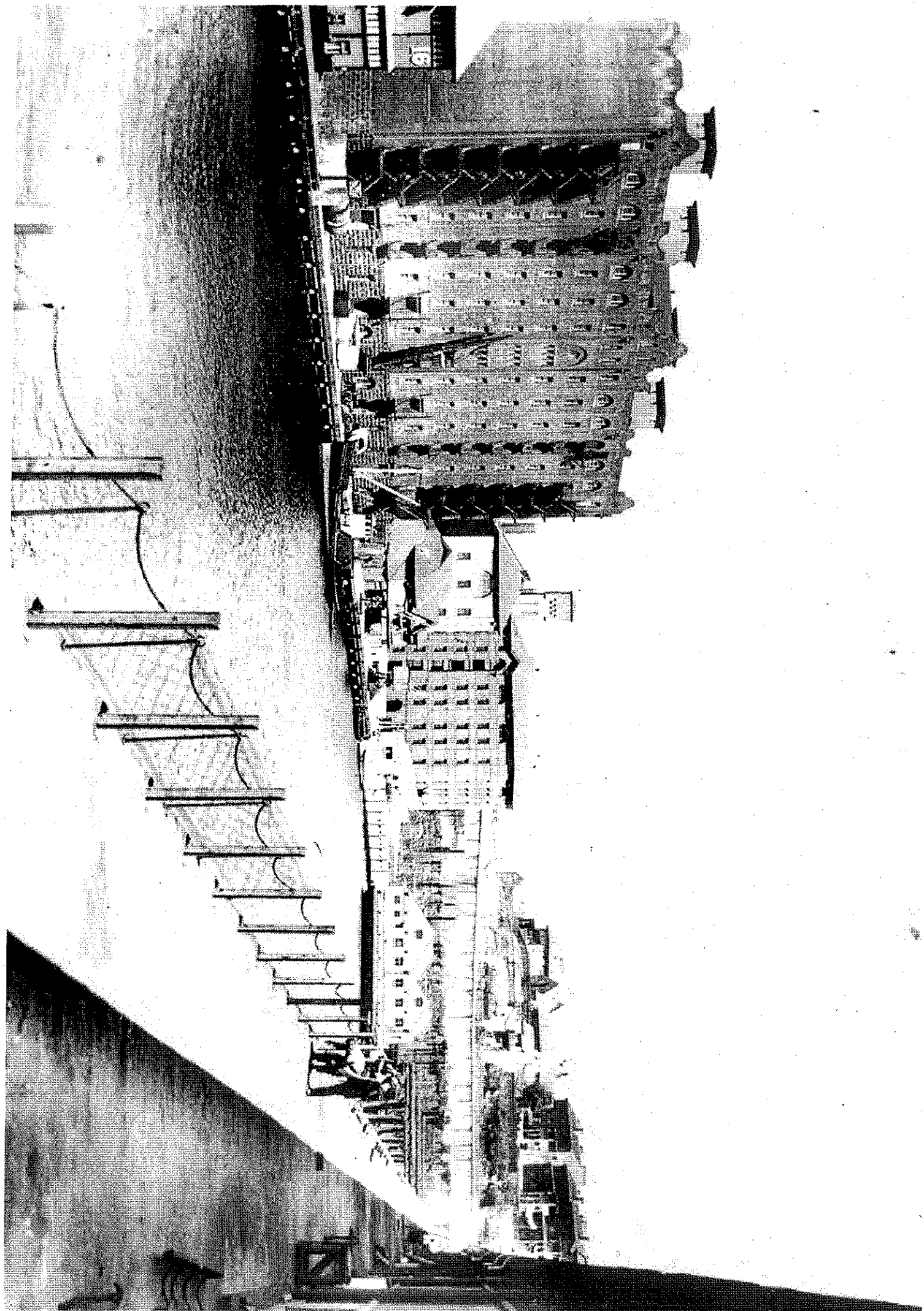
Title: EXISTING AND PROPOSED LEASE BOUNDARIES

