

**GLEBE Society Views on DP&E Assessment Report  
Planning Assessment Commission Meeting  
Sydney Super Yacht Marina MOD 1, Sydney LGA  
Glebe TH 8/4/116**

**Introduction**

I am Lesley Lynch and I represent the Glebe Society which since the 1960s has been a highly professional and reasonably successful community advocacy group. The Society has around 400 members and a much larger network of influence.

Good planning is a central concern. For several decades now that has incorporated the Bays Precinct as a major focus –and not just our immediate foreshores – but collaborative work with other community groups to fight for an integrated , strategic and smart approach to the urban regeneration of this stunning and largely publicly-owned site.

Without a lot of success- ad hoc, short term, poor development decisions have continued to be the norm.

The current Bays Precinct Urban Transformation Plan led by Urban Growth provides a glimmer of hope for better outcomes.

BPTP- huge potential significance for Sydney. This mega-project should be as good as the best urban renewal projects worldwide . Not just in its excellence but by delivering better outcomes for the public good than is the norm in Sydney.

Consistent with one of the core planning principles in the SREP (Sydney Harbour Catchment) 2005 Plan.

*(a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,*

*(b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores*

We keep this planning principle to the fore of our minds in assessening developments in the Bays.

**Summary Position**

We have read the **Secretary's Environmental Assessment Report** , March 16 (**the Report**) and examined the **Modification of Minister's Approval** document. We have also read most of the **proponent's Response to Submission** (4/11/15).

There are numbers of specified new conditions which – if the proposal is allowed to proceed – are positive and ameliorative in their impact. We will acknowledge them to the extent time allows. There are a number we would want to strengthen.

However, we are in disagreement with core findings of the assessment report and therefore with its recommendation to approve the modifications.

1. Contrary to the Report's findings that the modifications 'will result in minimal environmental impacts' and that the 'intensification of land and water based uses' are capable of being considered and approved under s 75W of the Act we consider:
  - Cumulatively, the proposed modifications are major – in scale , intensity and range of uses and activities
  - Some aspects will significantly exacerbate the negative environmental impacts already flagged in our objections to aspects of prior approvals and constitute over –development for this site
  - Specifically, the increase in berths and boats from 24 to 43 (79%) and 34 tender berths is clearly not a minor increase –especially given the size of Rozelle Bay - - and will inevitably over time have a significant negative environmental impact - on other activities in the bays, on boat movements in the Bay, on associated traffic, and of course on the frequency of access and exit through the GIB.
  - The intensification of the entertainment elements – especially the outdoor uses - even with the reductions and other recommended conditions - will exacerbate the disruptive noise impact on proximate residents and users of the Glebe foreshore parklands – which are already intensively used day and evening by people from all over Sydney. Any increase will and generate further pressures on traffic and transport access to the site
2. At 3 relating to Statutory Context, the Report puts the Departments argument in support of the consolidation of the separate approvals for the land and water components into a single approval within the Part 3A statutory regime - and for the approval for the major water based modifications within this regime.
  - The Department takes the view that this is legally permissible on several grounds.
  - We are not persuaded.
  - We do not bring particular expertise to this legal point- though we have had access to private expert legal advice which takes a contrary view to the Department. Further we have noted the views of both the Leichhardt and Sydney Councils which are consistent with our advice.

- Although convenience is cited as justification, the requested consolidation appears intended to sidestep the more stringent requirements and likely difficulties that would flow from seeking the major on-water upgrades as a modification to the original Part 4 approval.
  - We do want to emphasize that regardless of its legal permissibility, we strongly oppose the proposal on grounds of sound public policy. The Part 3A provision was repealed because it was bad legislation and was conducive to deal making and corruption. The provision generated widespread community frustration, distrust and anger. It would be grossly inappropriate to utilize a discredited and repealed legislative provision in this context.
  - We understand that legal permissibility does not **require** the Minister to use this approval process.
  - The Glebe Society objects to the Departments recommendation on grounds of good public policy –as well as on legal grounds.
  - We also note: If this consolidation within Part 3A provisions is approved, future ‘development creep’ on this site would be greatly facilitated.
3. Contrary to the Report’s findings that the modifications are “are “consistent with the key Environmental Planning Instruments (EPIs) which apply to the site” and also are “consistent with the future vision for the Bays Precinct transformation as it will upgrade and maintain the desired future maritime character of the area” we note :
- We have no indication that the proposed modifications are aligned in any meaningful way to the emerging Bays Precinct plan. It was not the view of UG in its submission and our understanding from discussions in UG contexts is that they were simply resigned to the fact that the existing approval was a fait accompli and had to be lived with – but as their submission would suggest they opposed the proposed modifications.
- At 5.8 **the Report** States it ‘is satisfied’ the modifications are consistent with the BPTP’ and wont impede the future transformation and lists its reasons. We find these unconvincing – as far as we can assess the BPTP ‘vision’ for Rozelle Bay is still unformed – at early stage. The best that can be said is that the SSYM was another one-off, ad hoc approval and now the BPTP will have to incorporate it into an integrated plan. None of the discussions of maritime and commercial activities I have heard in BPTP contexts would have incorporated the kind of entertainment uses that are already approved – and now sought to be extended.
- It is clear the expansion of the number of superyachts will increase the pressure on the GIB and is likely to pre-empt future options for the use of GiB as a much needed a transit link as the Bays redevelopment proceeds. SSYM has expressed opposition to the possible reuse of the GIB as a transit route because of the inconvenience to large superyachts if they can only enter and exit the bay at within a managed timetable.
4. Contrary to the Report’s findings at “modification application to be in the public interest”. The proposed intensification of water uses and the fail to give proper priority – or even balance- to

