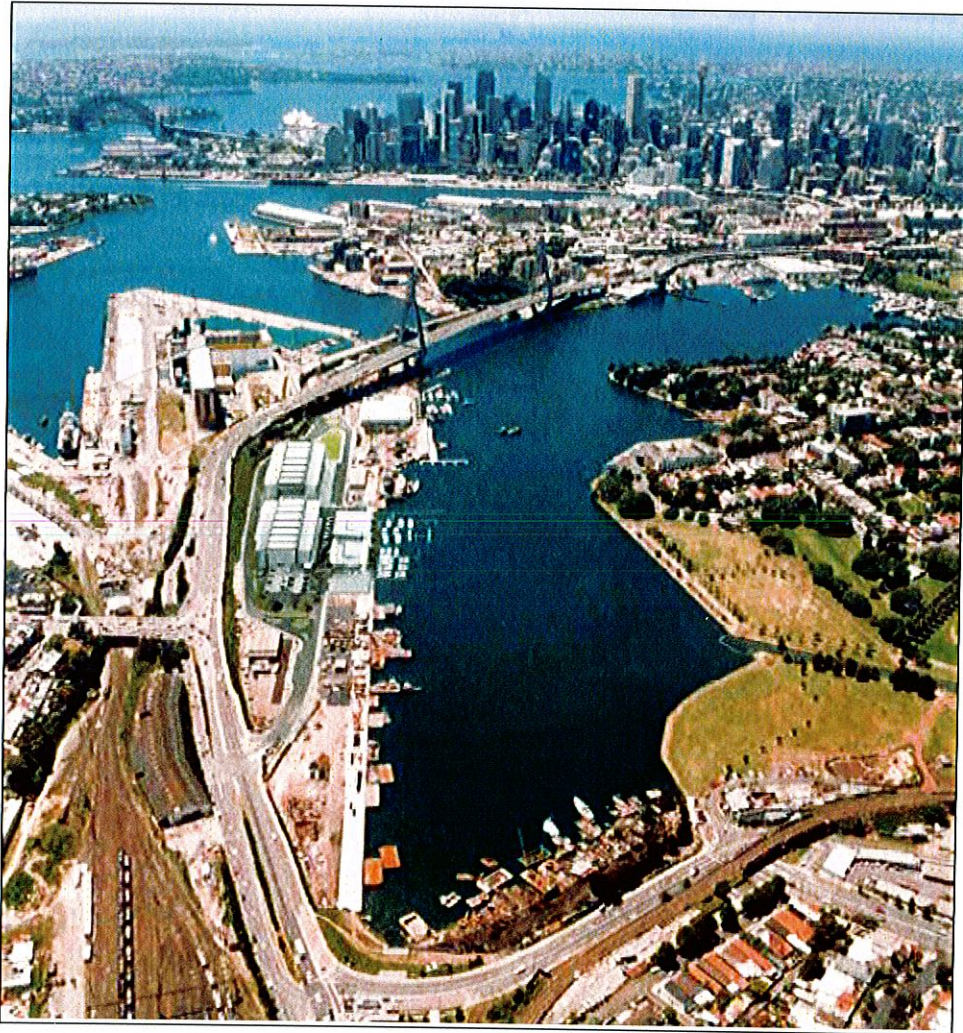


Harbour Foreshore Authority

**MAJOR PROJECT ASSESSMENT:
Dry Boat Storage and Marine Facility
James Craig Road, Rozelle Bay**



Environmental Assessment Report
Section 75I of the
*Environmental Planning and Assessment
Act 1979*

May 2007

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1. EXECUTIVE SUMMARY

The proponent, Rozelle Bay Pty Ltd, is proposing to construct and operate a dry boat storage and marine facility at James Craig Road, Rozelle Bay. The site is approximately 28,240m² in area and is located in the Leichhardt local government area, 2km west of the Sydney CBD, as illustrated in **Figure 1** below.

The site is currently vacant. The site was previously occupied by Hobbs Brothers Carriers, who operated a shipping container storage and distribution businesses

The proposal includes a dry boat storage facility with a total capacity of 670 boats, a commercial maritime building, a multi storey car park providing parking for 260 vehicles, on grade car parking for 57 vehicles, underground fuel storage tanks, a marina comprising of 36 layover berths and 24 brokerage berths and a boat in/out feed system used for moving boats between the dry boat stores and the water.

The proposed dry boat storage and marine facility has an estimated capital investment value of \$63.6 million and will employ up to 182 workers during construction and 52 (20 Equivalent Full Time) workers during operation.

On the 11 September 2006 the Proponent lodged a final Environmental Assessment for the proposal with the Sydney Harbour Foreshore Authority (the Authority). The Environmental Assessment was publicly exhibited for thirty days from the 20 September 2006 until the 20 October 2006. During the exhibition period, the Authority received 263 submissions on the Environmental Assessment.

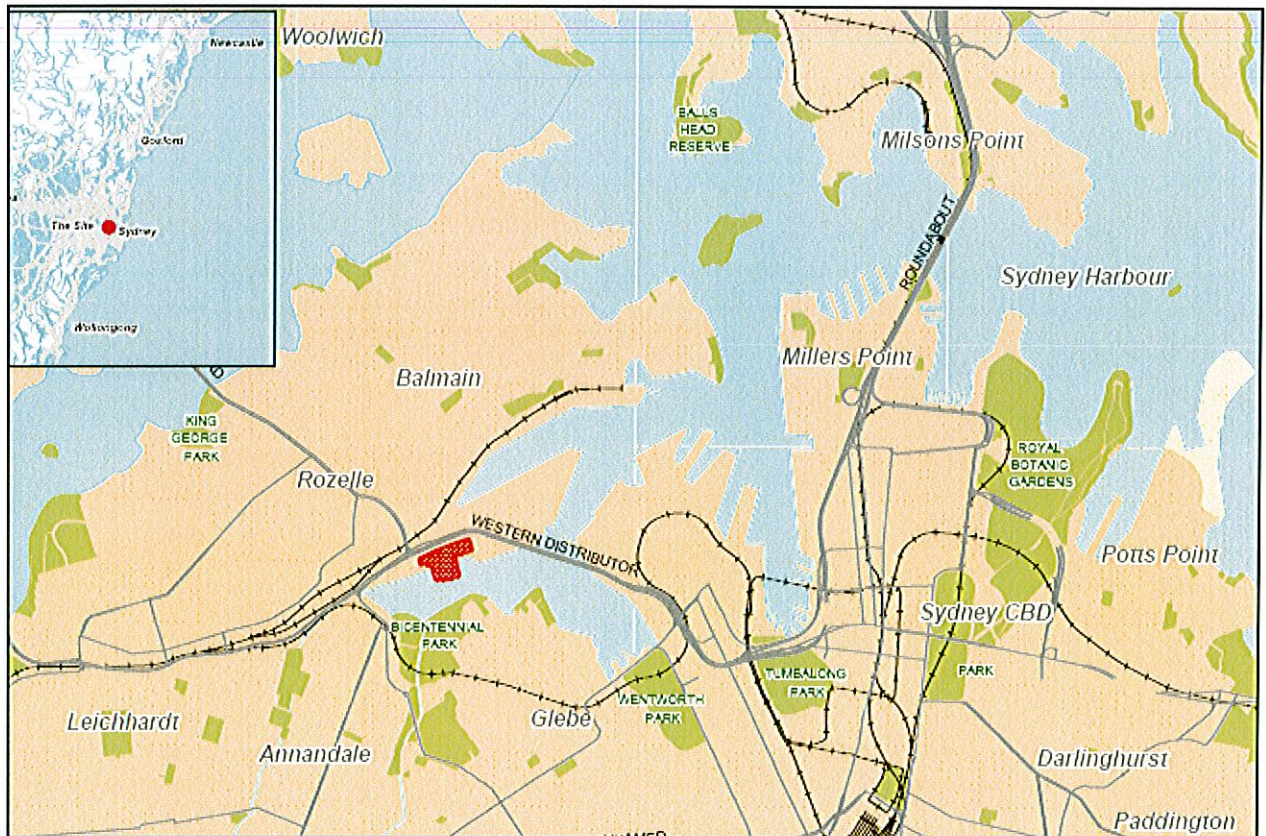


Figure 1: Regional Context

As required under Part 3A of the *Environmental Planning and Assessment Act, 1979* the proponent was provided a copy of all the submissions. A response to the key issues raised in the submissions was provided in the Preferred Project Report and Statement of Commitments submitted to the Authority on 23 January 2007.

The key issues raised in the public submissions included: water traffic and navigation; water quality; noise; air quality, visual amenity, storage of hazardous materials, public access, road traffic and parking and site contamination. All of these issues have been addressed in Section 6 of the report.

Water traffic and navigation was the most prominent issue raised in the public submissions received. The increased number of motor boats that would use Rozelle Bay as a result of the proposal and the associated impacts upon passive recreational (non-motorised) vessels, such as rowers, dragon boaters, kayakers, canoeists and the like was a major concern for these users.

The Authority in consultation with the NSW Maritime Authority and passive recreational representative groups has determined that all of the potential impacts from the development can be mitigated, managed or resolved within acceptable limits, by way of conditions of approval or measures to be implemented by the NSW Maritime Authority. This includes the development of a Vessel Management Plan that will deal with specific issues, including boat speed, delineation of Rozelle Bay, and a restriction on boat movements in early morning periods of darkness. These measures will enable the cooperative coexistence between motorised vessels and non-motorised passive recreation vessels in the Bays to be maintained (refer to Section 6.1.1 of the report below).

The assessment of the Preferred Project Report has determined that further amendments to the built form and capacity of the development are necessary to enable the project to be supported. The principal amendments recommended include a reduction in building height for carparking and the eastern boat store buildings, which may consequentially reduce the total amount of boats stored. The provision of additional at grade parking is provided for only if operational demand exists. The extent of these and other recommended amendments is discussed further in Section 3 of the report.

The assessment of project has determined that the proposal is a permissible development in accordance with the relevant Environmental Planning Instruments and the *Rozelle and Blackwattle Bays Maritime Precinct Master Plan* (the Master Plan) as documented in Appendices F, G, H and I.

The Authority is satisfied that the other key issues raised in respect to water quality, noise, air quality, visual amenity, storage of hazardous materials, public access, road traffic and parking, site contamination and all other impacts associated with the development would also be within acceptable limits subject to the recommended amendments and proposed mitigation measures identified. A number of conditions have also been recommended to ensure that the proposed project would not result in any significant impacts to the surrounding environment. This includes an annual review of various environmental matters and the operation of the Vessel Management Plan.

The proposed development will meet some of the existing and future demand for boat storage, and will reduce the demand on boat mooring within the harbour's waterways in support of the NSW Government's Sharing Sydney Harbour policy. The proposed development is therefore supported subject to the recommended amendments, mitigation measures and conditions of approval as identified in the report below.

2. BACKGROUND

The majority of the subject site was previously occupied by Hobbs Brothers Carriers. The site was used to operate shipping container storage and distribution businesses. This operation included truck parking areas, car parking areas, storage areas, a part one and part two storey administration/office building, and a large shed used for the storage of shipping containers, as illustrated in the photos below.



Figure 2: Photo of the site with the Hobbs Brothers Container Shed (2004)



Figure 3: Photo of the site in 2006

The subject site is currently bisected by James Craig Road as illustrated in **Figure 4** below.

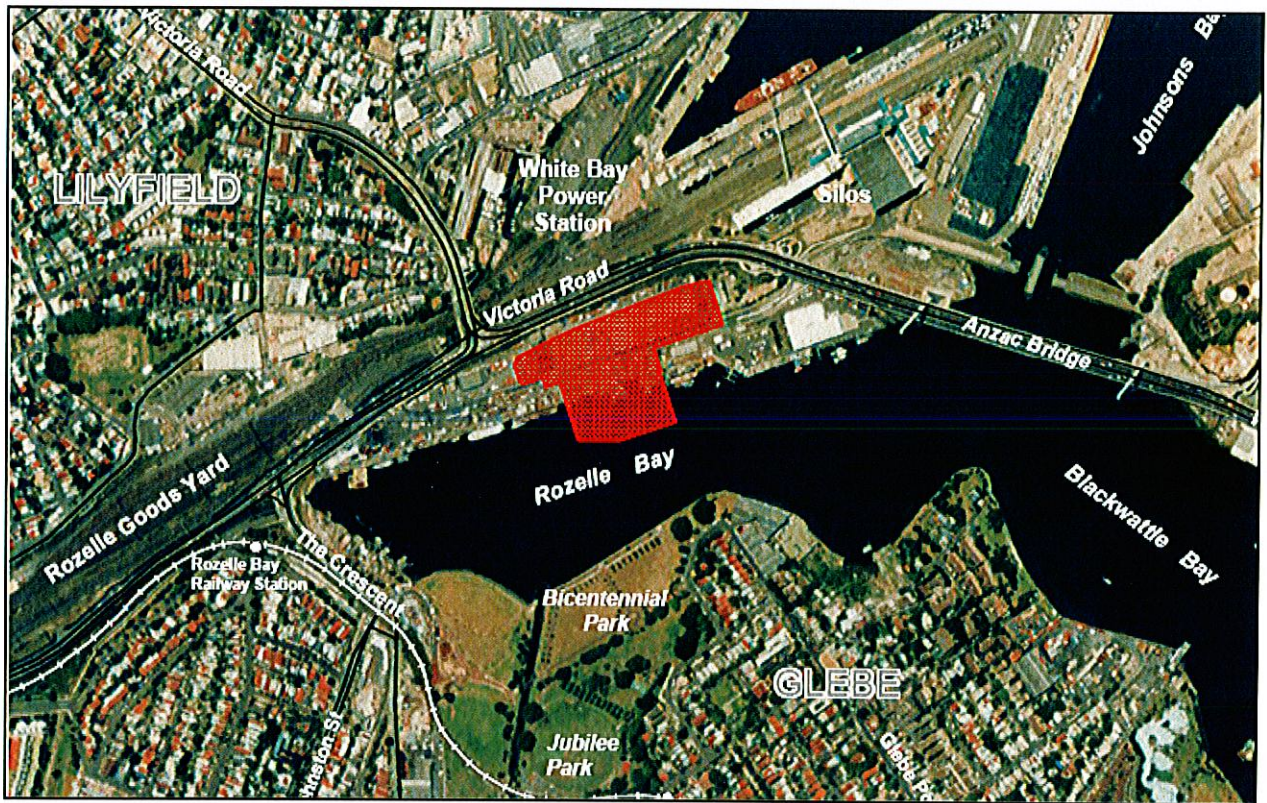


Figure 4: Site Location

On the 9 September 2005, the Minister for Planning granted consent to (DA 193-06-04) the subdivision of the land into 16 lots, realignment of James Craig Road, and construction of new internal access road at Rozelle Bay. The subject site (lots 29 & 30) has been created by this subdivision, which will be bound by the realigned James Craig Road to the north.

