

Objection to Application Number MP09_0205

Jones Bay Wharf Marina Expansion
(Wharves 19-21, Jones Bay Wharf, Pymont)

Objections submitted by Stephen Lloyd and Pearl Chew on 5/12/2010

Introduction

1. This objection addresses a number of defects in the development proposal which justify refusing the proposal or at least requiring further investigations to be undertaken.
2. The proposal fails to comply with the planning instruments referred to in paragraph 1 of the Key Issues section of the Director General's Requirements for a number of reasons including in relation to:
 - a) the damage to heritage values;
 - b) the impact on traffic and parking capacity in the local environs;
 - c) the creation of problems and risks pertaining to noise, water and air pollution;
 - d) the adverse visual impact of the proposed development;
 - e) the diminution in marine open space available to the public;
 - f) the impact on the privacy of neighbouring developments; and
 - g) the misconceived justification based upon demand for berths.
3. These issues and more are addressed in more detail below.

Heritage

4. The Planning Assessment Report (the **PAR**) rightly identifies the important heritage value of Jones Bay Wharf.
5. It also notes that Sydney LEP 8.6.3 states that "the use of *existing* berths for boat mooring as part of the primary function of Jones Bay Wharf should continue".
6. The development proposal involves building pontoons where some of the *existing* berths are, with the result that some of the existing berths will not be able to be used.

as berths any more. As a result, the development proposal is inconsistent with Sydney LEP 8.6.3.

7. There is no evidence that Jones Bay has ever been used for the large scale boat mooring construction proposed.
8. 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.
9. The proposed mooring configuration, while still for a related purpose, would present an appearance that is dramatically different from the historical uses and would provide a very different appearance from the present one, which accords so well with heritage values.

Traffic and Parking

10. One of the planning constraints on the proposed development concerns ensuring that it does not have an adverse impact upon traffic and parking in the local environment.
11. A report on these topics was prepared by Colston Budd Hunt & Kafes Pty Ltd.
12. We contend that this report has a number of important deficiencies:
 - a) The parking survey was premised upon only one day and was limited to working hours. This fails to deal with parking issues on weekends and in the evening, which are materially different in this particular location.
 - b) The wharf has significant and different uses in the evening with Doltone House and various restaurants. An adequate survey would need to have considered parking issues at these times.
 - c) The report considered the parking impact of additional *employees* associated with an expanded marina. It did not, however, consider the parking impact of additional owners of berths and their guests. It did not consider the impact of additional persons who may seek to board vessels from this marina if it is expanded. This is all so even though the authors of the report acknowledged both that there would be additional persons in these categories and that there would be no additional parking on site provided for them.

13. These defects reveal that this aspect of the Environmental Assessment is flawed. At the very least, a more detailed and appropriate report on these matters should be furnished before the development proposal can be considered.

Noise

14. The proposal indicates that noise will be controlled through strata by-laws to limit revving of engines, loud music and parties.
15. These are weak controls because their enforcement is limited to other members of the strata body. They provide no effective assurance to residents in neighbouring properties which are likely to be most affected by such activities and who are not able to enforce the strata by-laws (not being members of the owners corporation).
16. Furthermore, the proposal involves using the majority of the East Bay for mooring, such that all craft will be required to enter and exit the bay very near to Darling Island, where there is an established residential development.
17. This will expose the Darling Island residential development to considerable noise pollution from vessels entering and exiting the proposed mooring. Vessels in this respect will not be bound by any noise controls by the strata body.
18. At present, the mooring allows entry and exit of the bay without any need for vessels to go close to the residential development of Darling Island and thus has an acceptable impact. The position under the proposal would be dramatically different. The proposal advances nothing that would effectively prevent or limit this impact.
19. For this reason, the proposal should be rejected.

Sewage Pump Out

20. The proposal would significantly increase the need for sewage pump out operations with a commensurate increase risk in pollution, especially water pollution. This follows from the significantly larger number of berths and the fact that they are spread over a much larger area.

Air pollution

21. The PAR contains a Qualitative Air Quality Assessment by Aecom. This document is premised upon the following proposition:

The closest residences are located to the southwest, approximately 105 m from the existing wharf, on Mill Street. Other residences are located to the south of the development, off Point Street.

