

12 February 2014

The Director
Industry, Key Sites & Social Projects
GPO Box 39
Sydney
NSW 2014

Dear Sir/Madam

**RE Modification Request Cronulla Marina Tonkin Street, Cronulla
 MP06_0063 MOD1**

General

The expansion of the dockyard is making creating a largely industrial facility in what is increasingly a recreational area.

Why is such a facility not encouraged on Botany Bay (for example: Shell Point which is Zone 11 Sutherland Shire Local Environmental Plan 2006) where there are other boatbuilding and servicing facilities in closer proximity to Sydney Harbour?

The head of Gunnamatta Bay is becoming squeezed by this marina expansion and to further encourage an industrial operation at this site is inappropriate. The existing slipway is currently viable without a further expansion of boundaries.

The application seeks a considerable increase in site area both on the water and on land. The proponent claims existing use rights on land that is not currently in the lease boundary. The approved plans already provide a much larger site area than what is currently in use.

The amendment to the dockyard roof form is an improvement over the approved plans but can be achieved without increasing the site area. The request to amend the boundaries is a land grab and no justification is provided for it.

The visual impact of the travel lift arms and the RL2.0 hardstand area should not be underestimated, especially when viewed from the north.

The Floating Pontoon is very large and would in effect be in the control of the dockyard operator.

The electrical substation can be incorporated into the existing approved site boundary.

The hours of operation conflict between documents.

The Noise Impact Assessment does not seem to include the impact on the closest residential properties (only those further away).

Relocation and Enlargement of the approved Floating Pontoon

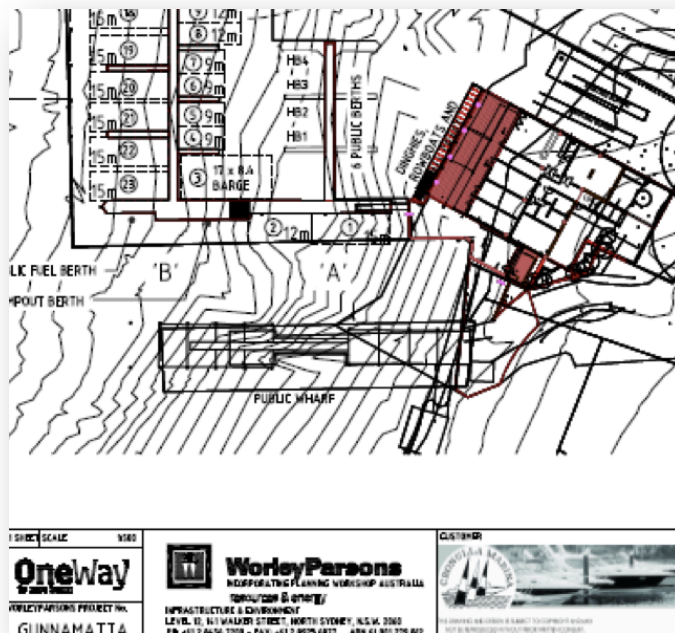
4.6 Relocation and Enlargement of the approved Floating Pontoon

The approved floating pontoon structure from the area adjoining the café is proposed to be relocated alongside the Council owned boat ramp and the new travel lift. The 35m long pontoon will be accessed from the dockyard by a ramp down onto the floating pontoon. This pontoon will be used for both the dockyard operations and public use by dinghies, row boats and small craft.

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"The 35m long pontoon will be accessed from the dockyard by a ramp..."

Is there any way for the floating pontoon to be accessed by the public that arrive via the boat ramp? For example, should someone want to launch a kayak or similar small craft, would they have to first gain access to the dockyard? Would the public be welcome on the pontoon if it interfered with the commercial operations taking place?