The realignment of James Craig Road is currently being undertaken, and is close to completion.

In association with the consent for the subdivision and road realignment, the Minister for Planning also adopted an Amendment to the *Rozelle and Blackwattle Bays Maritime Precinct Master Plan* (the Master Plan). This Master Plan was initially prepared by NSW Maritime (formally Waterways Authority) and was formally adopted in September 2002.

The Master Plan amendments were required due to the changed alignment and geometry of James Craig Road and consequential changes to the urban design controls, and setback and siting provisions of the Master Plan. The various height limits that applied to the subject site and the site coverage control were not altered by these amendments.

The landowner of the subject site, NSW Maritime Authority, provided land owners consent to the proposed project on the 25 July 2006.

3. PROPOSED DEVELOPMENT

3.1 Proposed development sought (as identified in the Preferred Project Report)

The Proponent is proposing to construct and operate a dry boat storage and marine facility at James Craig Road, Rozelle Bay. **Figure 5** below illustrates the proposed layout of the site.

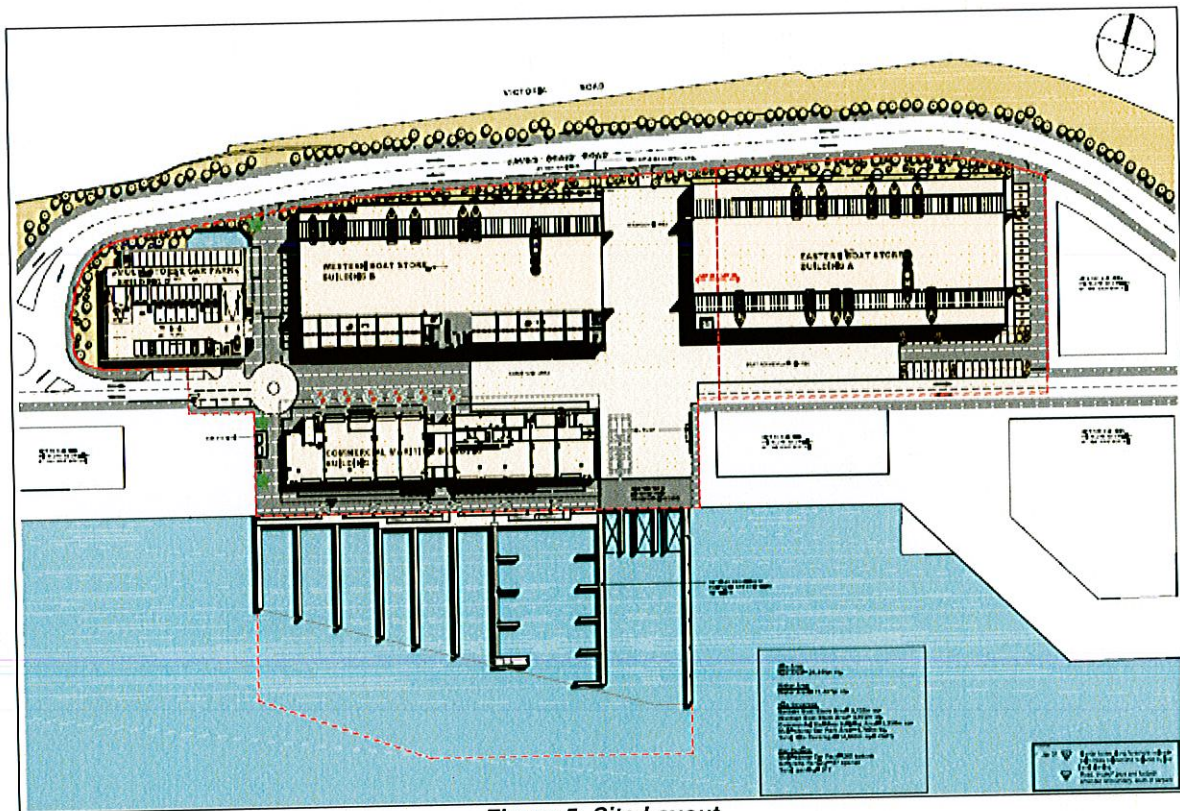


Figure 5: Site Layout

The major built components of the proposal, as sought in the Preferred Project Report are detailed in **Table 1** below.

Table 1: Major components of the proposal as identified in the Preferred Project Report

| Component | Description |
|------------------------------|--|
| Site Preparation Works | Removal of rubble and site compaction. Wharf strengthening and driving of piles. Paving of hardstand areas. |
| Boat Stores | Construction of an eastern boat store that can accommodate a maximum storage capacity of 330 boats. Construction of a western boat store that can accommodate a maximum storage capacity of 240 boats and 852m ² of commercial maritime and ancillary maritime floor space. A combined maximum storage capacity of 670 boats. |
| Commercial Maritime Building | Construction of a two storey commercial maritime building that comprises: <ul style="list-style-type: none"> - 1723m² of commercial maritime office space; - 676m² of maritime brokerage space (boat showroom); - 99m² of maritime workshop space; - a 487m² restaurant; |

| | |
|-------------------------|---|
| | <ul style="list-style-type: none"> - a 39m² café/take away outlet; and - outdoor seating for a total of 144 persons. |
| Marina | Construction of a marina comprising 36 layover berths and 24 layover brokerage berths, including associated gangways and pontoons. |
| Boat In/Out Feed System | A boat in/out feed system comprising of three lifts on the wharf's edge, used for moving boats between the dry boat stores and the water. |
| Parking | <p>Construction of a multi storey (five levels) car park building providing parking for 260 vehicles.</p> <p>Construction of two on grade car parks providing parking for a total of 57 vehicles.</p> <p>Provision for bicycle storage racks accommodating a minimum of 15 bikes.</p> |
| Fuel Storage | Installation of four 25,000 litre underground fuel storage tanks, with a total capacity of 100,000 litres. |
| Rainwater tanks | Installation of 10 rainwater collection tanks with a total capacity of 220,000 litres, which will collect rainwater from the roofs of the boat store buildings. The harvested roof water will be utilised for boat rinsing, irrigation and other purposes. |
| Signage | <p>Business identification signage including:</p> <ul style="list-style-type: none"> - Four large facade signs (with three located on the western boat store and one on the multi storey car park). The three signs that do not face the waterway are to be illuminated. - 11 banner signs, measuring 10m in height. - 41 small scale tenancy business identification signs. |
| Landscaping | Landscaping of the site that with predominately native shrubs and tree species. |

3.2 Proposed development as recommended

Following the assessment of the Preferred Project Report, the proposal is recommended to be amended as identified in **Table 2** below.

Table 2: Major components of the proposal recommended to be amended

| Amended Component | Description of Amendment |
|---------------------|---|
| Eastern Boat Store | <ul style="list-style-type: none"> ▪ A 2.2 metre reduction in the height of the eastern boat store that will result in a maximum roof height of RL 26 metres, and maximum wall height of RL 22 metres. |
| Carparking building | <ul style="list-style-type: none"> ▪ A 3 metre reduction in the height of the carparking building that will result in a maximum wall height of RL 14.4 metres, and maximum height of the lift shaft and stairwell of RL 15.9 metres. |
| Parking | <ul style="list-style-type: none"> ▪ The PPR has reduced the carparking provided on site by 64 spaces. This is largely as a result of the provision of the 'boat accumulation area' to undertake minor work to and temporary storage for boats when they are removed from the water as the need arises. The use of the area will be controlled through the recommended conditions of approval. ▪ It is proposed to reduce the parking by a further 52 spaces as a result of the reduction in the building height by one level. This will result in a maximum car parking capacity within the site of 272 vehicles, a total reduction of 117 spaces. |
| Signage | <ul style="list-style-type: none"> ▪ Deletion of banners signs referred to as 08f, 09f, 12f and 13f. The remaining banner signs (14f, 15f, 16f, 17f, 18f, 19f and 20f) are to be reduced in height to a maximum height of 5 metres. |

Note: The reduction in the height of the eastern boat store may result in a reduction in the maximum number of boats stored within this building. However it is possible for the internal boat rack heights to be adjusted or to accommodate narrower boats within spaces designed for the widest boats, which may still allow for the maximum number of boats to be accommodated as sought in the application.

Therefore the assessment of this project has been made on the basis of the 670 boats being accommodated on site, inclusive of any brokerage boats, as sought in the Environmental Assessment and the Preferred Project Report.

4. STATUTORY CONTEXT

4.1 Section 75I of the Environmental Planning and Assessment Act 1979

This Environmental Assessment has been prepared as required by section 75I(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act). This report and the relevant attachments include the matters required under section 75I(1)(a) to (f) of the Act. Furthermore as required by section 75I(1)(g), it is considered that Environmental Assessment submitted as part of the Project Application is in accordance with the Director-General's environmental assessment requirements as issued on 8 February 2006.

The Minister is therefore able to determine the application in accordance with section 75J of the Act.

4.2 Major Project

The proposal is classified as a major project under Part 3A of the EP&A Act as it is identified within Schedule 1 of *State Environmental Planning Policy (Major Projects) 2005* being a development that meets the criteria established under Group 6, clause 14 'Marina facilities', as well as being a development identified in Schedule 2 of *State Environmental Planning Policy (Major Projects) 2005* being a development located with the area identified as Glebe Island, White Bay, Rozelle Bay and Blackwattle Bay on Maps 6A and 6B.

On the 8 February 2006, the Minister for Planning formed the opinion that the proposal is a development described in Schedule 1 and 2 of *State Environmental Planning Policy (Major projects) 2005* and is therefore the approval authority for the project.

4.3 Permissibility

The subject site is located within the Bays Precinct under *Sydney Regional Environmental Plan No 26 – City West*. The subject site is zoned 'Waterfront Use' and the project is generally consistent with the objectives of this zone.

The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* covers the site. The water based component of the site is zoned 'W1 Maritime Waters'. The W1 zone permits 'Commercial marinas' subject to development consent. The proposed project is considered to fall within the definition of a 'Commercial marina'.

4.4 Exhibition

The environmental assessment of the proposal was exhibited for 30 days from 20 September 2006 until 20 October 2006, which satisfies the requirements for public consultation under Section 75H of the EP&A Act, 1979.

4.5 Environmental Planning Instruments

The following environmental planning instruments and other documents are relevant to the assessment of the proposed project:

- *State Environmental Planning Policy No. 11 – Traffic Generating Developments*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No 55 – Remediation of Land*

- *Sydney Regional Environmental Plan No 26 – City West*
- *State Environmental Planning Policy No 64 – Advertising and Signage*
- *Draft State Environmental Planning Policy No 66 – Integration of Land Use and Transport*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005*
- *Master Plan for Rozelle and Blackwattle Bays Maritime Precincts (as amended in 2005)*

A comprehensive assessment of the proposal against the relevant provisions of the above environmental planning instruments and other documents has been undertaken (see Appendix F). This assessment concludes that the proposal is not inconsistent with the aims, objectives and requirements of these instruments.

4.6 Strategic planning documents

The following strategic planning documents are of particular relevance to the project:

4.6.1 Sharing Sydney Harbour

Sharing Sydney Harbour, published in January 2003, is the NSW Government's vision for managing the future of Sydney Harbour. Having consulted a wide range of Harbour users the vision is:

"[To take] ... wise and comprehensive care of the Harbour as a natural asset belonging to future generations, and sharing the Harbour with nature and for all human activities."
(Sharing Sydney Harbour Regional Action Plan 2000)

Four themes underpin the vision, giving Sydney its unique character among the great harbour cities of the world.

- **natural harbour** - a healthy sustainable environment on land and water
- **urban harbour** - a high quality urban environment
- **working harbour** - a prosperous, working waterfront and effective transport corridor
- **people's harbour** - a culturally rich, accessible, active place for people.

Sharing Sydney Harbour includes a package of plans, projects and policies expressing a whole of government vision for Sydney Harbour. In particular the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* and *Boat Storage Policy for Sydney Harbour* are relevant to the proposal. An assessment of the proposal in accordance with *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* is provided in Appendix H. Consideration of the *Boat Storage Policy for Sydney Harbour* is provided below.

4.6.2 Boat Storage Policy for Sydney Harbour

In June 2004, the then Department of Infrastructure, Planning and Natural Resources (now Department of Planning) and the then Waterways Authority (now NSW Maritime Authority) produced a *Boat Storage Policy for Sydney Harbour*.