22. This Assessment was undertaken without any apparent awareness that there were residences on Darling Island a very near distance to the proposed marina expansion area. Moreover, our residences are in the direction identified by the report as the predominant wind direction. This is critical given that the report does recognise that the expanded marina will generate a number of forms of air pollution and causes of odours.
23. This substantially undermines the value of the report. A further report should be required before any approval is given.

Visual impact

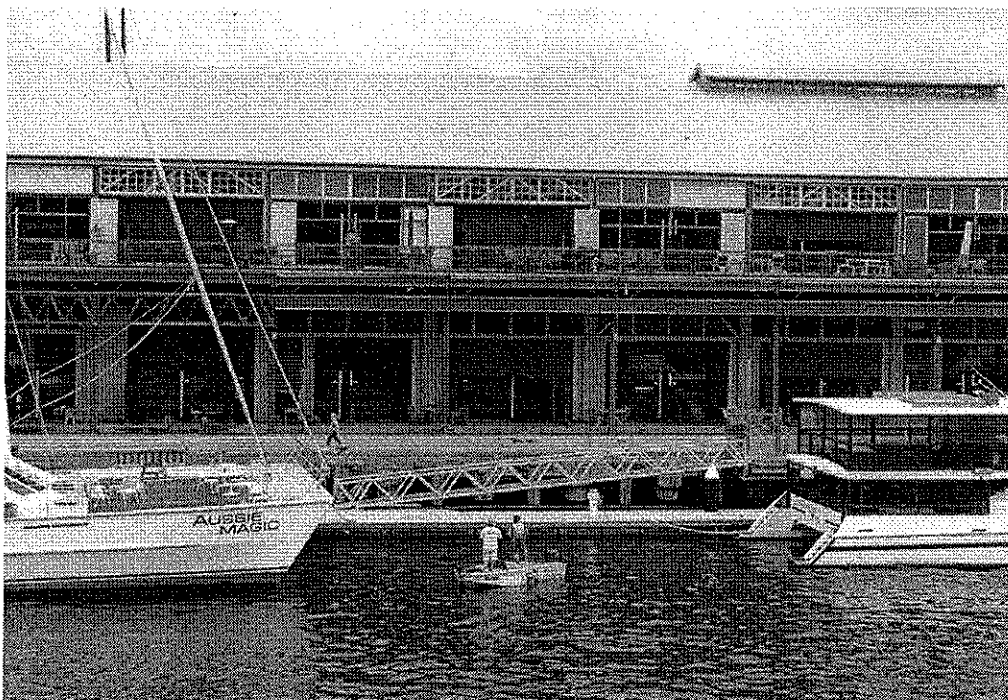
24. The PAR includes an annexure that is said to be a Visual Impact Assessment, undertaken by the RPS Group.
25. The Visual Impact Assessment is deficient in the following respects:
 - a) Figure 6, which is said to present the visual impact of the proposal from Darling Island (recognised as suffering the greatest visual impact), contains a mock up of 15 berths, eight of which are empty.
 - b) The full impact of the proposal can be tested only against a mock up when the berths are full.
 - c) The mock up omits 5 vessels of length of 28 metres, which is a significant omission, tending to substantially diminish the true likely visual impact.
 - d) The mock up also fails to show all of the proposed marina extension, leaving the left side of the photograph empty in an area planned to contain a further 6 vessels of 18 metres.
26. This report should not be accepted and a further report should be acquired that provides a fairer representation of the impact. Only in this way, can the true visual impact be assessed.
27. While the pictorial representations of the report are flawed, it does at least acknowledge that the mooring will come to cover around 66% of the bay area, which is currently covered by no more than 10-15% along one edge. This increase in coverage represents a **300-500%** increase in the amount of the bay area dedicated to boat

moorage. This reflects a substantial change from an open bay area to a cluttered boat mooring.

28. It is this change that the report repeatedly seeks to characterise as "minor" and "low impact".
29. In fact, it 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 car park in a heritage area of Sydney Harbour.