Approved Site Plan

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It is not clear from studying the Section 75W Modification Request - Statement of Environmental Effects what has happened to the area where the floating pontoon is located in the existing approval. It is shown in some of the photomontages in the old location. It is also not clear what would be built where the pontoon is currently approved. The Section 75W Modification Request - Statement of Environmental

Effects Part 1 SITE ANALYSIS / ROOF PLAN drawing shows the area approved by Sutherland shire Council at RL 2.0 but the current approval for the slipway shows it as a pontoon (see Approved Site Plan extract above).

Visual Impact

There is currently a sloping slipway. This slipway approximates the natural shore profile and does not have a large visual impact when viewed from the scenic head of Gunnamatta Bay. The travel lift arms extend a long way out and need to be level. They make a very large visual impact, especially at low tide when they may be up to 2 meters above the water.

With reference to the photograph below: note that the travel lift arms would commence beyond the bottom (water) end of the ramp and extend outwards. They would be close to 2m high (approximately the height of the two black piles) above the water level shown in this photograph. The fence/wall extends upwards from that level, creating a significant blank wall. Any raising of the dockyard floor will increase the negative visual impact of the site when viewed from the head of Gunnamatta Bay.



Figure 3-4 View of the northern boundary of slipway area with adjoining Council boat ramp in the foreground

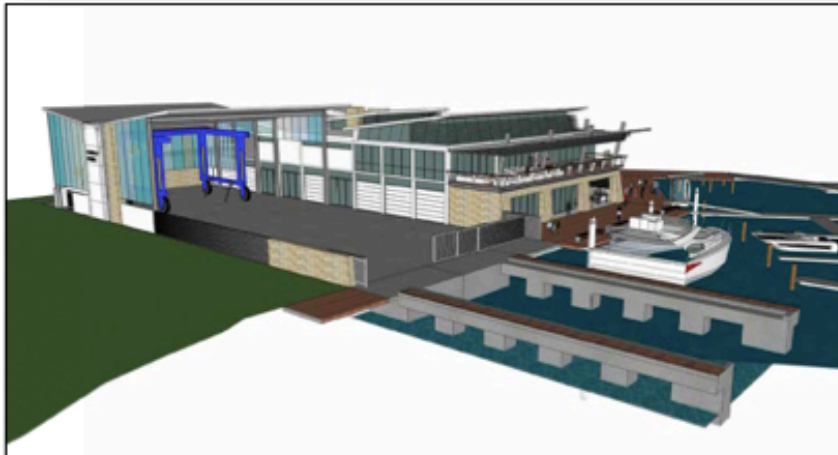


Figure 4-4 Northern photomontage view of the proposed development (Source: Innovative Architects)

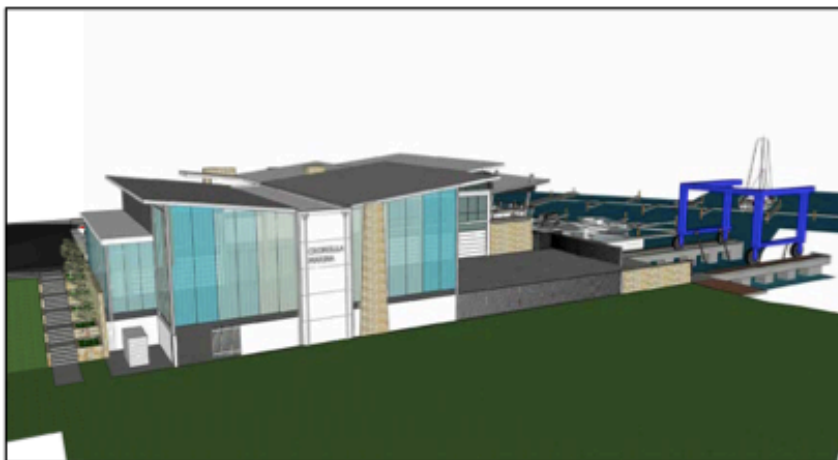
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The photomontage above shows only a relatively low fence/wall along the northern boundary. If built as shown, there will be a considerable drop (up to approximately 2m) below the fence/wall to the natural shore below.