The policy aims to provide:

- *a more strategic and certain approach to regulating boat storage facilities on the harbour, and*
- *maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshores and waterways.*

The Policy is separated into a number of chapters, which are discussed below:

Snapshot on boat storage on the Harbour:

The Policy provides an overview of the current boat storage data as follows:

"In essence there are a total of 15000 registered vessels in the Sydney Harbour boating catchment. Of these, approximately 9000 are over 5 metres in length, with 6600 over 6 metres. As boats over 5–6 metres generally require storage on the water, there are up to 9000 vessels requiring a storage space on the harbour.

There are currently 8770 boat storage spaces on the harbour, including berths at commercial marinas and private marinas, single (swing) moorings, mooring pens and jetties. The number of registered boats has increased slowly (1%) over the last 8 years".

The break down of the total boat storage on Sydney Harbour (in 2004) by storage types is:

- 56% of boat storage comprises swing moorings;
- 6% of boat storage comprises private marinas;
- 15% of boat storage comprises commercial swing moorings;
- 17% of boat storage comprises commercial marinas;
- 6% of boat storage comprises mooring pens and jetties; and
- 0% of boat storage comprises dry boat storage.

The Boat Storage policy identifies possible sites for dry boat storage facilities at Rozelle Bay (the subject site), Ryde and Homebush Bay.

Critical Issues:

The critical issues identified in the Policy that are relevant to the proposal include:

- There is a clear trend toward larger boats and a shift in composition toward motorised rather than sailing boats. This trend suggests future growth in demand for fixed berth storage rather than moorings. In addition this trend will result in a shift away from boat trailer storage to fixed berth storage.
- The privatisation of the foreshore and waterway through private marina development. This most commonly involves the construction of large boat storage structures on the waterway in association with multi unit residential development on the foreshore. These structures alienate large areas of the harbour by restricting or excluding public access.
- There was a marina declaration that makes the Minister for Planning the consent authority for certain marinas on the harbour (Minister's Declaration dated 10 April 2001). Under the declaration, boat storage proposals are considered on a case by case basis to determine whether they are of local or State significance, which adds further complexity. This declaration has now been effectively replaced by *State Environmental Planning Policy (Major Projects) 2005* which makes the Minister for Planning the consent authority for these types of developments.

The Environmental Assessment also provides additional data on supply and demand for boat storage, and in particular the data obtained from the Boating Industry Association of NSW supports the current trend toward larger boats, as identified in **Table 3**, below.

Table 3: Boat registration growth rate for NSW:

| Boat Length (m) | Growth Rate (%) 1983 – 2003 |
|-----------------|--------------------------------|
| Up to 5 | 85 |
| 7 - 8 | 291 |
| 9 - 10 | 726 |
| 11 - 12 | 902 |
| 13 - 14 | 987 |
| 15+ | 612 |

The proposed development would assist in meeting storage demands associated with the increasing trend towards motorised and larger boats, as identified above.

Boat Storage Policy Statement:

A statement outlining the NSW Government's policy for effective boat storage on Sydney Harbour and its tributaries is summarised, as follows:

“Commercial marinas: The Government will ‘lift’ the moratorium to permit marina development and the expansion of existing commercial marinas in suitable locations around the harbour.

Private marinas: The Government does not support the proliferation of private marinas throughout the harbour and will limit them to existing highly developed residential waterfronts. This will contribute to minimising the privatisation of the foreshores and waterways. It will also help to avoid ‘cluttering’ the harbour with large, private boat storage facilities.

Single moorings: The Government supports the retention of private single mooring areas at their current levels of approximately 5000 vessels. Single moorings generally have a lower visual impact than fixed berth storage and are available to a wider range of users than other forms of boat storage such as commercial and private marinas. However, as boats are able to move more freely on single moorings, they can also impede navigation by other vessels.

Private domestic facilities: The Government supports a reduction of private domestic facilities (such as mooring pens and jetties/wharves/pontoons) over time. This will help deliver on the Government's commitment to promote greater intertidal access opportunities and enhanced public foreshore access. It will also contribute to improved scenic quality through reduced visual clutter along the shoreline.

Dry boat storage facilities: The Government supports dry boat storage as an efficient form of boat storage that can contribute to the freeing up of water space for navigation and recreational activities and less visual clutter in the waterway. However, such facilities must be appropriately designed and located to avoid potential amenity impacts such as visual quality, traffic and noise on the surrounding area”.

The proposed development is considered consistent with the above boat storage policy statement as the development will enable the storage of up to 670 boats without restricting large areas of public water space and will result in less visual clutter and greater foreshore public access. The potential amenity impacts generated by the proposal have been addressed in Section 6 of the Report.

5. CONSULTATION AND ISSUES RAISED

5.1 Public exhibition of the application

On the 11 September 2006, the Proponent lodged an Environmental Assessment for the proposal with the Authority.

The Authority subsequently:

- notified over 570 owners and occupiers within the surrounding areas of the site, as well as a number of key recreational clubs and associations;
- notified Leichhardt Council, City of Sydney Council and the relevant State government agencies, which included the Department of Environment and Conservation, Roads and Traffic Authority, NSW Maritime Authority, Sydney Ports Corporation and the Department of Planning;
- advertised the exhibition of the EA in the *Sydney Morning Herald* and *Daily Telegraph* newspapers on two occasions, being the 20th and 27th September 2006;
- exhibited the EA from 20 September 2006 until 20 October 2006 at the offices of Leichhardt Council, City of Sydney One-Stop-Shop (Kent Street), Glebe Town Hall and the Sydney Harbour Foreshore Authority;
- placed all of the Major Project Application documentation (available to be downloaded), including the Environmental Assessment and plans on the Sydney Harbour Foreshore Authority website; and
- erected a site notice on the site for the period of the public exhibition.

During the exhibition period, the Authority received a total of 263 submissions on the proposal (see Appendix D for a summary of these submissions); five from public authorities including the Sydney Regional Development Advisory Committee (Roads and Traffic Authority), Sydney Ports Corporation, Leichhardt Council, City of Sydney Council and Department of Environment and Conservation.

The proposal was referred to Sydney Harbour Design Review Panel prior to exhibition and the Foreshores and Waterways Planning and Development Advisory Committee following exhibition, as discussed below.

The proponent provided a Preferred Project Report in response to issues raised in the submissions on the 23 January 2007 (see Appendix C). The Authority posted a copy of this response on its website on 23 February 2007, and has assessed the issues raised in these submissions in more detail in Section 6 below.

Since the close of the exhibition period the Authority has continued to receive 'late' submissions in support and in opposition to the proposal. A list of all persons who lodged submissions, including late submissions is provided at Appendix E.

5.2 Sydney Harbour Design Review Panel (SHDRP)

The development was referred to the SHDRP at the Pre-application stage on the 3 September 2004. The panel made a general observation that the scheme was well considered with a horizontal emphasis appropriate to its location and that the proposal was a good use for the site with public accessibility to foreshore.

The panel raised concern in regard to the use of the proposed polycarbon and screen cladding to storage buildings as well as the car park structure and its cladding.

Comment: The proponent has supplied additional information on the materials and colours and these are considered appropriate and in accordance with the Master Plan. The proponent has also revised the cladding on the multi storey car park (refer to Section 6.1.5 of the report).

5.3 Foreshores and Waterways Planning and Development Advisory Committee (FWPDAC)

The matter was considered by the FWPDAC on the 3 November 2006 and the Committee recommended that:

"NSW Maritime Authority and the Department of Planning recognises that the Major Project in principle makes a contribution to the continuation of Sydney Harbour as a working harbour consistent with the Government's Boat Storage Policy for Sydney Harbour, aims of Sydney Regional Environmental Plan No. 26-City West and the aims of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The Sydney Harbour Foreshore Authority in any Preferred Activity (Project) Report request that the applicant address the following issues in the project design:

- a) the obstruction of views along designated view corridors identified under the Master Plan for Rozelle and Blackwattle Bay Maritime Precincts and in particular view corridor 1;*
- b) visual impact relating to bulk and scale of buildings when viewed from the water. In particular, the potential creation of a wall of development inconsistent with the Master Plan principle guarding against the creation of a wall of development to the bay or the adjacent arterial road network.*
- c) Oversupply car parking and opportunities to resolve the above issues; and*
- d) Continuity of public access connection to and within the site and along the foreshore. It is recommended that a plan be prepared showing areas to be available for 24 hour public access, restricted public access and intermittent access across the site".*

Comment: Items a), b) and c) have all been resolved by the recommended reduction in the height of the multi storey car park and eastern boat store and subsequent reduction in the oversupply car parking, as identified in Section 6.1.5 of the report below. Item d) has been resolved in the proponents Preferred Project Report, as further discussed in Section 6.1.7 of the report below.

5.4 Further consultation following public exhibition process

As a result of representations made by passive recreational users groups, the Authority has held a series of meetings with rowing and dragon boat groups, and these have included the NSW Maritime Authority as the body responsible for the management of the Waterway.

An 'inspection' of rowing activity on the bay was undertaken from 5.00 am until 8.00 am on 14 March 2007, which included observing the rowing and other activity on the bay from water in the rowing coach's boat, for an hour and half period prior to and after sunrise.

A further inspection of the site with the proponent, representatives of boat user groups and the NSW Maritime Authority was held from 9.30 am to 11.30 am on 28 April 2007.

Consultation with the NSW Maritime Authority on the recommended conditions of approval has also occurred.

6. ASSESSMENT OF ENVIRONMENTAL IMPACTS AND MATTERS FOR MINISTERIAL CONSIDERATION

The mandatory matters required to be addressed in a Director-General's report under Clause 8B of the Environmental Planning and Assessment *Regulation* ("the Regulation") are:

- "(a) *an assessment of the environmental impact of the project,*
- (b) *any aspect of the public interest that the Director-General considers relevant to the project,*
- (c) *the suitability of the site for the project,*
- (d) *copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions."*

The assessment of these matters is addressed in the following sections of this report.

6.1 Environmental impact assessment

To fulfil the requirements of Section 75I Clause 2(f) this report includes an environmental assessment undertaken by the Director-General. This section is an assessment of the environment impact of the project in accordance with section 8B of the Regulation.

6.1.1 Water traffic & navigation

The increased number of motor boats that would use Rozelle Bay as a result of the proposal and the associated impacts upon passive recreational (non-motorised) vessels, such as rowers, dragon boaters, kayakers, canoeists and the like, was the most prevalent issue raised in the public submissions.

Blackwattle and Rozelle Bays (the Bays) have traditionally been used for maritime and industrial activities for over 100 years. In juxtaposition to these uses, the Bays have also traditionally been used by rowing clubs and more recently dragon boating clubs. The Bays currently accommodate the Glebe Rowing Club and Sydney University Women's Rowing Club as well as a range of dragon boating clubs under the umbrella of Dragon Boats NSW Inc. In addition to these clubs, the Bays are also used by individual and other sporting associations for passive recreational use.

It is acknowledged that the Bays have experienced a generally cooperative use between the existing maritime and commercial vessels and the existing passive recreational (non-motorised) vessels. Additionally, one of the key visions of the Master Plan is to "*safeguard the continued use of Rozelle and Blackwattle Bays for non-motorised water based recreational activities such as rowing and canoeing*".

The passive recreational users of the Bays have raised concern that the increased water traffic generated by the proposal will disturb this cooperative use and will create unacceptable levels of wash, reduce the space available for training and other activities, potentially compromise safety and change the character of Rozelle Bay. Concern was also raised in relation to the adequacy and accuracy of the water traffic data collected and presented in the Environmental Assessment.

The issues raised in the submissions are addressed as follows:

Water traffic data collection:

To determine the level of the impacts generated by the proposal, the Environmental Assessment incorporated a collected range of water traffic data to determine the types of vessels that used the bay, the number of vessels, the timing of use and the frequency of use.

The collection of data on the passive recreational use of the Bays was considered by objectors not to be representative of usage levels of rowing and dragon boat clubs and other passive recreational vessels. The objectors identified that the surveys were undertaken when both dragon boaters and rowers were out of town on competition and during the low season. The method of using CCTV cameras to collect data was also considered inadequate.

To determine the projected vessel movements generated by the proposal, the Environmental Assessment included a report compiled by Australian Marina Management (AMM). AMM surveyed boat launch demand levels for all other dry boat stores in Australia to attain the projections for the subject proposal. Again, concerns were raised in the submissions in regard to the accuracy of the projections provided.

In response to the concerns raised in the public submissions and in correspondence from the Authority, the proponent undertook further data collection and surveying and also provided additional information in respect to projected vessel movements generated by the proposal.

The proponent also accepted the summer weekend movement data for rowing boats, dragon boats and kayaks as provided by Dragon Boats NSW in its submission. This data is presented in **Figure 6** below.