Utilisation of Jones Bay

30. The Environmental Assessment asserts without any evidence that the bay is currently "underutilised".
31. The mere fact that it is less utilised than it would be if two-thirds of it were turned into a boat mooring facility does not mean that it is "underutilised".
32. The area is currently and regularly used by members of the public for fishing and boating activities. It is utilised as a public open space. For example, the following photographs were taken today:





33. Contrary to the implied assertions of the developer, the use by the public is not less important or insignificant compared with the developer's desire to privatise this public recreational area for its own private benefit.

Loss of privacy

34. The Environmental Assessment includes no consideration or assessment on the impact on the privacy of the residents of Darling Island.
35. The impact is likely to be significant because 2/3 of the current waterway would be used for the expanded marina creating a ready capacity for people to get much closer to the Darling Island Apartment complex for much more extended periods (while working and staying at the marina).
36. The failure to analyse this impact is a significant flaw in the assessment process.

Proposed continuation of the boardwalk

37. The PAR seeks to make something of the fact that the proposal would be consistent with and allow a continuation of the boardwalk from Jones Bay Wharf to the south-east.
38. The simple point is that this could be done just as well (if not better) without the proposed marina expansion. It should not be seen as a benefit of this proposal.

39. In any event, the proposed extension ends abruptly at the site where Channel 7 is currently located; so it does not complete the boardwalk in any material respect.

Project Justification

40. The PAR asserts that there is a demand for berthing of commercial vessels in Sydney Harbour.
41. It then acknowledges that there already are adequate vacancies in other marinas. Nonetheless, the development is said to be justified because the price attached to the existing vacancies is greater than the developer would propose to offer the berths in the expanded marina (although no guarantee is made in this respect). This is not any kind of justification for an additional marina.
42. If the commercial enterprises cannot afford the existing price of available berths, they should not be subsidised by the government surrendering public waterways to private uses. Even worse, this subsidy is of an unspecified amount (there is nothing to guarantee the developer will pass it on). Moreover, if the commercial enterprises cannot afford existing berthing charges, this suggests that they are marginal enterprises in the first place. So, the public is being asked to forego its public waterways, surrender public rights to fish and navigate, so that marginal commercial enterprises (which may fail) can get subsidised berths in Sydney Harbour (assuming the developer does in fact proffer berths at a reduced rate, about which there is no evidence).
43. We submit that this is a very weak justification for the significant transfer of a public asset into private hands.
44. It may also be observed that the proposal includes allowing use of the expanded marina for private as well as commercial vessels, further undercutting this already weak justification. It is acknowledged that there are already sufficient private berths available in Sydney Harbour.
45. In addition, if private berths are more highly priced than commercial berths, as the developer's reports imply, it is not clear that they will offer any further commercial berths. The developer or eventual owners of the berths may prefer to provide the new facilities for more remunerative private vessels.

Conclusion

46. For each of the above reasons, the proposal should be either refused or at least not approved without further and better investigations being carried out.

Dated: 5 December 2010

A handwritten signature in black ink, appearing to be 'S. Lloyd', with a large, dark, scribbled-out area to the right of the name.

Stephen Lloyd

Pearl Chew

Application No: MP09_0205

2 December 2010

Daniel Cavallo
Director, Government Land & Social Projects
GPO Box 19
Sydney NSW 2001

Dear Sir

Jones Bay Wharf Marina Expansion
Proponents: Toga Development Number 27 Pty Ltd

I am writing in respect to a letter sent to me on the 5th of November, 2010, your reference: MP09_0205. This letter sought comments in relation to an application by Toga Development No. 27 Pty Ltd who has submitted an Environmental Assessment for this proposed project. The project involves the construction of additional floating mooring pontoons to accommodate 33 additional berths and the realignment of the existing waterside allotment boundaries and the construction of a new foreshore public walkway. Your letter invites comments and submissions in respect of this proposal.

I am an owner and resident of an apartment at 3 Darling Island Road on the ground floor which faces the area of the existing mooring and is the area that is subject to this proposal. This proposal creates a number of concerns for me, and I presume other residents, that live along the western side of Darling Island Apartments, particularly ground floor residents.