Revision:
A 5/05/09 PROPOSED LEASE BOUNDARIES REVISED
B 6/05/09 PROPOSED LEASE BOUNDARIES REVISED
C 13/05/09 BOARDWALK & PORTCUL WALKWAY LEASE BOUNDARY REVISED
D 15/05/09 BASE COORDINATES CHANGED TO 29405000
E 29/05/09 BASE COORDINATES CHANGED TO 29405000
F 21/06/09 LEASE BOUNDARIES DEEMED TO BE THE SAME
G 13/08/09 REDUCED OUTER LEASE BOUNDARY

This plan is copyright and cannot be used or reproduced without the written permission of International Marina Consultants

Date: 28/04/2009
Drawing No.: 3671-02/G
Scale: 1:1250 (A3)
Drawn By: W.L.
Designed By:
Approved By:





THE OWNERS – STRATA PLAN NO. 73910
3 Darling Island Road,
PYRMONT NSW 2009

Your Ref: MP09_0205

Daniel Cavallo
Director
Government Land and Social Projects
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

(GPO Box 39, Sydney NSW 2001)

Attention: Amy Ravitz-Williams

Email: amy.ravitz-williams@planning.nsw.gov.au; plan_comment@planning.nsw.gov.au
Fax: (02) 9228 6455

Re: Proposed Jones Bay Wharf Marina Expansion, Jones Bay Wharf, Pyrmont (MP09_0205)

Dear Ms Ravitz-Williams,

We refer to the abovementioned application.

We are the Owners of Strata Plan No. 73910 which comprises 108 apartments in 3 buildings, being a 4 storey residential flat development which lies to the east and in close proximity to the proposed development site.

We raise very strong objection to the proposed development on a number of grounds. We note that our building, comprising residential units, is acknowledged to be a "sensitive receptor" given the fact that our building is in very close proximity to the proposed development site and also contains the homes of numerous residents. We consider that the proposed development has not taken into proper consideration the sensitivity of our units and is likely to create a significant range of adverse amenity impacts on our units. Our concerns are expressed in this submission. You may wish to categorise our concerns as being our "private interest" against the proposed development.

We also consider that the proposed development is against the "public interest" which is a fundamental principle contained within Sydney Regional Plan (Sydney Harbour Catchment) 2005 (REP). Of particular note is Clause 2(2) of the REP which states the following unequivocal Aims;



- (a) *Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public interest.*
- (b) *The public interest has precedence over the private interest whenever and whatever change is proposed for Sydney Harbour or its foreshores.*

We are strongly of the view that the proposed development is contrary to the public interest and, as a result, must be refused. We particularly note that this clear statement of the priority of the public interest over the private interest is not given any weight in the relevant "Environmental Assessment" prepared by the Applicant's Consultant.

Simply put, the interests of a private commercial marina must not be given weight over the public interest.

In addition, the locality around the proposed marina is both sensitive and constrained and there should not be a major expansion to the current marina. Further comment on this point is provided later in this submission.

We wish to raise the following strong objections to the proposed development;

1. TRAFFIC AND PARKING

We wish to firstly note that the proposed commercial marina does not involve the setting down and picking up of patrons, visitors and guests to the vessels. We assume that should approval be granted despite our strong objections, an appropriate condition prohibiting the picking up and setting down of guests, patrons and visitors will be imposed.

We consider that there is inadequate carparking facilities provided for the proposed development in view of the following facts;

- The Director General's Requirements for the proposal requires that the proposal must demonstrate that "sufficient on-site carparking has been provided for the project having regard to Local Planning Controls, RTA Guidelines and the accessibility of the site to public transport". The proposed development does not provide any additional on-site parking and merely seeks to rely upon the separately owned carparking facility approximately 100 metres from the site. We consider that this is an entirely inappropriate response. As is standard practice under Local Planning Controls, each development should satisfy its own carparking demands on-site.
- At Section 3.14 of the "Traffic Impact Study", the Consultant expresses mere "motherhood" statements of intention to encourage employees and staff associated with the proposed marina to use public transport. The motherhood statements are merely that. Furthermore, mere "encouragement" to use public transport is not enough. There is no itemised strategy which will ensure staff and employees associated with the marina

will use public transport. How can an approval be granted in circumstances where the proposed strategy to require use of public transport is so vague?

