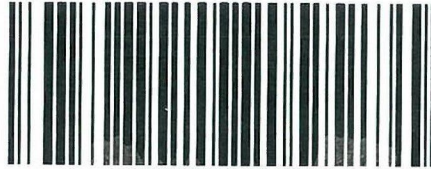


MC



PCU027200

Mosman  
COUNCIL

21 October 2011

Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Attention: Mr Mark Brown

Department of Planning  
Received  
24 OCT 2011  
Scanning Room

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Dear Mr Brown,

**Re: Submission on Preferred Project Report and amended plans MP08\_0046**

Please find attached Council's submission on the Preferred Project Report and amended plans.

If you have any questions in relation please contact Sarah Winnacott on 9978 4029.

Yours faithfully,

V H R MAY  
GENERAL MANAGER

Per:

(Sarah Winnacott, Executive Town Planner)

Enc: Submission

Reference: MP08\_0046

Proud to be Mosman  
Protecting our Heritage  
Planning our Future  
Involving our Community

## **Submission of Mosman Council regarding d'Albora Marina MP08 0046 following review of the Preferred Project Report and amended plans**

Following are the comments of Mosman Council in respect of the proposal to carry out development at the d'Albora Marina site at the Spit following the review of the Preferred Project Report and amended plans (DA01, DA02, DA03, DA04, DA05 and DA06 Issue R dated 21 September 2011 prepared by Corben Architects).

### **The Proposal**

The land based component of the scheme has been substantially amended, with the building largely being retained in its existing form, with an extension on its northern side. Following the large number of concerns raised by Council in relation to the land based component of the original scheme, this reduction in the scope of works is appropriate.

However, the proposal as amended does not adequately resolve issues previously raised in relation to the well-established conflicts between pedestrians, vehicles and cyclists at the front of the site.

### **Visual Amenity**

Issues previously raised in relation to visual impact of the land based component of the scheme have been addressed by the substantial amendments to the land based component.

### **Traffic and Access**

The site is currently constrained in relation to traffic, access and parking. The arterial road location, the narrow driveway between Spit Road and the site, poor sight lines and inability for large vehicles to turn and exit in a forward direction and the conflict of vehicles with pedestrians and cyclists make the existing situation problematic.

The inability of the development to cater for the additional demand is a negative aspect of the proposal. Despite the amended design, the development will generate additional demand and will place additional pressure on the public carpark in Spit West Reserve which will affect other users of this car park and other public parking areas in The Spit locality. Following the preparation of The Spit Landuse Management Plan in the late 1980s it has been recognised that the available parking at The Spit is finite and there is a shortage at peak times. This is particularly evident when sailing/boating demand coincides with high usage of other dining and recreational facilities. At that time Council took a view that businesses operating or expanding at The Spit did so in the knowledge that their patrons may be inconvenienced.

Given the extent of the new development it is likely that despite the measures identified by the applicants, the proposal will contribute to added demand for parking and patrons and other visitors to the area will be likely to be inconvenienced as a result.

The applicant's consultant attributes a parking shortfall on weekends of between 11 spaces (Saturdays) and 31 spaces (Sundays) to the development based on 2008 surveys. Ticket parking arrangements in the area have changed since that time and the parking characteristics now reflect different circumstances.

The parking analysis is considered flawed for this reason. In addition, Council maintains that the nature of the vessels now sought to be moored is such that there is an expectation that greater parking would be required than projected and on a more regular basis. Council has separately received representations from the operator that clients with larger luxury vessels are disinclined to use existing moorings because of the absence of permanent parking spaces available for their



use. It is difficult to reconcile the complaints on the one hand and the proposed make up of moorings on the other.

The amended plans do not contain sufficient detail in relation to the indented manoeuvring bay and what the impact on other road users will be when a truck is parked or manoeuvring in this location. It is noted the RTA raised similar issues in its submission. For example, it is not clear how other vehicles will access the Ellery Park carpark and the proposed carparking area; how north and south-bound cyclists using the regional bike route over Spit Bridge and pedestrians will safely move through the area; and how traffic will be managed if trucks are required to queue.