These concerns relate particularly to privacy and noise and also visual amenity.

In relation to privacy the extension of the berthing facilities will bring vessels to a much more acute proximity to the living space as they navigate what will be a reduced channel to get to and from the mooring.

In relation to noise this will also be more acute by virtue of the realignment of the berthing from the existing parallel arrangements to more intrusive, as far as the residents are concerned, approach set out in the plan.

Both of these aspects can be ameliorated to some extent if the company were prepared to consider contributing to the installation of screens for the ground floor apartments that will be impacted in such a way. This measure would be appropriate given the impact of the proposal on the existing amenity of the residents.

In respect to the visual impact of the expanded berthing, this will mainly occur in relation to the proposal to create three large commercial berthing areas that will be placed perpendicular to Jones Bay Wharf at the Balmain end of Jones Bay Wharf. At present the larger vessels that moor alongside Jones Bay Wharf have some impact on visual amenity, but it would be seen from the proposal that placing three large vessels perpendicular to the wharf and abutting into at least two-thirds of the existing bay will have a severe impact on the visual amenity.

An objection is made to this part of the proposal in particular and it is suggested that consideration be given to either reducing this particular part of the proposal and leaving facility for one large vessel moored parallel in this space or alternatively looking at the extension of the more commercial existing facilities on the western side of Jones Bay Wharf where there are no residential properties immediately adjacent.

This submission should be regarded as an objection to the project in its present form and I have set out the reasons why such an objection is being made.

I would be happy to enter into some discussions with the Department or with the Proponent to see what accommodation could be made to these significant issues such that the proposal could be altered or amended in such a way as to meet these concerns of the impact of the project as presently proposed.

Sincerely

Kim Wilson

A handwritten signature in black ink, appearing to be 'KW' or similar initials, written over a faint rectangular box.

Amy Ravitz-Williams - Jones Bay Wharf development proposal

From: Jennifer Fisher <jennifer.fisher@magari.com.au>
To: <amy.ravitz-williams@planning.nsw.gov.au>
Date: 24/11/2010 11:29 AM
Subject: Jones Bay Wharf development proposal

Hi Amy,

I am one of the owners at 25 Pirrama Rd, Pyrmont affected by the Jones Bay Wharf Development Application Application Number: MP09_0205.

We have some serious concerns about the proposal and would like to get in touch with the developers to talk to our strata about the proposal before it closes. Can you please provide the appropriate contact at Toga to whom I should make this request?

Rgds,
Jen

Jennifer Fisher

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clarke.therese@gmail.com

20 November 2010

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

Jones Bay Wharf Marina Expansion (Project MP09_0205)

Dear sir

I wish to formally oppose the proposed expansion of the marina at Jones Bay Wharf.

My objections are on the following grounds:

- The scale of the development
- The inappropriate siting of the expansion immediately below residential apartments
- Incorrect definition of the need for the expansion

I am an owner and resident of the Darling Island Apartments **who will be significantly adversely impacted** by the proposal.

Scale

The drawing at Appendix A of the Planning Assessment shows the marina will come out more than 50% across the bay on the Eastern side, in places up to 66%. This seems excessive – the marina will dominate the bay, diminishing the beautiful location for all users of the area, residents, tenants in the office blocks and walkers and other users.

Siting of the expansion

The drawing shows that the scale of the existing marina on the western side (where there are no residential or other users who will be adversely impacted) is reduced from the current arrangement, whilst the Eastern side is massively increased. This seems inappropriate given there are no residential apartments impacted by boat activity on the western side, whilst there are a large number of residential apartments which will be impacted on the eastern side.