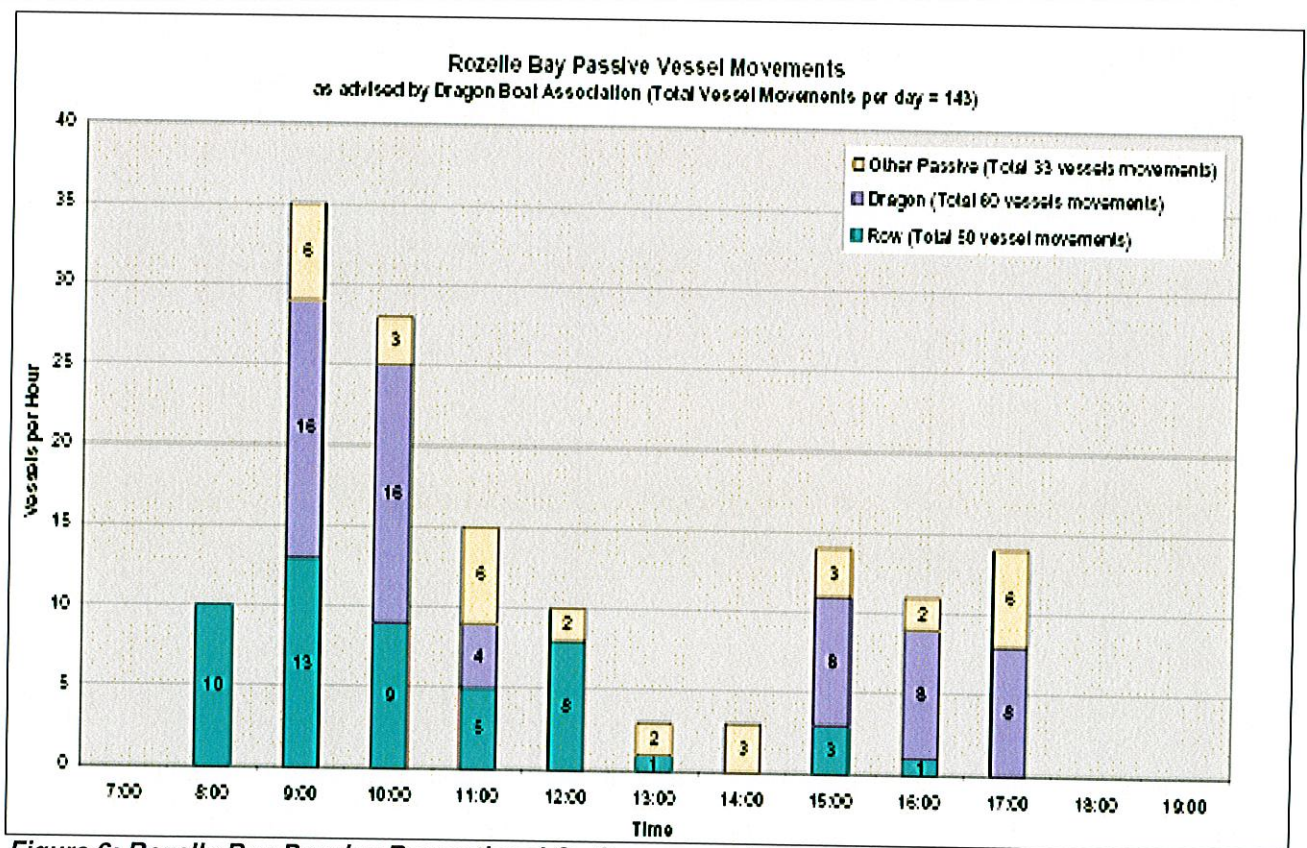


Figure 6: Rozelle Bay Passive Recreational Craft movements– as advised by Dragon Boat NSW

All of the data collected and presented in the Preferred Project Report (including the above) identified that *“vessel movements on Rozelle Bay vary widely between week days and weekend and even between Saturday and Sunday and from week to week, due to the weather, club schedules and competitive events elsewhere. Nevertheless, the principal time of potential conflict is on a summer weekend morning”*.

In essence the data reveals that there is a maximum of 35 passive recreational vessel movements per hour on summer weekend mornings.

In respect to projected vessel movements generated by the proposal, the proponent provided additional information within the Preferred Project Report that identified that the operational capacity of the proposal limited the facility to handling a maximum of 11 boats per hour for each of the three boat lifts resulting in a maximum 33 boat movements per hour out of the storage facility. Through the provision of a reduced speed limit of 4 knots, it would take approximately 5 minutes for boats to reach the Old Glebe Island Bridge and exit Rozelle Bay.

The PPR states that given the handling capacity and this speed, there would be typically only two to three boats leaving the facility on Rozelle Bay at any one time, during peak periods.

Availability of space for training and other passive recreational uses:

Concern has been raised that the increased boat movements from the proposed facility will result in less space on the waterway for training and other passive recreational uses.

The PPR has included a map, which shows an arrangement for the sharing of the Bays, whereby motorised vessels from the subject facility can gain access to Sydney Harbour via the 30 metre wide channel of deeper water within the Bay, taking a direct route to their destination, out beyond the Old Glebe Island Bridge.

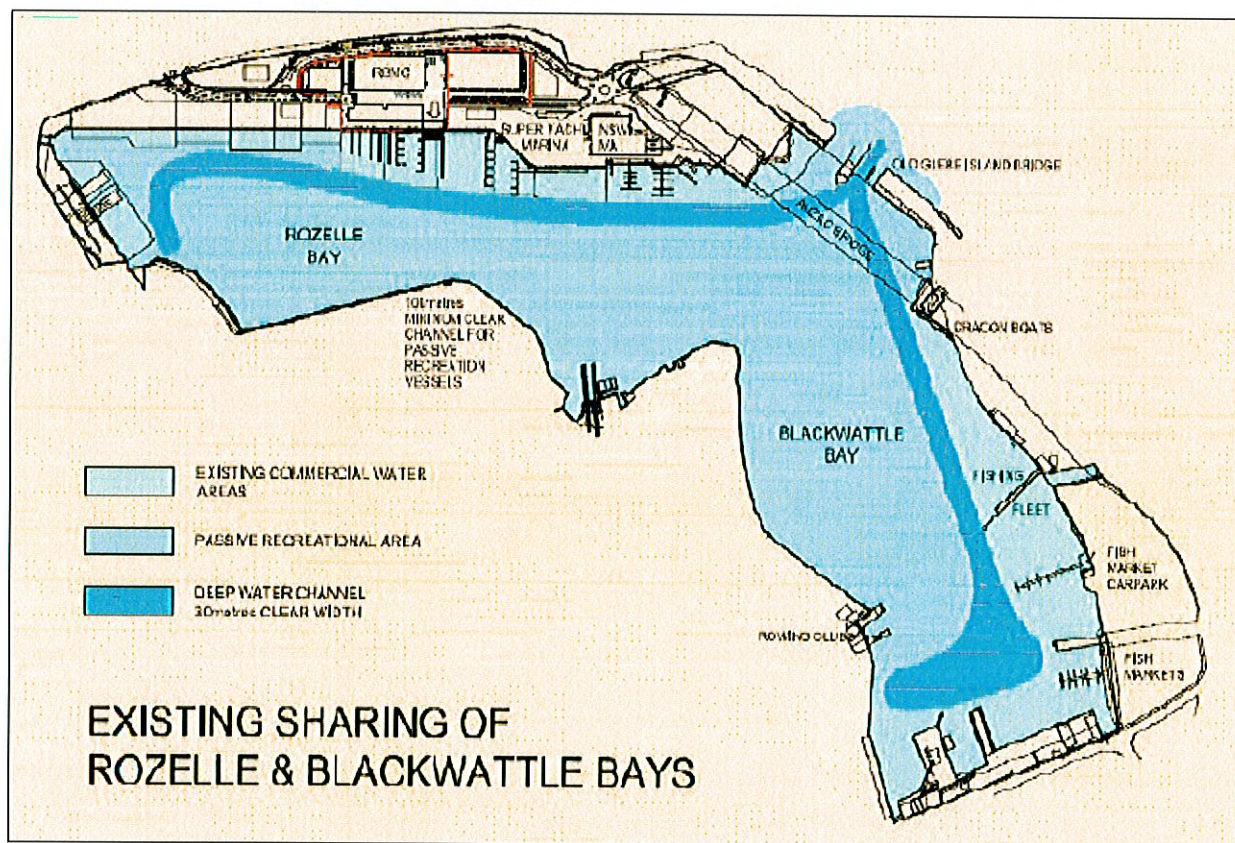


Figure 7: Map demonstrating the area of a deeper water channel

The map also illustrates that there is a clear 100m wide channel (at low tide) along Rozelle Bay for the passage of passive recreational vessels. This space will allow for four 20 metre wide training lanes which are considered sufficient for passive recreational use, as illustrated in **Figure 8** below:

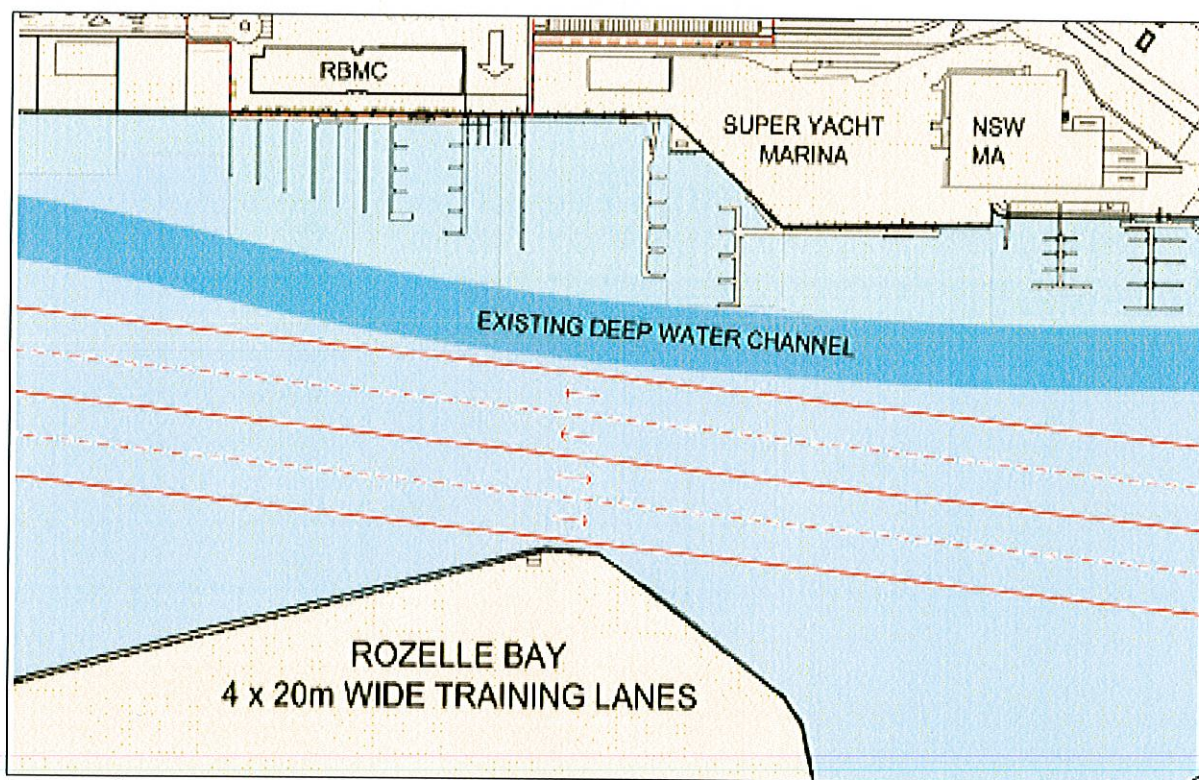


Figure 8: Map demonstrating the space available for passive recreational vessels

Nevertheless this is a matter that may need to be subject of further review once in operation as it does then introduce additional lines along which boats are travelling in opposite directions. It may therefore be preferable to maintain the established and standard maritime practice of boats travelling on the right side of the water within the Bay, resulting in all motorised and non-motorised boats travelling in the same direction, effectively in a one way loop around the bay.

The matter separation of the bay in this manner was discussed at the site inspection with NSW Maritime, the Proponent and boat user groups at the site inspection on 28 April 2007, with boat user groups preferring the one way option. However despite the apparent reduction in the potential for conflict with the one way option, it does raise other areas of concern, including:

- Boats leaving the facility will cross the path of vessels travelling west toward the end of the bay and this may introduce a different conflict situation;
- Non-powered boats are able to travel faster than the 4 knot restriction that will be imposed for vessels from this facility, which could result in some obstruction to non-powered craft; and
- Wash even at 4 knots will be slightly greater on the southern side of the bay due to its shallower nature of this area of the bay.

The conditions of approval have therefore provided for vessels from this facility to be restricted to the northern channel, with any delineation of the bay to be the subject of further review by NSW Maritime, within six months of operation, in consultation with all relevant parties.

A number of measures have been identified that will assist in ensuring that the operation of motorised vessels within Rozelle Bay is acceptable to all existing users of the Bay. These measures include:

- the implementation of a code of conduct for all users of the Bays waterways;
- the installation of high definition cameras to assist NSW Maritime Authority in enforcement;
- a complaints hotline; and
- the preparation and implementation of a Vessel Management Plan (also referred to as a Boat Management Plan) for the facility.

The Vessel Management Plan will include an induction and education program for all vessel operators from the proposed facility, signage and a suite of other measures. All of these measures are discussed more comprehensively below.

To ensure that large vessels moored at the Super Yacht Marina (SYM) adjacent to the subject site do not impede on motorised vessels navigating along the existing deep water channel, and thus causing these vessels to navigate further south, the NSW Maritime Authority has advised that they intend to change some of the operational functions of the marina. These functions include restricting the facility to a maximum vessel length of 50 metres and rearranging vessel mooring with the largest vessels to dock at the eastern rather than the western end, which is the current situation.

Vessels over 50 metres in length are likely to be moored at Garden Island, which is the NSW Maritime Authority preferred location. The SYM currently operates under a development consent that is renewed every 12 months. These changes can be considered when the consent period for the SYM is next up for renewal, on the 24 June 2007.