the public interest over private benefit - as very properly incorporated into SH SREP principles .  
They will not bring

### **Specific issues**

#### **5.2 Building height – no objections or comments**

#### **5.3 Gross Floor Area and Land Use**

Note that actual increase in entertainment

**New conditions:** Support the two conditions restricting use of GFA on the ground floor level of the car park to and the 33 car parking space on Levels 1-3 of the car park to commercial maritime uses

#### **5.4 Noise Impacts**

Martin will comment

Agree that the key issue relating to noise impact is the extensive outdoor seating proposals and more intensive uses and activity

Note the proponents additional Noise Impact Assessment – and modelling showing negligible (1db) and existing terms provide relevant protections and would require relevant mitigation measures.

**New conditions:** separate approvals for layout of outdoor seating/dining supported by Noise Impact Assessment; F1 amended operating hours for all outdoor seating areas 7am-10pm every day. (as with balconies in building . Support

#### **5.5 Parking and Traffic Impacts**

Parking **New conditions:** Condition A7 (car parking numbers) be amended to require that the car parking be allocated to the respective land uses in the development in accordance with Council's maximum DCP requirements; 43 spaces be permanently allocated to the marina berths; Support

#### **Traffic Impacts**

Incredibly important and not adequately addressed in proposal. The SSYM will have a significant traffic impact on already heavily overburdened neighboring streets and major intersections. Looming West Connex impact will overshadow all. However imperative that traffic impact is properly assessed and managed as well as possible – and unlike common practice – at a proper time.

**New conditions:** E20 Traffic Management Plan as well as modification to existing B4 Construction Management Plan

TMP includes 'consideration' of Transport and Mobility plan for the BPTP and in consultation with TfNSW and RMS.

Who approves? Sd be 'consistent 'with – rather than in consideration

In our view an adequate traffic and Transport management plan(s) should be required before approval given rather than prior occupancy certificate

Needs to be .

## 5.6 Water-based activities

The Glebe Society objects to the expansion of the berths from 24 to 43.

Obvious that such a major increase in marina berths and use will generate 'increased water congestion and safety issues with other passive watercraft using Rozelle Bay, including rowers and Dragon Boats' .

Note the survey results which show : maximum of 24 movements per day and different times of day for other passive users. RMS support increase in vessel numbers. 4 knot speed limit and professionally qualified vessel captains. No safety issues.

Suspect this is a very optimistic scenario.

Does not incorporate impact of GiB closure for use as transit route.

**New conditions: E19** Vessel Traffic Management Plan prepared in consultation with TfNSW, RMS, and Harbour master. Includes:

- c) "minimal" ' impact on other passive recreational vessels - support but note the limitations of ability to ensure and limitation of 'minimal'
- f) complaints
- h) booking system to manage time and no of vessels going/returning

## 5.9 Other Matters

**Outdoor seating** The specified 890 - and the potential for future expansion - of outdoor seating places on the decks, terraces, balconies and wharf is a major concern to residents and Glebe Society.

We note the proponents response: significant reduction of allocated space from 2172 sqm to 1269. Numbers of possible persons to be seated is not given. Perhaps 500? Depending on configuration of the space/seating arrangements.

**New conditions: A11** to be modified – outdoor areas to be approved as indicative only – final layout and seating numbers to be determined as part of future fitout and use applications by tenants- and require Noise Impact Statement;

Condition F1 to be amended to apply daily 10pm restriction to outdoor seating areas

**Western building** Agree proposed design amendments are minor.

**Consultation** The Glebe Society does acknowledge that after a slow start – and resulting community furore - the proponent did make a more concerted effort at consultation. However we note tht the CLG also had a very troubled and not very effective first year or so – and we suggest that the large number of community submissions is a result of the extensive communications of the Glebe Society and the Save Our Bays group alerting the community to the proposal and providing information about submissions.

**CLG** – issue re member from 501 GPR. Who selects? Some issue around this. Suggest selection be thro appprirate mechanism by 501 residents (from Proponents Commitments)

Surrender of consent for DA088-05-08 This development consent should be surrendered if MOD 1 be approved. **This is a new condition**

Supported – though the Glebe Society does not think the necessity should arise.

**Complaints register – (Proponents Commitments )**

Glebe Society recommends the register be publicly available – and certainly to the CLG – as well as to Council, Secretary and DMS on request.