At the time of consideration of the Spit Bridge widening Council took issue with the poor access to this site and sought an improvement as part of any widening. At the time the RTA claimed that as the status quo would apply no upgrade was needed. In the present circumstances the site will undergo a subsequent redevelopment so a proper consideration of the overall access in both the immediate and longer term is necessary.

The site is on a regional bicycle route and the access point at Spit Road with the proposed indented bay will coincide with the end of the cycling and pedestrian paths over Spit Bridge and into Spit West Reserve. In Council's earlier submission it was identified that Council in combination with the RTA, is seeking to upgrade cycling and pedestrian facilities in the area by use of the route under the Spit Bridge and along the eastern and western foreshores and this would be prejudiced if the access design at the d'Albora Marina is not satisfactorily handled. The Spit Bicycle Infrastructure Project has progressed significantly in recent months with concept plans now complete. Public exhibition will commence on 24 October 2011. The applicant should be asked to have regard for these plans and address how the proposal will affect these upgrades. The RTA submission also noted cycling issues and identified its intention to seek to purchase a portion of the site for this reason.

From what can be seen from the application plans both pedestrians and cyclists would need to cross the enlarged entry apron to proceed to Spit West pathways or under the bridge to Spit East. As presented this would not be appropriate or adequate and should be resolved as a precondition of any new building work on the site. Council's study provides an opportunity in this respect.

Council previously raised concern with the indented manoeuvring bay being used as a set down and pick up area for visitors to the site. If the area was used by boat crews to unload stores or equipment to transfer to moored vessels further issues of conflict would occur. It is noted the applicant has identified within the Preferred Project Report that the indented manoeuvring bay is not designed for use as a drop off point for patrons of the marina and is not an unloading area. In the event of an approval this should form the subject of a condition of consent.

Council has consistently put to the RTA and to the representatives of d'Albora that vehicular access needs to be comprehensively altered so access is improved and pedestrian and cycling conflicts are resolved as part of any redevelopment. This advice was provided in response to the Spit Bridge widening and is equally the case now especially in view of work being done on regional and local cycling infrastructure in the immediate vicinity of this site.

The assessment of the Director General's Requirements at section 8 of the Environmental Assessment does not address the potential loss of public access to the foreshore and waterways of Middle Harbour.

Council has previously raised issue with the development not providing for adequate public access to and along the foreshore and the development proposed is likely to reinforce the current inadequacies in the longer term. Council has recently undertaken significant works in Spit West Reserve and Pearl Bay to improve the visitor experience and improve access. This should be built



upon to a greater extent than has been the case with the current proposal which provides little more than level access to a kiosk on the western side of the proposed building.

SREP (Sydney Harbour Catchment) 2005 requires that development should maintain and improve public access to and along the foreshore and identifies the undesirability of boardwalks as a means of access across or along land below the mean high water mark.

The redevelopment of the marina is an opportunity to link The Spit Reserve with Ellery Park specifically given the unsafe and less appealing route via The Spit Road frontage. Such access could also tie in with Council's foreshore pathway project which involves a combined cycleway/pathway adjacent to the foreshore in The Spit Reserve which as stated above is being explored in conjunction with the RTA.

### **Noise**

Issues previously raised in relation to acoustic impact from the restaurant at first floor level have been addressed by the deletion of this component.

Issues previously raised in relation to shortcomings with the Noise and Air Quality Assessment prepared by Wilkinson Murray Pty Limited have not been adequately addressed by the applicant with regard to:

- the report incorrectly identifies the nearest residential receivers as 300m away, when the nearest residential receivers are located on the opposite side of Spit Road at Smiths and Fergusons boatsheds; and
- the assessment fails to consider the potential noise impact associated with aspects such as waste management i.e. waste collection and disposal of bottles.

It is considered that the Department of Planning and Infrastructure should undertake a thorough analysis of the acoustic impact of the development as part of its consideration of the application as it has potential to affect residential amenity in the vicinity of the site. It is noted the issue of noise was raised within the public submissions.