- The Guidelines of the Roads and Traffic Authority state unequivocally that "adequate off street parking is the main criterion in the assessment of parking areas provided for developments. Adequate provision of off street parking discourages on street parking, thereby maintaining the existing levels of service and safety of the road network." Based on the RTA Guidelines, the proposed development which does not provide any additional long-term stay parking for staff and employees associated with the current proposal fails the criteria set by the RTA.
- As noted above, the Applicant seeks to rely upon a nearby public carpark to satisfy the parking demands generated by the proposed development. However, at Section 3.18 of the Traffic Impact Study, a survey of this public carpark indicated 85% occupancy at peak time. This results in only approximately 37 spaces available at peak time. Thus, if the application is approved, the limited available car parking within the nearby carpark will be nearly taken up by the proposed development with no opportunity for future developments to have access to the public carpark. Simply put, the limited available capacity within the carpark will be totally taken up by the proposed marina thus not allowing future possible developments in the area to enjoy the benefits of the public carpark. This is a highly inequitable situation.
- The Traffic Impact Study makes no assessment of available on street parking which, in our view, is highly saturated.
- The parking survey was only conducted between 8:00 AM and 6:00 PM and, accordingly, did not take into consideration parking associated with other uses in the immediate vicinity after 6.00 pm including various restaurants. This is a significant deficiency in terms of understanding the parking situation both in the adjoining carpark and on street.
- The parking assessment makes no mention of the parking demand associated with owners and staff and numerous maintenance contractors of each boat who presumably have to use the wharf to embark and disembark. There is no assessment of the parking demand generated by the owners and staff of each of the proposed boats. Again, this is a serious deficiency.

In conclusion, the proposed development site is in an area severely constrained in terms of available parking. The proposed development will substantially increase the parking demand associated with the marina but the proposed marina will not be providing any additional onsite parking but rather seeking to rely upon an adjoining public carpark and, most probably, on street parking. This is totally contrary to proper parking principles. This is one example where the private interests of the marina operators will be acting in conflict with the public interest of our local community.

2. AIR POLLUTION

We are obviously not experts in the field of air quality and we trust that the Department of Planning will appoint an appropriate independent consultant to assess the issue of air pollution and other relevant merit issues. However, we wish to raise the following major concerns in relation to the Air Quality Assessment report:-

- At Section 2.3.5.1 entitled "Sensitive Receptors", the report states as follows:
"The closest residences are located to the southwest, approximately 105 minutes from the existing wharf, on Mill Street."
This is a totally incorrect statement. In fact, our units are in very close proximity to the proposed marina expansion. Clearly, the Air Quality report has been prepared on a false assumption.
- At Section 2.3.5 entitled "Odour" there is an acknowledgment that "the activities carried out in and around the assessment area contain potential odour sources." However, the consultant seeks to resolve this significant concern by saying that "the marina management will maintain the right to inspect vessels on arrival into the facility to check bilges for oil or potential environmental hazards. All on board, toilets must comply with Australian standards and make use of the board holding tanks. No vessel will be permitted to pump out black or gray water into the local waterway."
Thus, the Applicant is seeking to resolve our significant concerns re odour on the basis of management practices. This is a very unsatisfactory resolution. Our amenity (and those of our neighbours including workers and visitors) should not depend on the Applicant carrying out checks of each and every boat (which will not be carried out). Given the very close proximity of many homes and workplaces within the proposed development site, the prospect of odour pollution into our units (and other properties) is not resolved by mere reliance upon good management practices. The current marina has completely inadequate pump out facilities.
- At Section 3.1.3 entitled "Odour" the following comment is made;
"In the absence of other information regarding likely odour omissions from the facility". This comment is of significant concern. It appears that the Air Quality report has been without all adequate information. If adequate information has been provided to the Consultant, why is such a comment necessary? It certainly appears that the Consultant has not been provided with adequate information regarding details of potential odour impact. The impact may even involve adverse health effects from sewage improperly or inadequately pumped out.