Figure 9 below has been provided by the NSW Maritime Authority to further illustrate the width of the bay and the distances between the existing and proposed water based structures and the southern foreshore.

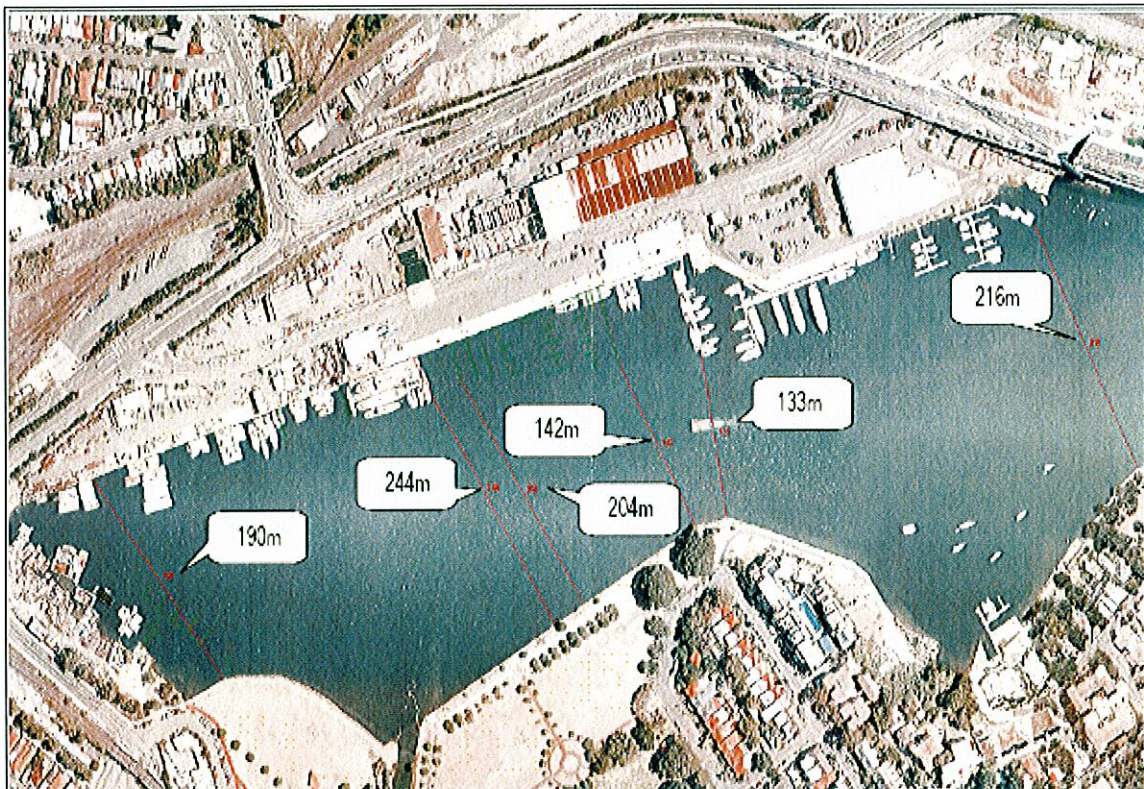


Figure 9: NSW Maritime Authority Map illustrating available widths of Rozelle Bay

Alienation of public waterway:

A further concern raised in respect to the availability of space available for passive recreational vessels is that the proposed marina would alienate a section of the public waterway.

A photomontage showing the proposed lay over berths and existing jetties has been provided below in **Figure 10**. A red dashed line has been inserted to demonstrate that the proposed marina would be located within the unusable water area to the east of the subject site between the Super Yacht Marina jetties and the commercial jetties to the west.

Of the 11,407m² available licence area, the pontoons will only cover 7,273m², leaving the southern portion of the licence area available for manoeuvring space for boats from the facility.

It is evident in **Figure 10** below, that the proposed layover berths are located in a void area that would not be practical for passive recreational vessel use.

This issue of any potential conflict between motorised vessels and other passive recreational vessels is addressed further in this report.



Figure 10. Photomontage of proposed layover berths and existing commercial jetties

Impacts from wash

One of the biggest concerns raised in the submissions, is the impact of vessel wash on passive recreational vessels from the increased number of motorised boats that would use Rozelle Bay as a result of the proposal.

It is acknowledged that wave and wash activity significantly affects rowers, dragon boaters and other passive recreational users balance, speed, enjoyment and general safety. Although a 'No Wash Zone' is currently in place for the Bays, concern was raised that motorised vessel operators do not always comply with this regulation and/or some vessels travelling at the current speed limit of 8 knots can still cause wash.

In response to these issues, the proponent commissioned a further report by Patterson Britton & Partners Pty Ltd - Consulting Engineers, a firm widely recognised for their maritime engineering expertise and experience. This report advised that wave pattern generated by a vessel is largely affected by water depth and vessel speed. The report concluded that: *"it is expected that vessels that use the RMBC dry boat stores would not contribute to significant vessel generated wash in Rozelle Bay, provided that:*

- *vessel speeds in the whole of Rozelle Bay are limited to 4 knots; or*
- *such lower speeds that are necessary to avoid wash.*

Any potential wash for that is generated by vessels in the channel on the northern side of Rozelle Bay is likely not to be significant due to the slow vessel speed and depth of water.

Vessel wash that reaches the vertical seawall to the north of Rozelle Bay is likely to be insignificant due to the dissipative effect of the pontoons and berthed vessels.

The southern foreshore is a significant distance from the northern channel and the incident wave that reaches the southern foreshore and reflected will be minimal.

As the incident and reflected waves generated by the vessels in Rozelle Bay will likely be less than 100mm, it is not expected that there will be adverse impacts on passive recreational users".

In addition to this, the report estimated that the prevailing north easterly winds of around 10-15 knots will typically produce wind/waves in the order of 100 to 140mm in height.

This report was peer reviewed by Greg Cox, Naval Architect of Kamira Holdings Pty Ltd. The review determined:

- a) *"The information contained in the memo (Patterson Britton Report) reflects the current understanding of vessel wash in sheltered waters.*
- b) *Several studies undertaken on behalf of Queensland Transport have considered vessel wash in sheltered waterways. These studies considered the issues of erosion and small craft safety associated with a wide range of vessels and waterway types.*
- c) *From these studies it can be concluded that when vessels travel at 4 knots or less there is a very high degree of certainty that there will no adverse impact on other waterway users or shoreline structures almost regardless of the number of vessel movements per day.*
- d) *Although a 4 knot speed zone would ensure the safety of surrounding waterway users, the application of blanket speed zones actually discriminates against larger vessels, which can operate at slightly higher speeds before creating damaging wash".*

Therefore through the imposition of a 4 knot speed limit for all vessels in the Bays, the restriction for motorised vessels to only navigate along the northern deepwater channel and the range of additional mitigation measures identified below, the impacts of vessel wash on passive recreational vessels can be effectively minimised and managed.

Passive recreational user safety:

The safety of the passive recreational users of the bay in regard to conflict with motorised vessels generated by the proposal has been raised as a concern. Much of this concern related to vessel wash and its impact and the provision of sufficient space for training and other activities within the Bay. These issues have been addressed above and a number of mitigation measures have been identified, which are identified below.

However concern has been raised, primarily from rowers about the potential for collisions with motorised vessels in the early morning due to a lack of light and/or the early rising sun and possible sun blinding. The NSW Rowing Association has advised that collisions between rowers and motorised vessels have previously occurred during this time. Although rowers are required to have lights on their boats, the reflection of security lights from the Glebe Island Port area off the water makes visibility of these lights and boats difficult.

To address this safety concern, it is considered appropriate to restrict boats from leaving the facility at times when the light is of standard where the visibility of rowers will be poor. In good overhead conditions there is enough light approximately 15 minutes prior to sunrise to provide adequate visibility, and in overcast conditions this time is closer to actual sunrise. Therefore the period of concern is from 5.30 am, when rowers generally begin training in the bay until sunrise, which in midwinter and late March (before daylight saving ends) is never later than 7.00 am. This is not an issue for late spring and summer months when the sun rises earlier so as to provide adequate light from when rowers commence using the bay.

A condition of approval has therefore been recommended, restricting the movement of any vessel leaving the proposed facility between 5.30am and 7.00am on any day between 1 February and 30 September (except for the 10 Special Event Days as discussed in Section 6.1.3 of the report). This will provide passive recreational users 1½ hours of training time in the morning, and this period will cover the extent of training time when light is poor and visibility of rowers in the water is most difficult. The February- September period specified would not be affected by changes in the daylight savings times which are always in March and October.

It is not considered appropriate to have a similar restriction for evening periods, when dragon boats tend to train. Evening periods are when boats are likely to be returning to the facility and any such restriction would need to extend for many hours of evening darkness, and this is also not considered as essential given the larger size of dragon boats. It would also not be possible to enforce such a requirement on returning boats through a condition of consent.

Given that the Environmental Assessment projected that there is only likely to be around three to four vessel movements between 5.30am and 7.00am, this condition is not considered to adversely affect the operational functions of the proposal to any significant degree. This approach is also considered consistent with a cooperative coexistence approach to the use of the Bay.

Character of Rozelle Bay:

The impact from the boat movements generated by the proposal on the character of Rozelle Bay was raised as an issue in the submissions received. Particular concern was raised that these boat movements would change the nature of the bay and render the bay unusable for passive recreational vessels.

As identified above, the proposal is likely to generate a maximum of two to three boats travelling on Rozelle Bay at any one time during peak periods, being summer weekend mornings. For the majority of the time, there will be significantly less boats travelling on

Rozelle Bay. In contrast, the passive recreational vessel movement data provided by Dragon Boats NSW Inc indicate that up to 35 passive recreational vessels use the Bays at any one time on a typical summer weekend morning.

The increase in boat movements generated by the proposed development is not considered to be sufficient to change the nature and character of Rozelle Bay. As identified above, the proposal will not preclude the use of Rozelle Bay for passive recreational vessels. In fact, through the implementation of a comprehensive suite of mitigation measures as identified below, the cooperative coexistence between all motorised and non-motorised vessels will be able to be maintained and in some respects, enhanced.

It is also important to note that the proposed development is permissible under, *Sydney Regional Environmental Plan No. 26 – City West, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* and the Master Plan, as documented in Appendix G, H and J, respectively.

As a result, the proposal is not considered to adversely affect the character of Rozelle Bay. The proposal is considered to reinforce and compliment the role of the precinct as a part of the inner harbour port within a range of maritime related facilities.

Summary of mitigation measures:

The assessment of the proposal in respect to water traffic and navigational issues has identified that a number of issues and concerns raised by passive recreational users are legitimate. However, the Authority is satisfied that these impacts can be mitigated through the implementation of an extensive range of measures by either way of recommended conditions of approval or by the NSW Maritime Authority.

These measures include:

- Introduction of a 4 knot speed restriction for Blackwattle and Rozelle Bays (including the provision of signage). This will reduce vessel speed and therefore vessel wash, and improve safety.
- Introduction of a code of conduct for the operation of all vessels in the Bays. The code will cover issues such as on water behaviour, navigation safety, speed, wash, pollution and compliance. The code will be made publicly available.
- Some delineation of the bay to be determined by NSW Maritime.
- Installation of two high definition cameras to monitor the Bays and assist with enforcement.
- A restriction on the movement of any vessel leaving to the proposed facility between 5.30am and 7.00am on any day between 1 February and 30 September (except for the 10 Special Event Days as discussed in Section 6.1.3 of the report).
- A prohibition on vessels, other than vessels registered with the proposed facility to visit or stop at the facility (including refuelling). This will ensure that all the boat movements generated by the proposal are only derived from the boats stored on site.
- Implementation of a 'complaints hotline' to be established and operated by the proponent.
- A restriction of the size of vessels docked at the Super Yacht Marina (adjacent) to a maximum length of 50 metres and reorganising the berthing layout, with largest vessels to dock at the eastern side and smallest to dock at western side (subject to separate consent).
- A restriction of the number of forklifts, travel lifts and available layover berths to restrict vessel movements.
- The preparation and submission of a Vessel Traffic Management Plan (referred to by the proponent as a Boat Traffic Management Plan) by the proponent, that will include:

- A maximum vessel speed within Rozelle Bay of 4 knots or such lesser speed necessary to avoid wash.
- A compulsory induction and education program for all customers.
- The maximum length of boats to be stored be 12m.
- Contractual arrangements requiring vessel owners to hold a NSW Boating Licence.
- Operation of a booking system to manage the time and number of vessels going out and returning.
- Provision of daily weather forecasts.
- Appropriate warning signage.

6.1.2 Water quality

Impacts from vessels – contaminated sediments:

One of the main concerns raised in the public submissions was the potential disturbance of contaminated sediments in Rozelle Bay from increased turbulence as a result of the increased number of motorised boats in Rozelle Bay. Concern was raised about the impacts of increased turbidity and contamination on human health, marine ecology and water quality, which are all considered below.

In response to the concerns raised in the public submissions over disturbance of contaminated sediments by motorboat propulsion, the proponent engaged Patterson Britton & Partners Pty Ltd - Consulting Engineers, to provide a supplement turbidity report (PB report), which is included in the Preferred Project Report (refer to Appendix C). The PB report is in addition to the *Sediment Contamination Assessment* prepared by URS Australia in the original Environmental Assessment.

The PB report states that disturbance and re-suspension of sediments are a direct function of wave amplitude and water depth. The depth of water at which sediment will not resuspend at any boat speed is known as 'zero impact'.