The existing slipway gradient is not dramatically different to the natural shore gradient, and therefore, does not present a large wall structure when viewed from the north.



NORTHERN VIEW



EASTERN VIEW

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Appendix 3 Engineering Services Report (Photomontages drawing)

The above photomontages from also show a relatively low wall/fence
The green shaded land adjoining is represented as flat until the council boardwalk (shaded brown). This is misleading. Currently, water (at mid tide) extends almost to the covered area of the dockyard. At low tide the water extends only to the council boardwalk (shaded in brown).

Modification to the approved (but not yet built) roof structure

In general, the proposed roof structure appears to be an improvement over the existing approval. **This improved roof form can be achieved without extending the existing lease boundary.**

Installation of Substation

4.8 Installation of a new 800kVA substation

An 800 kVA Type 'L' Kiosk substation will be installed within the north-western corner of the dockyard to service the whole marina. The final location of the substation will be subject to modification to suit the new location at the extended boundary and Ausgrid's requirements.

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It is not necessary to extend the boundaries to place this plant equipment. This could be incorporated into the currently approved site, which is already a large increase over the existing site area.

Relocation of Water Recycling Tanks in to the Dockyard

4.9 Relocation of water recycling tanks into the dockyard

Condition No. 18 of Council's conditions of consent for the adjacent marina building (DA 06/0923 dated May 2007 and as modified in September 2013) requires roofwater to be collected, stored and

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reused for non-potable purposes. A total of 60 kL of storage is required to be provided. An area along the eastern boundary of the site at ground level was initially nominated by the proponent and approved by the Council for this purpose.

It is now proposed to provide this storage within the dockyard development area and for this to form part of an integrated water cycle management strategy across both the marina building and dockyard sites. The proposed area within the dockyard is at a lower level and allows for greater operational efficiency.

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This modification seems sensible and creates more useable space for the dockyard operation without the need to extend the boundaries.

Adjustment to Property Boundaries

4.11 Adjustment to property boundaries

It is proposed to adjust the property boundaries, by extending to 5m to the north (landside) and between 1-2m to the east (landside) on Lot 2 DP 1153728 and to extend to line of existing lease (water area). Refer to the survey plan attached in **Appendix 1**. The purpose of the adjustment is allow for an expansion of the marina activities at the site which will accord with the Head of Gunnamatta Bay Master Plan, approved by Council in May 2012. In-principle support for these adjustments has been obtained by the Crown Lands Division and will be confirmed in the land owner's consent to be issued prior to determination.

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The proposed boundary extension northwards is simply a grab for land. It appears to increase the size of the dockyard by 39%. The approved boundary is already a considerable increase on the existing slipway. How can existing use rights apply to crown land and the waterway that is currently public open space and Environmental Protection waterway?

The slipway in its existing form is currently a viable business. The proponent has already been granted a considerable expansion in the approved plans and now seeks to increase the dockyard area by a further 39% over the approved expansion, including placing a substation in what is currently a public park.

The same applies for the boundary extension eastwards into land zoned 13. It is currently public parkland Again: how can existing use rights be used to place a substation on a public park? Why cannot this be incorporated into the already expanded site area?

The proposed boundary extension northwards is described as 'landside' but actually increases the water frontage of the dockyard at the expense of the head of Gunnamatta Bay. The amount of navigable water in this area is minimal due to the existing marina boundary and the proposed extension will reduce this further.

The extension of the property boundary offers nothing to stakeholders other than the proponent Cronulla Marina.

The approved boundary has already given significant expansion of the site over what was previously crown land and the public currently uses the area in question. An additional 5m is not necessary when all could be enclosed inside the existing boundaries.

Please note the following area numbers:

The approved dockyard area is approximately 718m²

The modification seeks an additional dockyard area of 249.5m² (not including the boardwalk) due to the 5m northward boundary adjustment.