- The proposed development represents a very significant increase in the existing marina with consequential significant increase in the need for sewage pump out operations with the risk in pollution, especially water pollution. Given the fact that there are "sensitive receptors" in very close proximity to the development site, a significant expansion of the marina with consequential risk should not be allowed.

The issue of Air Pollution is a serious unresolved concern.

We are of the opinion that a commercial marina in effect operates as an industrial site. You will see spray painting, sanding, hosing off of detritus into the bay, hammering, de-rusting, sewage overspill, illegal sewage discharge, noise of bowthrusters and so on, with in metres of the building 2's living and entertainment areas. It would be much easier on our amenity if the marina were to be for private vessels and if it were contained to the 25% of the bay adjacent to the western side of Jones Bay wharf.

3. HERITAGE

We are obviously not heritage experts and we, again, assume that the Department of Planning will obtain an independent peer review of the "Statement of Heritage Impact." However, we do note the importance of heritage impact under the requirements of the Director General. In particular, we note the letter from the Heritage Branch of the Department of Planning in which the Heritage Branch stated that the property is considered to be "of exceptional significance being a rare and intact example of the early 20th century wharf construction."

From my own view, we raise the following concerns;

- Firstly, we accept the fact that the existing wharf should be continued to be used for boat mooring consistent with Policy 8.6.3 of the Jones Bay Wharf Conservation Management Plan. The objection we have is in relation to the very significant expansion of the existing marina.
- We agree with the objection submitted by Stephen Lloyd and Pearl Chew in which they state that "at present, with the mooring constrained within the current lease boundary, the boats that are moored are in a configuration along the wharf that corresponds with the historical position and better reflects heritage values." We agree with this comment. Given the sensitive heritage nature of the site, why should the heritage structure be diminished in importance by placing large commercial boats in its curtilage?
- The proposed marina will involve a substantial increase in the number of boats, particularly large boats on the eastern facade of the wharf. The additional boats will visually intrude into the eastern facade of this "significant" Heritage Item.

4. ACOUSTIC IMPACT

We wish to raise the following significant objections in terms of Acoustic Impact. Again, we expect that the Department of Planning will obtain independent peer review comment from an appropriate expert. The following objections are raised in terms of acoustic impact;

- At Table 2-2, Note (1), there is a notation that "at the time of writing the exact figure was not known." The lack of detail in the documentation is of significant concern. How can one make a proper assessment if adequate information has not been provided to the Applicant's consultants?
- At page 10 there is also a comment that "at the time of writing, the exact number of broker storage berths was unknown." Again, the lack of adequate information is of significant concern.
- Of particular concern to the owners and residents at 3 Darling Island Road, is the comment at page 13 as follows;

"The predicted levels comply with the criteria, **except** during the night time period at 3 Darling Island Road". (emphasis added)

The Consultant seeks to justify this exceedence on the basis that "the dominating noise source during the night time is the movement of the large watercraft. This 15 minute night time scenario would occur typically 2 times over 15 minutes during the entire night time period". We raise the following concerns:

- i). There is no evidence to corroborate the Consultant's claim that the movement of the large watercraft would "occur typically 2 times over 15 minutes during the entire night time period". Where is the evidence to support this contention?
- ii). Whilst the noise from the large watercraft would be significant, there will be additional noise from additional sources associated with the marina at night which will add to the noise from the large watercraft. For example, what about the noise from smaller craft and activities associated with the marina. This additional noise has not been undertaken.
- iii). At page 19, the report states that "construction noise levels were predicted and assessed against the criteria. The predicted levels exceed the criteria at 3 Darling Island Road for construction on the east side of the wharf. Action is required as prescribed by the relevant guidelines". Again, the residents of 3 Darling Island Road will be faced not only with operational noise which exceeds the relevant guidelines but also construction noise which exceeds the guidelines. These

breaches of the relevant acoustic guidelines again reinforce our view that a significant expansion in the marina should not be permitted in such close proximity to "sensitive receptors" such as our building and other places.