The PB report refers to a model developed by Penn State University, in a report labelled "the Effects of Boat Wash on Shallow Lakes". This report determined that the depth to zero impact for sand is 2.7m and silt 4.6m. A previous geotechnical investigation has been undertaken for the subject development (by Golder Associates on the 28/7/03), which included samples taken from the seabed in the subject area of Rozelle Bay. The seabed material was classed as silty/clayey sands with 45% sand and 50% silt and clay. The expected 'zero impact' depth was therefore determined to be 3.5m – 4.0m.

The PB report determined that the minimum depth of water on the northern side of Rozelle Bay is considerably deeper than the 'zero impact' depth determined. Additionally, the report states that vessel speeds will be slow (less than 8 knots) which would reduce the possibility of propeller induced turbidity.

The PB report concludes ... *"it is considered that vessel induced turbidity as a result of vessels using the proposed RBMC facility will be insignificant provided vessels operate within permitted speeds on the northern side of the bay"*.

Therefore it is imperative that the additional mitigation measures suggested in Section 6.1.1 of report above (e.g. code of conduct, reduced speed limit, additional surveillance measures) are applied, not only to improve safety and amenity, but also to prevent turbidity and protect the water quality, marine ecology and human health.

Other impacts from vessels:

Other impacts from vessels on the water quality and environment such as fuel and diesel spills, wastewater and litter have all been addressed adequately in the Environmental Assessment and Preferred Project Report. The management of fuel and diesel spills are further discussed in Section 6.1.6 of the report below. The development will provide a pump-out facility for waste water from boats and this will be directed to the sewer network.

In respect to potential impacts from antifouling, boats stored on land do not require antifouling treatment. Any vessels that require antifouling can use other authorised marine maintenance facilities in the locality. A condition of approval has therefore been recommended prohibiting the use and application of antifouling on vessels at the site.

Impacts from construction:

The Environmental Assessment has determined that the disturbance of sediment during construction (the installation of piles) would be both temporary and insignificant. To mitigate any impacts from this process the proponent has identified that a continuous silt curtain would be positioned in the waterway prior to piling work. The curtain would surround the location of piling and extend from the water surface to the seabed. This will be conditioned accordingly.

To ensure that water quality leaving the site is managed during construction, the proponent will be required to prepare and submit a Water Quality Plan and Erosion and Sediment Control Plan. The objectives of these plans are to prevent pollution, particularly total suspended solids entering Rozelle Bay.

Water quality leaving the site:

A number of stormwater control devices are proposed, which will result in a significant improvement in water quality leaving the site. These devices include: traditional stormwater collection pits; permeable pavers; grassed swales; bio-retention swales; gross-pollutant traps; first flush system and rainwater tanks.

A detailed Stormwater Management Plan will be required to be submitted as a condition of approval.

6.1.3 Noise

Construction noise:

The construction of phase 1 of the project is expected to take 20 months and phase 2 a further 14 months, with a total estimate timeframe of two years and 10 months.

An assessment of the noise levels at the nearest residential premises, being Glebe Point Road (receiver 1) and residences east and southeast of Glebe Point Road and Oxley Street area (receivers 2 & 3) were undertaken in the Environmental Assessment. The calculated construction noise levels at receivers 2 & 3 only exceeded the criteria (NSW Department of Environment and Conservation Environmental Noise Control Manual) by 4dba for scenario 2 (piling works), which is expected to take approximately up to four months.

To mitigate the impact of construction noise, particularly during scenario 2, a construction noise management plan that details the measures to manage and minimise noise emissions will be required to be prepared in consultation with the Department of Environment and Conservation.

In addition, the impacts of construction noise on nearby residents will be further limited by the imposition of a recommended condition of approval regulating hours of construction. The regulation hours of construction will result in no construction being allowed before 7am Monday through to Saturday, no construction activities on Saturday after 3pm and no construction at all on Sundays and Public Holidays as discussed further below.

Operational noise:

Concern regarding the noise impacts from the operation of the development was raised in the public submissions. The primary noise sources associated with the development include:

- Mechanical plant noise.
- Servicing of boats.
- On site vehicle movements.
- Patrons at the Restaurant and café.
- Manoeuvring of boats, lowering and raising boats and the use of fork lift trucks.
- Boat movements in the bay.

The potential noise impacts at nearby residential areas were calculated using the modelling software as required under the NSW DEC Industrial Noise Policy. A summary of the calculated noise levels during summer weekend days provided in the Environmental Assessment is provided in **Table 4** below:

Table 4: Summary of calculated noise levels during summer weekend days:

| Location | Time Period | Calculated L _{aeq} , 15 min Noise Level (dBA) | | Criterion L _{aeq} , 15min (dBA) |
|---|-------------------------------|--|---------|--|
| | | Neutral | Adverse | |
| Glebe Point residences facing the subject site | Daytime ¹ | 53 | 55 | 58 |
| | Evening ¹ | 52 | 54 | 58 |
| | Night time ² | 44 | 45 | 51 |
| | Morning Shoulder ³ | 44 | 46 | 60 |
| Residences east & southeast of Glebe Point Road and Oxley Street area | Daytime ¹ | 45 | 49 | 53 |
| | Evening ¹ | 48 | 50 | 54 |
| | Night time ² | 36 | 38 | 49 |
| | Morning Shoulder ³ | 36 | 40 | 56 |

Notes:

- 1 Worst case 3m/2 wind assumed to occur from source to receiver
- 2 Worst case temperature inversion 3C/100m assumed to occur from source to receiver (no drainage flow wind has been assumed)
- 3 Worst case temperature inversion not assumed to occur at the during Summer, only worst case 3m/s wind assumed to occur from source to receiver.

The above table indicates that when considering a summer weekend day (the busiest time of operation for the development), calculated noise levels, during both neutral and adverse meteorological conditions, would be within the recommended criteria for daytime, night time and morning shoulder periods, at both residential receivers.

To regulate the above calculated noise levels, a condition of approval has been recommended that specifies relevant noise criteria for the operation of the facility, including any plant, machinery or other equipment on the site, when measured at the boundary of the nearest residential property. These criteria are consistent with that anticipated in the above table and with that of other port related activities in the vicinity of the site. Furthermore, a maximum noise level of $L_{Aeq,night}$ 45dB(A) for these residential areas during night time (10pm – 7am) is recommended to be imposed as a condition of approval. This will ensure that night time noise impacts on these residential areas can be effectively managed.

In addition to these recommended conditions of approval, the proponent will be required to prepare and submit a noise management plan as part of the overall operational management plan. The noise management plan will be required to be prepared in consultation with DEC and outline measures that will be employed to minimise noise emissions from the site.

To further assist in controlling the impacts of noise generated by the operation of the development, strict hours of operation are to be imposed as discussed further below.

6.1.4 Hours of operation

The proposal originally intended to operate the boat storage component of the facility 24 hours/7 days per week. The proponent however advised that on the great majority of days in a year there would be no boat movement activity at the boat stores outside the hours of 7.00am and 8.00pm on any day of the week. The other hours proposed included:

- Commercial marine and ancillary marine business: 7.00am to 7.00pm, 7 days per week.
- Food and beverage uses: 7.00am to 10.30pm for Sunday through to Wednesday and 7.00am to 12 midnight for Thursday through to Saturday.

Many objections were received in regard to the 24 hour/7 day week proposed hours of operation and associated noise impacts. Following correspondence from the Authority also raising concern in regard to these proposed hours of operation, the proponent provided revised hours of operation in the Preferred Project Report. Some of the revised hours were not considered to be satisfactory.

The following hours of operation are therefore recommended in **Table 5** below.

Table 5: Recommended hours of operation

| Activity | Day | Time |
|--|----------------------------|---|
| Construction | Monday – Friday | 7.00am to 7.00pm |
| | Saturday | 7.00am to 3.00pm |
| | Sunday and Public Holidays | Nil |
| <ul style="list-style-type: none"> ▪ Boat handling activities including loading and unloading of vessels, ▪ Marine chandlery, brokerage and retail outlets | Monday – Friday | 1 May to 31 August 7.00am to 6.00pm 1 September to 30 April 7.00am to 7.00pm |
| | Saturday and Sunday | 1 May to 31 August 7.00am to 6.00pm 1 September to 30 April 7.00am to 8.00pm |
| | All days | 1 February to 30 September 7.00am to 5.30am 1 October to 31 January No restriction |
| | | |
| Boat Departures | All days | 1 February to 30 September 7.00am to 5.30am 1 October to 31 January No restriction |
| Boat Maintenance Activities | Monday – Friday | 8.00am to 6.00pm |
| | Saturday and Sunday | 8.00am to 4.00pm |
| Commercial office space tenancies | All days | Any time |

Special Event Days:

It is acknowledged that on certain days of the year, the proposed facility will be operating at peak capacity to handle the demand for access to boats and subsequent generation of boat movements. These days are generally public holidays or days involving celebrations or festivities on the harbour and/or within the region. These days are referred to as 'Special Event Days'.

To allow greater flexibility for the operation of the proposed facility, special dispensation to the above hours of operation (except for construction activities) will be applied on the 'Special Event Days', where 24 hour operations are permitted. To limit the impact and frequency of these days, a maximum of 10 Special Event Days will be permitted per calendar year, consisting of:

- Christmas Day;
- Boxing Day;
- New Years Eve;
- New Years Day; and
- Australia Day,
- plus five additional days per annum, with each of the five additional days requiring 21 days advanced notice to the consent authority or delegate, NSW Maritime Authority and boat user groups.

Restaurant/ Café / Takeaway food premises - Trial Period:

A 12 month trial period for the operation of the proposed food premises from 11.00pm until 12 midnight for Thursday, Friday and Saturday night is recommended as a condition of approval to enable the consent authority to review the noise impacts generated during these periods. Following the 12 month trial, the proponent will be required to seek either a further trial period or permanent hours for operating beyond 11.00pm on these three nights. This review will be undertaken by the consent authority or delegate. Outdoor seating will be limited to 9.00 pm on any day.

Live entertainment:

The proponent has indicated that they do not intend to operate with a Place of Public Entertainment (POPE) Licence. Although the consent authority is not able to prevent the proponent or subsequent lessee of the site to apply for a POPE later on, a condition of approval has been recommended prohibiting any form of live entertainment to be undertaken within the premises.

6.1.5 Air quality

Construction:

The Air Quality Impact Assessment provided in the Environmental Assessment has determined that the only potentially significant emissions to air associated with the construction of the development are dust emissions from soil excavation and handling activities. To ensure that these impacts are managed, the following mitigation measures have been identified:

- *"Access roads would be constructed of hard core fill and watered down to minimise dust emissions.*
- *A speed limit would be implemented on the site during construction, which would assist in minimizing dust emissions due to vehicle movements.*

- *Areas of disturbed solids would be minimised during construction and water would be used to suppress dust emissions during windy periods as required”.*

These measures will be required to be incorporated within an Erosion and Sediment Control Management Plan that will be required to be prepared and submitted prior to commencement of construction.

Operation:

Emissions generated in the operation of the proposed facility are likely to be sourced primarily from forklifts, transfer and storage of fuel on the site, boat repair and maintenance and from boats both stored and operated on the waterways.

The Air Quality Impact Assessment provided in the Environmental Assessment determined that the contribution of these emissions to off site levels would be negligible given the location of the site near the Sydney CBD and adjacent to major arterial roads such as Victoria Road and the City West Link.

Mitigation measures identified in the Air Quality Impact Assessment include:

- *“A vapour recovery system would be fitted to the underground fuel storage tanks to minimise emissions of fuel vapour during fuel deliveries.*
- *Appropriate collection, storage and disposal procedures would be implemented for food waste and rubbish generated by visitors and clients of the facility and for restaurant and food outlets housed in the development.*
- *The cleaning, gutting or filleting of fish would not be allowed at the facility.*
- *The wastewater system would be designed to contained odours.*

The Department of Environment and Conservation (DEC) has reviewed the Air Quality Assessment provided in the Environmental Assessment. DEC have advised that they would be satisfied if the Operational Environmental Management Plan referred to in the Statement of Commitments contained a section on actions to minimise potential air quality impacts from hardstand and workshop operations.

In particular appropriate mitigation measures for workshop ventilation design, similar to the assessment in relation to the boat storage sheds will be required. A specific Air Impact Mitigation Plan will be required to be submitted to the satisfaction of DEC prior to the commencement of construction, as a condition of approval.

In addition DEC has recommended that the use of LPG, CNG or electric power be used for the forklifts, rather than diesel as proposed. This will contribute to improved air quality outside the premises, site amenity and lower operating costs and will therefore be conditioned accordingly.

6.1.6 Visual amenity

The visual impact of the proposed development has been raised as one of the key issues by the public. Particularly, objections were made in respect to the bulk and scale of the development, its capacity, lack of visual assessment and non-compliance with the Master Plan.

Land based structures:

As discussed in Section 2 of the report, the Master Plan was amended due to the changed alignment and geometry of James Craig Road and consequential changes to the urban

design controls, setback and siting provisions of the Master Plan. However, the building height controls for the subject site were not altered by these amendments.

It is therefore acknowledged that this has resulted in making it difficult for some buildings being sited and designed on the subject site achieve strict compliance with the Master Plan, particularly the multi storey car park building where the height limit only applies to part of the site.

Nevertheless, the Authority has consistently advised that any variation to the Master Plan will only be considered if it can be demonstrated that significant public benefits can be obtained. Furthermore, any development on the site should not result in bulk that is excessive in comparison to permissible development, but should be seen as more of a redistribution of otherwise permissible building volumes across the site.

The predominant form of the development is horizontal in nature and is highly articulated to break the wall of development that was inherent in the pre-existing Hobbs Bros/Conaust container shed structure, illustrated in **Figure 2**. The provision of a 35 metre separation between the two boat stores also avoids the potential for creating a wall of development.