The modification seeks an additional dockyard area of 31.5m² due to the 2m eastward boundary adjustment (which includes the substation)
This gives a total of 281m² increase.
This represents an increase of dockyard area of 39% (not including the additional boardwalk area that effectively comes under the control of the dockyard).

The boundary extensions sought amounts to much more than a simple 5m push northward.

The total area of waterway sought by the boundary movement is approximately 817m²

These numbers are calculated with reference to drawings "SITE ANALYSIS / ROOF PLAN" and "GROUND FLOOR PLAN in the document: Section 75W Modification Request - Statement of Environmental Effects Part 1

Zoning Existing Use Rights

5.4 Sutherland Shire Local Environmental Plan 2006

The site is located within part **Zone 16 - Environmental Protection (Waterways)** and part **Zone 13 – Public Open Space** of *Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006)*. The proposed development is permissible with consent in Zone 16 and is consistent with the objectives of that zone. While the upgrade works proposed to the dockyard are not permissible in the Zone 13, the upgrade is permissible on the basis of existing use rights (as per Sutherland Shire Council's original approval of the land-based components for these marina related uses).

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As acknowledged by the proponent (copied above) the upgrade works are not permissible on the Zone 13 but relies on existing use rights. How can existing use rights be applied to an expanded operation requiring expanded boundaries. The area outside of the existing approval where the proponent is seeking to expand the boundary is not subject to the existing use.

The site is predominantly zoned **16 Environmental Protection (Waterways)** with a portion of land along the eastern boundary zoned **13 Public Open Space** pursuant to the *Sutherland Shire Local Environmental Plan 2006* (SLEP 2006) (**Figure 3-2**).

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The above statement is misleading as the site, while on the boundary of land zoned 16 and land zoned 13, has three boundaries that adjoin with land zoned 13 (north, east and south). The boundary adjustment to the north is into land zoned 13 (Public Open Space) as well as land zoned 16 (Environmental Protection (Waterways)). The existing use of this land is not as dockyard. It is used by the public for recreational activity including access to the waterway via a last remaining stretch of natural shore.

Noise

Surrounding foreshore development within Gunnamatta Bay includes a mix of public and private facilities. The closest residential properties are located approximately 50m to the north-east of the marina facility along Tonkin Street. Waterfront residential properties are also located 100m to the north-west of the site along Excelsior Road and Dodson Avenue and approximately 300m to the west of the site along Grosvenor Crescent.

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The document details that “the closest residential properties are located approximately 50m to the north-east of the marina facility...”

The “*Noise Impact Assessment (NIA) carried out by Geggies in June 2008 section 2.2*” mentions the noise received by “*residences on the southern side of the bay*”, and for *residences on the western/south-western side of the bay*” but there is no mention of the noise received by “*the closest residential properties...located approximately 50 to the north-east of the marina facility...*”

The Noise Impact Assessment notes that noise levels are expected to exceed the design criterion by 2 dBA. How will it affect the **closest** residential premises (to the north-east)?

Conclusion

I feel strongly that the slipway development is seeking to expand to an operation that is not in keeping with the location. There is a demand for the servicing of small boats that are common on the Port Hacking waterway. It is not appropriate in practice or with respect to the zoning that large commercial vessels (eg sight seeing ferries operating on Sydney Harbour) should come into this small bay to be antifouled and repainted.

The current operation is viable with the existing facilities. There has already been approved a much larger operation. Seeking to expand by another 39% over the approved dockyard and add approximately 718m² to the waterway lease area is unreasonable considering that the land is currently used by the public as parkland and for waterway access.

There is a lot of detail in this modification application and the plans made available make it difficult to analyse actual modification verses what is currently approved. I have highlighted a few issues. Given more time I would seek to better understand what is happening and present my opinions better.

There is a history of incremental modifications to the restaurant and function center approved on this site, including removal of operating constraints. The modifications always seek more for the proponent at the expense of the other stakeholders.

Thank you for your consideration,

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