- iv). The proposal indicates that noise will be controlled through Strata By-Laws to limited revving of engines, loud music and parties. Again, the Applicant seeks to control adverse impact by management practices which are commonly not properly enforced. The By-Laws provide no effective assurance to residents in neighbouring properties. Why create a situation which will lead to problems of compliance?

In conclusion, the issue of Acoustic Impact is of significant concern. The Applicant's own Acoustic Consultant acknowledges that our existing units at 3 Darling Island Road will suffer noise from both the operations and construction activity in excess of relevant guidelines. This is of significant concern to the residents.

5. CONSULTATION PLAN

The application also involves a document entitled "Environment Assessment Consultation Plan". In that document, there is a "Consultation Schedule" which, in effect, is an undertaking by the Applicant to undertake extensive consultation. We merely wish to say that the proposed "actions" listed at Table 4 have not been carried out.

6. VISUAL IMPACT

Visual impact is obviously a primary issue of concern. We consider that the assessment carried out in the document entitled "Visual Impact Assessment" is seriously flawed for the following reasons;

- The Sydney Harbour Foreshores and Waterways Area Development Control Plan (DCP) notes that an extension to an existing marina in front of a foreshore promenade is in the higher range of potential impacts. This circumstance applies to the current application. Accordingly, there is a need for a sensitive development. We consider the proposal is not a sensitive development.
- The location of the photomontages indicated at Figure 1 at page 3 are entirely inadequate and inappropriate. Firstly, the number of locations are minimal. Secondly, a number of important locations have not been included such as at the southern end of the foreshore walk and within adjoining residential units, including 3 Darling Island Road. The DCP specifically highlights views from private properties as important for consideration under a Visual Impact Assessment. No assessment has been made from within private properties including our units at 3 Darling Island Road. Thirdly, 2 of

the locations are elevated above the waterway which diminishes the potential visual impact.

- At Table 1 on page 12, there is a Visual Impact Assessment Matrix. We disagree with the assessment at location 03. Furthermore, other locations not included in the assessment are likely to have a "high" impact.
- Many of the provisions relating to Visual Assessment in the REP & DCP (including the Matrix) have not even been referred to in the report. Why is this case? These omissions are a significant flaw.
- The photomontages indicate the additional proposed marina berths but the majority are not occupied by a boat. This is a serious flaw.
- The photomontages also do not show the maximum height of boats in each berth. This is a further flaw.
- The whole marina extension is not shown in all the photomontages.
- It is unclear as to whether the photomontages were prepared at high tide as required under the DCP. If not, this is a further flaw.

Overall, the visual assessment is seriously flawed for the abovementioned reasons. It is our view that when one undertakes a proper visual assessment, the clear evidence is that the proposed development will result in a very significant change from the current open bay to a cluttered boat mooring area. In fact, as noted by Mr Lloyd and Ms Chew, the proposed development "changes the character of this marine environment dramatically from one of open space, available for the public to use for sundry marine purposes into one of private property. A large and obtrusive boat carpark in a heritage area of Sydney Harbour". In effect, the proposal represents an alienation of public waterway for private use. This is totally contrary to the overriding principle of the REP that the public interest overrides private interest.

7. LOSS OF PRIVACY

There is no assessment on the issue of loss of privacy to the residents of Darling Island. On this point, the proposed development will result in the marina and its associated boats being located much closer to the Darling Island apartment complex for much more extended periods. Unfortunately, as with the reports undertaken in relation to Air Quality and Visual Assessment, the units in the Darling Island apartment complex have not been considered in terms of loss of privacy. This is a further significant flaw in the documentation.

8. UTILISATION OF JONES BAY

The Environmental Assessment makes a number of assertions to the effect that the bay is currently "under utilised". We wish to make the following points;

- i). Based on our observations, the area is currently and regularly used by members of the public for fishing and boating activities. It is utilised as public open space.
- ii). The waterway is part of the "natural asset" of Sydney Harbour. To effectively create a private boat parking area is contrary to the aims of the REP and DCP by alienating public waterway for private commercial use.
- iii). The use of this public waterway is much more important in comparison to the developers desire to privatise this public recreation area. As previously noted, the "public interest" must prevail over the private interest.