The assessment of the proposal has however concluded that further height reductions and changes to the proposal are required. Overall, these amendments have resulted in the bulk and scale of the development and its capacity being reduced significantly throughout the pre-application and assessment process, as identified below in **Table 6**.

Table 6: Amendments to proposed development

| | Master Plan Requirements | Proposal | | |
|-------------------------------------|------------------------------------|--|---------------------------------------|---------------------------------------|
| | | During initial consultation | As lodged | As amended by PPR & conditions |
| Eastern Boat Store | RL 22.0 | Wall: RL 26.9 Roof: RL 30.4 | Wall: RL 23.7 Roof: RL 28.2 | Wall: RL 22 Roof: RL 26 |
| Western Boat Store | RL 22.0 in part RL 14.0 in part | Wall: RL 21 Roof: RL 25.2 | No Change | No Change |
| Commercial Maritime Building | RL 11.0 | Wall: RL 16.4 Central Roof: RL 17.3 | Wall RL 11.2 Central Roof: RL 17.3 | Wall RL 11.2 Central Roof: RL 15.3 |
| Carparking Building | RL 11.0 in part | Wall: RL 18.45 Lift/Stair: RL 22.35 | Wall: RL 17.4 Lift/Stair: RL 18.9 | Wall: RL 14.4 Lift/Stair: RL 15.9 |
| Site Coverage | 50% | 55% | 50% | 49.8% |

Eastern boat store

To achieve compatibility with the surrounding and future built form and to protect, maintain and enhance the existing view corridors, the assessment of the proposed development has concluded that the eastern boat store needs to be further reduced in height to result in the wall height that complies with the RL 22 Master Plan height limit, as established by the previous Hobbs Bros/Conaust container shed. This will ensure that the building achieves greater compatibility with the existing and future built form in the precinct and wider locality. The reduction is also considered important in ensuring that the building did not project substantially above the built and topographic skyline, especially when viewed from the south.

Western boat store

The height limit applying to the western boat store building is split, approximately with 40% of the building subject to a RL 22 metre limit and the 60% subject to a RL 14 metre height limit. The western boat store has a wall height of RL 21 metres, and therefore complies with the higher limit but represents a non-compliance for the western section of the building.

In regard to this non-compliance and the otherwise permissible building volumes across the site, consideration needs to be given to the 35 metre separation between the two boat store buildings where a building of RL 22 is permitted. This separation of the building volumes is necessary for operational reasons and does result in a better built form on the site. Providing for a 'redistribution' of this permissible height for buildings, the resulting non-compliance is less a third of the western boat store building and does not result in greater building volume, or boat storage capacity, than would be permissible under the Master Plan height limits.

The proposed height of this building is considered justified in the overall context of building volumes and the visual impacts of the development on the surrounding area.

Carparking building

In respect to the multi storey car park, the building is located on a portion of the site that is subject to a RL 11 metre height limit with the remain portion having no height limit, which was also a result of the approved subdivision layout.

The maximum height of the carpark building is at RL 17.4 metres, with a lift overrun of 18.9, and this represents a significant departure from the RL 11 metre limit identified for this site. It is noted that sites to the south and west of the carpark building are subject to a RL 11 metres height limit and it is considered appropriate to reduce the height of the carpark one full level (two split levels), or 3 metres in height, to achieve a greater compatibility with the existing and future permissible built form within the precinct.

The carpark building as now recommended will provide an appropriate graduation in the scale of buildings across the precinct. Although still non-complying in terms of the Master Plan it should be noted that a building height at RL 11 would appear too diminutive immediately adjacent to the western boat store building and others on the site. In this regard it is noted that adjacent to the eastern boat store on lot 32 (permitted height RL 22), a height limit of RL 17.5 metres applies.

Apart from the built form considerations discussed above the impact of the additional height to the carpark building is limited to the adjacent view corridor identified in the Master Plan. However immediately adjacent to the location of the carpark building is the recently completed pedestrian overbridge over Victoria Road completed as part of the cross city tunnel project. This is at a height of up to RL 14 metres with an additional 3 metres for the anti-projectile screens. This structure currently provides some visual 'distraction' to the view corridor to the water from Victoria Road, albeit on its edge with the view to the water retained. It is considered that the carpark building at the height now recommended, will provide no significant visual intrusion into the identified view corridor.

Overall, the development, as amended is considered to significantly enhance the visual amenity and quality of the area. This has been achieved by providing a high quality architecturally designed facility with a bulk and scale suitable to the context of the site and surrounding built form that will maintain, protect and enhance view corridors and which satisfies the urban design principles contained within the Master Plan.

Water based structures:

A comprehensive assessment of the visual impact of the proposed marina has been undertaken in accordance with the Sydney Harbour Foreshores and Waterways Area Development Control Plan, in Appendix I.

Architectural design:

The proponent has responded to a number of concerns raised in respect to the Architectural design of the development. In response, the following changes have been incorporated in the Preferred Project Report:

- Cantilevered roofs above the primary openings to both the eastern and western boat stores have been removed.
- The central atrium of the commercial maritime building roof has been lowered by 2 metres.
- Concrete cladding on the multi storey car park has been replaced with perforated metal screens.
- Signage has been minimised by deleting all signage on the eastern boat store and the reduction in size of all other signage by approximately 20% (refer to discussion below).
- Banner signage to the waterfront has been deleted (refer to discussion below).

The design changes are supported, however further refinement of the design is considered necessary and the relevant matters will be dealt with the conditions of approval. These will include:

- Deletion of the light poles on the carpark in favour of low level bollards lights.
- Deletion of the planter boxes along the foreshore promenade, without the overall landscaping of the site to be approved at the Construction Certificate stage.
- The maintenance of an open sightline along the former alignment of James Craig Road is retained. This should be expressed through planting, furniture, paving design and paving materials, and not adversely impacts by the temporary boat accumulation area.
- Open fencing is also to be required when this adjoins areas accessed by the public.

Business identification signage:

The proposed development includes a scheme for business identification signage. The original scheme proposed:

- Seven large scale facade signs, including three on the eastern boat store, three on the western boat store and one on the multi storey car park. Of the seven signs, five are proposed to be illuminated with no signs facing the waterway proposed to be illuminated.
- 19 banner signs at a height of 10 metres, including six along the foreshore.
- 41 small scale tenancy identification signs.

The scheme was revised in the Preferred Project Report, with all the signage on the eastern boat store being deleted and a reduction in all other signage by approximately 20% in size. The six banner signs proposed along the waterfront were also deleted.

Following further consideration of the revised scheme, the assessment has determined that the deletion of a further four banners signs and the reduction in the height of remaining banner signs from 10 metres to a maximum of 5 metres is warranted. This will be recommended as a condition of approval, accordingly.

A comprehensive assessment of the proposed business identification signs has been undertaken in accordance with *State Environmental Planning Policy No.64 – Advertising and Signage* in Appendix F.

6.1.7 Storage of hazardous materials

The proposal incorporates four 25,000 litre underground fuel storage tanks, with a total capacity of 100,000 litres (50,000 litres of petrol and 50,000 litres of diesel) and six fuel bowzers with four to be located on land and two located on a floating fuel wharf.

Concern has been raised about the safety of these facilities in respect to the risk of explosions and fire as well as impacts from spills on people and the natural environment. Concern has also been raised that these facilities will attract additional vessels not stored at the proposed facility for refuelling purposes.

A preliminary risk screening of the proposed facilities has been undertaken in accordance with *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*. This screening has determined that the development is not potentially hazardous or offensive, as defined under the SEPP.

The initial screening concluded that a Preliminary Hazard Analysis is not required. However the EA did include a qualitative hazard assessment, given the site is of public interest and close to Rozelle Bay, and that the development includes fuel handling.

This assessment concluded that the main risks of the proposal would be associated with a release of flammable fuel and the ignition of the fuel. The risks were rated as 'low' or 'low as reasonably practical' on the basis of the implementation of proposed safeguards and recommendations. The Preferred Project Report outlined the following prevention, protection and mitigation measures that will be included in design, development operations:

- *"Submersible turbine pumps with mechanical leak detectors will be installed inside tank containment turrets and leaks will be contained within the containment turret. The fuel pumping system will be immediately shut down if a fuel leak is detected.*
- *Tanks will be constructed within an impervious underground concrete bunker.*
- *Tanks will have an automatic tank gauging system for leak detection.*
- *Tanks will be designed to comply with relevant Australian Standards and with the manufacturer's warranty.*
- *Underground storage limits will be set up to minimise the fire risk from a release of fuel.*
- *The tank area will be monitored for any petrol leaks with a monitoring well to be installed in each corner of the tank bund. Monitoring wells will be checked under a regular maintenance program.*
- *Tanks and tank fittings will be periodically checked for leaks and an integral precision test system put in place.*
- *Oil absorbent material will be available to RMBC users to absorb petroleum products accidentally spilt on the water surface and a work boat will be equipped to assist with an emergency clean up.*
- *Emergency procedures for any fuel spills will be developed".*

These safeguards and recommendations will be incorporated into conditions of approval. In addition, an Operational Environmental Management Plan will be required to be prepared and submitted prior to construction. This plan will require an Emergency and Incident Management Plan to be incorporated as part of the plan.

6.1.8 Public access

The Master Plan, *Sydney Regional Environmental Plan No 26 – City West*, and *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* contain principles and objectives that relate to increasing foreshore public access.

Although the Master Plan only requires a 3 metre width of restricted public access along the foreshore of the subject site, the proposal provides unrestricted public access along the majority of its foreshore, as illustrated in **Figure 11** below, and for a width of 10 metres. Some outdoor storage associated with the commercial maritime businesses is proposed along with outdoor seating for the restaurant, however it will be conditioned that a minimum of 6 metres width is maintained at all time. This is considered appropriate for this location.

The only area of the site where foreshore access will be intermittently impeded is where the forklifts will be lifting boats in and out of the water. This is a necessary compromise with working harbour or commercial waterfront activities.

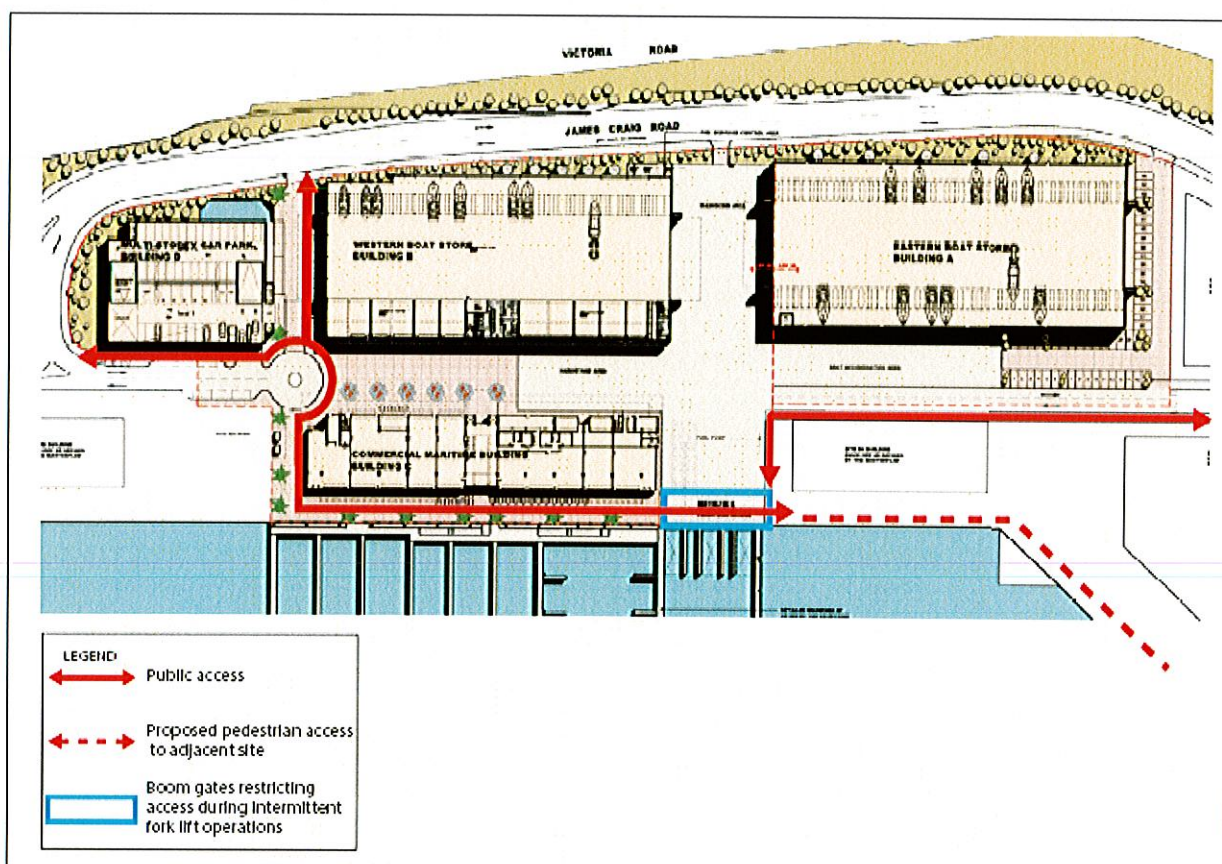


Figure 11: Proposed Foreshore Access Management Plan

Nevertheless, in order to ensure public safety for pedestrian and cyclists, this area will be controlled with boom gates, which will be closed while a forklift is operating. During operations, members of the public will be required to wait behind the boom gates to allow for the safe passage of the forklifts, although access to pedestrians would also be available along the eastern and northern sides of the building to return back to the principle site entrance and carpark building.