As an owner and occupier of Darling Island, I (and other residents) will be adversely impacted through:

- Noise from boats entering and exiting the marina. We already have that experience with about 10 boats docked on the eastern side (of which only 4 are truly commercial) – this proposal increases the number of permitted boats to 48. Commercial boats use large bow and stern thrusters to manoeuvre, as well as large engines. The noise therefrom will be immediately below our bedroom. And there will be many more berths outside each apartment than currently – the number of times per day we will have to listen to boats come and go will increase exponentially. The level of noise is far worse than if you had a bus depot immediately outside your window, and often late at night. The commercial boats currently docked often return to their dock well after 10.00pm, often around midnight.
- Noise from boats being loaded and offloaded. Whilst we recognise that public passengers will not be permitted to be loaded at Jones Bay Wharf, this does not stop the issue of noise. We are regularly woken either late at night or in the morning with the noise of food, empty bottles and other items being loaded and unloaded from the 4 commercial boats currently using the Eastern side of the marina. Garbage trucks arrive at 4 – 5am to collect large quantities of empty bottles from Jones Bay Wharf – the noise of them being loaded into the garbage trucks reflects the noise of multiple broken bottles. Imagine multiplying that by 12 to 48 commercial boats. Despite complaints to the owners of Jones Bay Wharf, this continues to happen regularly.
- Noise from maintenance crews. Whilst in theory, the noise level should be minimal, our experience to date is that maintenance crews regularly arrive and turn on their radios at a level that they can hear them across the whole boat as they do their work. Of course that noise level just blasts the music into our living room. When asked to turn the music down, many maintenance crews just ignore the request!
- Noise from passenger set down. Whilst we acknowledge the current 4 commercial boats abide by the passenger set down prohibition, we are concerned that with 48 boats, the chance of non-compliance increases significantly, again resulting in loud noise immediately outside our bedroom.

Incorrect definition of the need

The proposal states it is in response to recent demand for additional berths for commercial vessels.

This seems laudable, but in reality does not reflect the current use of the site. Of the vessels currently docked, only 4 are true commercial vessels, with a number of others being boats for sale, and then many private boats.

It appears to us that the proposed design of the marina extension is to fit in large numbers of private boats plus some commercial boats. We are not aware of the rules for what can be built where, but if this is using a "commercial" definition to achieve lower fees or greater boat density, it appears inappropriate given the current use of the site.

For the above reasons, we strongly oppose the proposed extension. We recommend that it be rejected, and that any extension that is approved be on the Western side where there are no residential apartments which will be adversely impacted.

Conditions

In the event that the extension is approved over our objections, we request that it be subject to the following conditions:

- A curfew on arrivals and departures between 10.00pm and 6.30am

- A ban on any loading and unloading between 10.00pm and 6.30am (including food, garbage etc)
- A requirement that Jones Bay Wharf restrict movement of garbage trucks within its site for collection either from boats or the restaurants / offices between 10.00pm and 6.30am
- No passenger set down
- That Jones Bay Wharf owners be required to ensure that their security staff strictly enforce the above conditions, as well as ensuring that noise from the boats during daylight hours does not adversely impact on residents

Please do not hesitate to contact me on the above e-mail address if you have any queries on this submission.

Yours faithfully

Therese Clarke

Amy Ravitz-Williams - Online Submission from Peter O'Shea (object)

From: Peter O'Shea <peter.lynn@live.com.au>
To: Amy Ravitz-Williams <amy.ravitz-williams@planning.nsw.gov.au>
Date: 11/11/2010 10:25 AM
Subject: Online Submission from Peter O'Shea (object)
CC: <assessments@planning.nsw.gov.au>

We would like to object to this proposal on the following grounds:

1. We live in the building directly opposite the proposed extension of the existing lease boundary. The proposed extension of the existing boundary line is excessive, extending in parts to over 50% of the bay. This will increase water traffic excessively in what is a very small waterway raising safety concerns.
2. The new boundary line will be very close to our building resulting in increased noise levels and possibly having an adverse effect on price values in respect to our property.

Name: Peter O'Shea

Address:

238/3 Darling Island Road, Pyrmont

IP Address: b4c20.static.pacific.net.au - 125.255.44.32

Submission for Job: #3657 Jones Bay Wharf Marina Expansion

https://majorprojects.onhiive.com/index.pl?action=view_job&id=3657

Site: #1271 Wharves 19-21, Jones Bay Wharf, Pyrmont

https://majorprojects.onhiive.com/index.pl?action=view_site&id=1271

Amy Ravitz-Williams

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