9. PROPOSED EXTENSION OF BOARDWALK

The Applicant seeks to claim a benefit from the proposed extension of the boardwalk from Jones Bay Wharf to the southeast. It is our view, that this minor benefit does not outweigh the very significant detriments to the public interest by reason of the proposed development.

10. ENVIRONMENTAL ASSESSMENT

We refer to the document entitled "Environmental Assessment" which appears to be a report prepared by the Planning Consultants for the proposed development. We consider that our previous comments have responded to many of the comments contained in the abovementioned report but we wish to make the following brief comments;

- The proposal represents a significant intensification of the marina development compared to the previous Development Consent issued in 2002.
- At page vi, there is a comment that "the proposal will increase the opportunities that residents and visitors have to access the Harbour". There is no evidence to support this contention. In fact, the proposal will reduce access apart from private clients of the charter boats.
- Figure 2 at page 2 indicates a substantial alienation of public waterway compared to the existing leased area. In particular, should the owners at 3 Darling Island Road seek to have boats on its side of the bay, approval of the current application would not allow such a proposal. In effect, expanding the leased area of the existing marina means that the waterway beyond the leased area (adjacent to our building) will become the required navigation area for the proposed marina. The alienation of the whole bay area for the berths and associated navigation area for this marina alone is contrary to the principle of "equity of access" under the REP.
- At page 14 under Section 2.5.1, there is a comment that, "the actual number that vessels staff numbers will increase is not quantifiable due to staff being there only on charter days or for minor vessel servicing". This lack of

information is a further concern relating to the issue of parking. How can a proper assessment be made if no adequate details are provided in relation to staff numbers?

- At Section 3.2.3, the REP is noted as the "Primary Planning Control for Sydney Harbour and its waterways". However, the report fails to mention numerous provisions of the REP (and DCP) which are required to be taken into consideration for assessment. For example, there is no reference to the "Aims" of the REP under Section 3.2.3. This is a serious flaw in the document.
- Clause 27 of the REP speaks of the objective of increasing the number of public boat storage facilities. This proposal is contrary to this objective.
- Clause 27 also speaks of the objective of providing for shared use of private boat storage facilities. The current proposal is contrary to this objective. The area of public use in the proposed marina is very minor. The waterway is not "shared."
- Clause 27 also speaks of the need to avoid "proliferation of private boat storage facilities". The current proposal is contrary to this provision.
- Clause 4.2 under the DCP speaks of the need to enhance public access to waterways and to ensure no interference with navigation, swimming or other recreational activities. The current proposal does not comply.
- At page 23, the report states that the "proposal will not affect access to the waterway". This is clearly incorrect. The expansion of the leased area for the marina will clearly diminish public access to the Bay.
- At page 24, there is reference to the DCP which seeks to minimise the extent of development over water including berths. The current proposal is clearly contrary to this objective.

CONCLUSION

The locality is both a sensitive and constrained environment as evidenced by the following;

- A significant Heritage Item, being the existing wharf.
- No ability to provide on-site parking.
- A significant natural asset in the form of Sydney Harbour waterway.
- "Sensitive receptors" including our adjoining units.

We consider that it is inappropriate to introduce a significant expansion of a private marina into this sensitive and constrained environment from our perspective given that the proposed expansion will create a range of adverse impacts. From the perspective of the public, the proposed expansion will also create a range of adverse impacts. Most importantly, the alienation of public waterway is of significant concern. Why should a private developer reap the benefits of the natural asset of Sydney Harbour for private gain to the detriment of the general public and ourselves?

We sincerely request that this application be refused.

Yours faithfully,

Mr Ron Gattone Acting Chairman Owners Corporation
on behalf of
The Owners – Strata Plan No. 73910
3 Darling Island Road
Pyrmont NSW 2009