### **Hazards and Risk**

Issues previously raised in relation to sewage disposal remain valid as the proposal still represents an intensification of the use and are repeated below.

The Engineering Services Report identifies that sewage is proposed to be disposed of through the existing Sydney Water town sewer connection.

The Spit is not directly serviced by Sydney Water; rather users including the Mosman Rowing Club, the public amenities, d'Albora Marina and land users on Spit East use a shared pump out system which connects to the Sydney Water town sewer connection in Parriwi Road. This existing arrangement is not identified within the Environmental Assessment, nor is the impact of the proposed intensification of use on the existing system. The applicant should be required to investigate whether the existing system needs to be upgraded and the implications of same regarding the expanded retail, commercial and food business activity which is proposed.

Further, the Draft Spit Reserves Plan of Management identifies that the sewerage infrastructure in Spit West Reserve requires upgrading and identifies the d'Albora Marina being jointly responsible for these works. The service line for the d'Albora site runs through the Spit Reserves.

### **Other Issues**

The broad objectives of the proposal are outlined as being an increase in berths for large vessels (21% over existing) and improvement to the environmental performance of the boat repair aspects of the business. This latter aspect and related improvements to refuelling arrangements and sewage pump outs are, of themselves, desirable based on environmental criteria.



The various expert reports accompanying the proponent's submission suggest that the water-based changes can be accommodated without significant environmental or operational impacts subject to agency comments and conditions. The plans previously considered were prepared prior to construction by Council of the Spit West shared path and other foreshore embellishments. The amended plans identify an indicative location of the footpath and cycleway. Issues previously raised, relating to conflicts between cycle and pedestrian path and the indented vehicle manoeuvring area are not resolved in a satisfactory manner. Pedestrian and cyclist safety in this location is a significant issue in need of resolution.

The relationship of the moored boats, particularly in the extended Arm A may also be a matter of concern due to the limited manoeuvring space between the seawall and the marina. The plans still do not identify the new sea wall and viewing platform which is regularly used for fishing and even with the current configuration has led to conflicts, including claims of fishermen casting lures on to passing vessels, etc.

The Preferred Project Report identifies that the applicant would accept a condition of consent requiring the payment of a S94A contribution in accordance with Council's Section 94A Development Contributions Plan 2006. In the event of an approval a condition of consent should be included requiring payment. Given the additional demand likely to be placed on Spit West Reserve from the development, it would be appropriate to seek a contribution from the development to contribute to the upgrade of the Reserve. The Draft Spit Reserves Plan of Management identifies various works to which such funds could be directed in addition to those carried out over the past two years.

The development as proposed is not resolved in terms of minimising impacts of sea level rise. The proposal as amended continues to represent an upgrade of the existing marina and the new works should be designed having regard to sea level rise. As previously identified, the letter from the architect addressing sea level rise dated 13 December 2010 suggested that in light of the sea level rise predictions, the ground floor of the proposed building and ground adjacent to the building would be underwater and the concrete hardstand area be designed to have subsequent concrete slabs poured over the original slab to achieve acceptable freeboard from rising sea level. The letter suggests that the marina building be constructed on concrete floating pontoons similar to the marina pontoons and attached to the seabed with concrete piles. Review of the Preferred Project Report has identified the applicants intentions are not clear in this regard.

The amended design is not accompanied by a revised accessibility report. The proposal as amended results in an intensification of use and any necessary upgrades to provide for accessibility should be required by the Department of Planning and Infrastructure.

## **Conclusion**

The land based component of the scheme has been substantially amended, with the existing building largely being retained in its existing form, with some extension on its northern side. Following the large number of concerns raised by Council in relation to the land based component of the original scheme, this reduction in the scope of works is appropriate.

However, the limited assessment able to be carried out by Council in the period for submissions suggests the proposal continues to have a number of deficiencies which the Department of Planning and Infrastructure should address in the event that it deals with the application.