However to ensure that the waiting times are minimised and to allow for unrestricted access outside of the hours of operation for the facility, a condition of approval has been recommended that will require a Public Access Foreshore Management Plan be prepared and submitted.

As a result of the above proposed plan, foreshore access at the site will be significantly improved by the proposal. The access will enable the connection to a future foreshore access way on the eastern side of the site.

A comprehensive assessment of the proposal in respect to public access provisions contained within the Master Plan, *Sydney Regional Environmental Plan No 26 – City West*, and *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* is attached Appendices G, H and I respectively.

6.1.9 Road traffic and parking

Traffic:

The subject site is well served by the existing road network and public transport nodes as illustrated in **Figure 12** below. The site can be accessed by Victoria Road, the City West Link or the Western Distributor via James Craig Road.



Figure 12: Existing Access and Transport

James Craig Road is a private road, which provides the primary access for trucks, and vehicles servicing port related activities at White Bay and Glebe Island, and maritime related businesses and activities along the northern section of Rozelle Bay. It does not serve any residential areas and public access to the road is restricted.

Traffic counts were undertaken in the Environmental Assessment prior to the opening of the Cross City Tunnel. As the tunnel is now operating, the proponent has provided revised traffic counts that were undertaken in December of 2006, which includes traffic generated by the tunnel.

The revised traffic counts have been extrapolated into **Table 7** below, which shows the existing two way peak hour traffic flows, plus the development traffic.

Table 7: Two way peak hour traffic flows plus development traffic (from PPR)

| Road | Location | Peak Hour Traffic | | | | | |
|----------------|------------------------|-------------------|--------------|------------|--------------|----------|--------------|
| | | Weekday AM | | Weekday PM | | Weekend | |
| | | Existing | +Development | Existing | +Development | Existing | +Development |
| The Crescent | East of James Craig Rd | 5920 | +55 | 6475 | +60 | 5380 | +45 |
| | West of James Craig Rd | 5965 | +45 | 6440 | +40 | 5365 | +35 |
| James Craig Rd | South of the Crescent | 185 | +100 | 115 | +100 | 85 | +80 |

The above data demonstrates that the increased traffic generated by the proposed development, when compared to overall peak hour traffic is inconsequential. However the cumulative impact of this additional traffic needs to be considered. It is widely acknowledged that the capacity of the road network is largely determined by the capacity of its intersections to cater for peak period traffic flows.

An analysis of the intersection of The Crescent and James Craig Road has been undertaken in the Environmental Assessment and revised in the Preferred Project Report. The analysis found that the intersection is currently operating with average delays of less than 20 seconds per vehicle during the weekday morning and afternoon and Sunday peak periods. This represents a 'B level of service', a good level of service. More importantly the analysis determined that a good level of service (Level B) would be maintained when the additional traffic generated by the proposed development is included.

Roads and Traffic Authority comments:

The proposed development was referred to the Roads and Traffic Authority in accordance with *State Environmental Planning Policy No. 11 – Traffic Generating Developments*. The RTA's Sydney Regional Development Advisory Committee considered the traffic impact of the development and provided a number of recommendations.

The primary recommendation by the Committee was for the parking provision to be amended to 0.3 spaces per dry berth rather than the suggested 0.4 spaces per dry berth. This would reduce potential traffic impacts from the proposed development and equate to a reduction of 57 spaces. The other recommendations provided by the Committee have been discussed in Appendix F and included as recommended conditions of approval where deemed necessary.

As discussed below, the initial assessment of the subject application has identified that the development is providing an oversupply of car parking spaces. The PPR has resulted in a reduction in the carparking provided on site by 64 spaces, and this will assist in further reducing any potential traffic impacts from the development. However it is possible that an oversupply may still exist, dependant on actual operational demands and requirements of the whole of the facility.

It is therefore considered that the further reduction of 52 spaces that results from the reduction in the height of the carparking building will also achieve an acceptable level of parking on site. The recommended conditions of approval provide for some 'replacement' parking to be provided in the internal plaza between the commercial maritime and the

western boat store buildings, and through a reconfiguration of the boat accumulation area. However the provision of any additional parking is subject to this need being satisfactorily demonstrated, based on the actual operational demands and requirements of the facility.

Construction traffic:

In order to ensure that construction traffic is appropriately managed, a condition of approval will require a detailed Construction Traffic Management Plan to be prepared and submitted prior to the commencement of construction.

Overall, the assessment of the proposed development has concluded that the traffic impacts from the development are minimal and can be appropriately managed. The reduction of car parking spaces will also assist in the reducing any potential traffic impacts. This conclusion is also supported by the Roads and Traffic Authority.

Parking:

As indicated above, the car parking capacity of the development has been reduced in response to concerns raised about the oversupply of parking and associated traffic impacts.

The car parking spaces provided for the proposed development have been reduced by the proponent from a total of 381 to 317 spaces. Upon further review and analysis, the Authority has determined that a further reduction in car parking spaces is warranted, as indicated in **Table 8** below.

Table 8: Car parking calculations

| Use | Proposed in the EA | Parking spaces required | Difference |
|--|------------------------------------|--|------------------------|
| Dry Berths | 228 | 171 (Based on 0.3 spaces x 570 active dry berths)* | -57 |
| Uses directly related to boat berthing activity | 15 | 10 (Based on one space per 50m ² of net lettable area, with 508m ² of net lettable area proposed) | -5 |
| Uses primarily related to marina but not directly related to boat berthing | 128 | Office Space: 43 (based on one space per 40m ² , with 1723m ² of net lettable area proposed) | -47 |
| | | Maritime Showroom: five (based on 0.75 spaces per 100m ² , with 676m ² of total floor area proposed) | |
| | | Commercial Maritime in Western Boat Store: 15 (based on one space per 30m ² , with 443m ² of net lettable area proposed) | |
| | | Rest/Café/Takeaway: 18 (based on one space per 30m ² , with 525m ² of net lettable area proposed) | |
| Employees | 10 | 10 (based on one space per two employees) | 0 |
| Total | 381 (Reduced to 317 in the PPR) | 272 | -109 (-45 from PPR) |

**Note: Although it is recommended that the eastern boat store is to be reduced in height which may result in some reduced boat storage capacity, for the purposes of this table these boats have been taken as boats used for brokerage purposes and not active boats. As brokerage boats do not generate an additional car parking demand, a further reduction in car parking relating to the reduction in boat storage capacity is not necessary.*

The oversupply of car parking spaces was mainly attributed to the proponent's calculation of the parking spaces required for the dry boat storage and uses that are not directly related dry boat storage, the incorrect calculation of net lettable floor area.

In particular, the proponent originally calculated that 48 spaces were required for the commercial maritime showroom. Given that this use is as an ancillary use to the storage of boats, the provision of only five parking spaces was considered more appropriate. This calculation was based on the more widely recognised Roads and Traffic Authority *Guide to Traffic Generating Developments*.

The required reduction of 45 carparking spaces will be achieved by the deletion of the upper levels of the proposed carparking building, which accommodates 52 spaces. The conditions of approval will allow for the balance of seven spaces to be provided at grade.

To ensure that the access, circulation and the design of the car parks is undertaken in accordance with the relevant Australian Standards, a condition of approval will be imposed.

6.1.10 Site contamination

A Stage 2 Contamination Assessment was undertaken by Douglas Partners. This assessment found that the site was contaminated, however the contamination was localised and can be effectively managed, given the previous and proposed use of the site.

Impacted soils are to be removed where necessary. The completion of the remediation will be required to be validated by an appropriately qualified environmental consultant, as a condition of approval.

The Douglas Partners investigations did not find any contaminated groundwater. However investigations undertaken by Sinclair Knight-Merz in 1998 for the whole precinct identified groundwater contamination at one of its boreholes. The discrepancy in these two reports was identified to the proponent for their response. The proponent, responded though the PPR, and advised that further groundwater investigations will be undertaken. This will be required as a condition of approval.

The consent authority is therefore satisfied that the land will be suitable for its intended use following remediation.

In regards to contaminated sediments and the potential impacts from the proposed development, refer to Section 6.1.2 of the Report.

6.1.11 Other matters

All other issues raised in the submissions are considered to be minor in context with the proposed development and have been addressed as part of the Preferred Project Report, Statement of Commitments and response to submissions (refer to Appendix C) and Instrument of Approval.

6.2 The public interest

In considering the matters of the public interest it is necessary to have regard to the objects of the EP&A Act as set out in section 5 of the Act. Section 5(a) of the Act requires the consideration of a number of matters in relation to the management, development and use of land. In this regard, the preparation of the Master Plan for this precinct has provided for a range of appropriate uses for the precinct that develop and significantly enhance an established maritime precinct, while providing for employment opportunities, and providing an appropriate level of public access, and seeks to maintain an environment that caters for recreational users of the Bay.

The provisions of section 5(a)(vii) of the Act also require the consideration of the principles of ecologically sustainable development. In this regard it is noted that the PPR identifies a range of initiatives that include the provision of passive energy design a hydrothermal system of air conditioning and rainwater collection tanks to provide for the watering and washing down needs of the facility. A range of stormwater control measures are also proposed which will result in a significant improvement in water quality leaving the site. Additional water and energy matters are dealt with in the recommended conditions.

A range of activities proposed as part of the facility is associated with motor vessels, and the issue of emissions require some consideration. However the production of emissions occurs from the motor boats and the facility merely provides an alternative means of storing the boats. The use of boats on Rozelle Bay is not likely to result in emissions that would have a significant detrimental impact on the area, particularly given the 4 knot speed limit to be imposed. It could be said that the storing boats in a centralised location is preferable to various individual sites, as the transport of motor boats on trailers to and from a boat launching ramp would then result in additional vehicle emissions.

In terms sections 5A to 5D Act the assessment of the Project has not identified any significant matters in terms of threatened species, populations or ecological communities, or their habitats.

It is therefore considered that subject to the recommended conditions of this Approval, particularly those in relation to the management of the use of the waterway, the proposal is consistent with matters of the public interest.

6.3 The suitability of the site

The suitability of the site for the proposed development will in part be determined through an assessment of the proposal with the Environmental Planning Instruments and other policy documents relevant to the site and Project. In this regard this assessment has determined that subject to the further revisions to the proposed buildings as identified in this assessment, and subject to the water management measure detailed in the conditions of this Approval, the site is considered suitable for the Project. The EA and PPR also provide an assessment of site alternatives and this assessment concurs with the general conclusions identified.

The Project is generally accordance with the Master Plan, and in consistent with the Government's Boat Storage Policy, which identifies this site as a possible location for boat storage. On this basis the site is considered to be suitable for the proposed development.

6.4 Submissions and a summary of the issues

A summary of submissions and a list of all persons who have lodged a submission are located at Appendix D and Appendix E respectively. The public consultation process is also detailed in Section 5 of this Assessment Report.

7. CONCLUSION

The Authority has assessed the Environmental Assessment, Preferred Project Report, submissions on the proposal, and proponent's response to submissions in accordance with the requirements of Clause 8B of the *Environmental Planning and Assessment Regulation 2000*.

The Authority acknowledges that the passive recreational users of the Bays and the local residents are concerned about the potential impacts from the proposal. The majority of submissions received were made in objection to the proposal and were made predominantly by people associated with using the Bays for passive recreational purposes.

However, the Authority in consultation with the NSW Maritime Authority and passive recreational representative groups has determined that all of the potential impacts from the development can be mitigated, managed or resolved within acceptable limits, by way of conditions of approval or measures to be implemented by the NSW Maritime Authority. This will enable the cooperative coexistence between motorised vessels and non-motorised passive recreation vessels in the Bays to be maintained.

The development has been significantly amended throughout the pre-application and assessment process. The size and scale of the proposal has been reduced resulting in a reduction in building height, bulk and scale, car parking capacity, boat storage capacity and layover berth capacity.

In light of these amendments and proposed mitigation measures, the Authority is satisfied that the key issues raised in respect to water quality, noise, air quality, visual amenity, storage of hazardous materials, public access, road traffic and parking, site contamination and all other impacts associated with the development would also be within acceptable limits. A number of conditions have also been recommended to ensure that the proposed project would not result in any significant impacts to the surrounding environment.

Importantly, the proposed development will meet some of the existing and future demand for boat storage by providing dry boat storage and associated facilities and services for boat owners, users and those associated with the maritime industry within a central and accessible location.

The storage of boats in racks is an efficient use of land resources and an effective means to alleviate pressure on the Sydney Harbour waterway and foreshore areas. The proposed development will reduce the demand on boat mooring within water areas and support the NSW Government's Sharing Sydney Harbour policy.

The proposal is located within an established commercial maritime area that has been identified as a permissible location for a dry boat storage facility under the Master Plan. The proposal is a permissible development under *Sydney Regional Environmental Plan No 26 – City West*, and *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* and is considered to provide a compatible land use to the commercial and working harbour environment.

Consequently, the Authority considers the project is in the public interest, subject to recommended conditions of approval.

8. RECOMMENDATION

It is recommended that the Minister:

- consider the findings and recommendations of this report;
- approve the project application, subject to conditions, under Section 75J of the *Environmental Planning and Assessment Act 1979*; and
- sign the attached project approval (Appendix A).



3 May 2007

Shayne Watson
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Sydney Harbour Foreshore Authority



3/5/07

Egle Garrick
Executive Director, Corporate Services
Sydney Harbour Foreshore Authority



3/5/07

Rob Lang
Chief Executive Officer
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Frank Sartor MP
Minister for Planning