



Planning &  
Infrastructure

**MAJOR PROJECT ASSESSMENT:  
*Sydney Heritage Fleet, Maritime Facility,  
Blackwattle Bay*  
MP11\_0001**



Director-General's  
Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*

February 2014

## ABBREVIATIONS

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CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment titled ' <i>Sydney Heritage Fleet, Environmental Assessment Report</i> ' prepared by Hamptons Property Services, dated 27 November 2012
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
MD SEPP	<i>State Environmental Planning Policy (Major Development) 2005</i>
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report titled ' <i>Preferred Project Report Relocation of Sydney Heritage Fleet</i> ' prepared by Hamptons Property Services, dated 18 December 2013
Proponent	Sydney Maritime Museum Ltd, trading as Sydney Heritage Fleet
RtS	Response to Submissions

Cover Photograph: Photomontage of the land-based component of the proposal, looking from Blackwattle Bay

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## EXECUTIVE SUMMARY

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Hamptons Property Services on behalf of Sydney Maritime Museum Ltd, trading as Sydney Heritage Fleet, seeks Project Approval for a new maritime facility at Bank Street, Pyrmont. The site is located within the City of Sydney Local Government Area.

The Sydney Heritage Fleet (the Fleet) is a community based, not for profit organisation. Its mission is:

*"To build and maintain an internationally recognised centre of excellence in maritime heritage for Australians by presenting through research, acquisition, conservation, restoration, education and operation, our continuing maritime history."*

The project includes a land and a water component. The land component consists of a part two/part three-storey building which will accommodate a range of uses, including a community skills workspace, a museum exhibition space and small boat storage area. A separate exhibition pavilion and kiosk are also proposed adjacent to the foreshore. The water component consists of a fixed wharf and attached floating pontoon structures, to berth eleven vessels. A publicly accessible foreshore promenade is proposed along the southern and western foreshore of the site.

The Environmental Assessment (EA) was exhibited for 48 days from 13 March 2013 until 30 April 2013. The Department received 101 submissions, including 74 objections, and nine submissions from government agencies. Key issues raised in the submissions include traffic and parking, operational noise, consistency with the Bank Street Master Plan, building design, visual impact and view loss.

On 29 October 2013, the proponent submitted a Response to Submissions and Preferred Project Report (PPR). Minor adjustments have been made to the north-eastern (Bank Street) and eastern elevations to activate the facades and provide for passive surveillance. The length of the southern elevation has been reduced by four metres to increase the width of the foreshore promenade, and a publicly accessible lift has been added to the northern side of the building to improve accessibility to the building and foreshore promenade. The PPR was accompanied by additional photomontages depicting the Fleet's vessels at their berths and included additional information regarding the nature of the operations.

The PPR was publicly exhibited from 13 November 2013 until 26 November 2013. A total of 15 submissions were received comprising nine public submissions (including seven objections, one commenting and one in support), submissions from The City of Sydney Council and Leichhardt Council, and four submissions from government agencies. Issues raised in the submissions reiterated concerns identified during the exhibition of the EA.

In assessing the proposal, the Department has identified the following key issues:

- Access, traffic and parking;
- Built form and urban design;
- Visual impacts, views and outlook; and
- Noise and air quality.

The Department's assessment concludes that the project is consistent with the desired future character of the area. The project provides public benefit through the establishment of a new publicly accessible educational facility, as well as the provision of 24-hour public access to the foreshore.

The location of the proposed building below the Anzac Bridge, together with its low-rise built form and the incorporation of the green roof result in it having minimal visual impacts from

the public domain. The marina is a new element in Blackwattle Bay, but when viewed in the context of the abutment of the Glebe Island Bridge and the Anzac Bridge is not visually intrusive. The marina will not prevent the use or enjoyment of Blackwattle Bay by others. The Department is satisfied that the project has merit and is in the public interest.

A number of submissions have expressed the view that there are alternate sites which would better suit the needs of the Fleet. The EA identifies that the Fleet has made efforts to obtain other sites but has not been successful. The Department is satisfied that the proponent has made a reasonable effort in this regard. However, the assessment must focus on the suitability of this site for the proposed development.

The adjoining land to the south is currently used by various dragon boat clubs to store their boats and park vehicles. The proposed building includes a space which could be used by the dragon boat clubs for boat storage and amenities. The use of the subject site by the dragon boaters will need to be the subject of a separate development application.

The Department has assessed the proposal on its merits and is satisfied that the identified impacts have been addressed in the EA, PPR, the Statement of Commitments and the Department's recommended terms of approval. It is therefore recommended that the Project Application be approved subject to the recommended conditions specified in the Instrument of Approval pursuant to the transitional provisions of the repealed Part 3A of the *Environmental Planning and Assessment Act 1979*.

In accordance with the Minister's delegation of 14 September 2011, the application is forwarded to the Planning Assessment Commission for determination as more than 25 public submissions in the nature of objections have been received.

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## 1. BACKGROUND

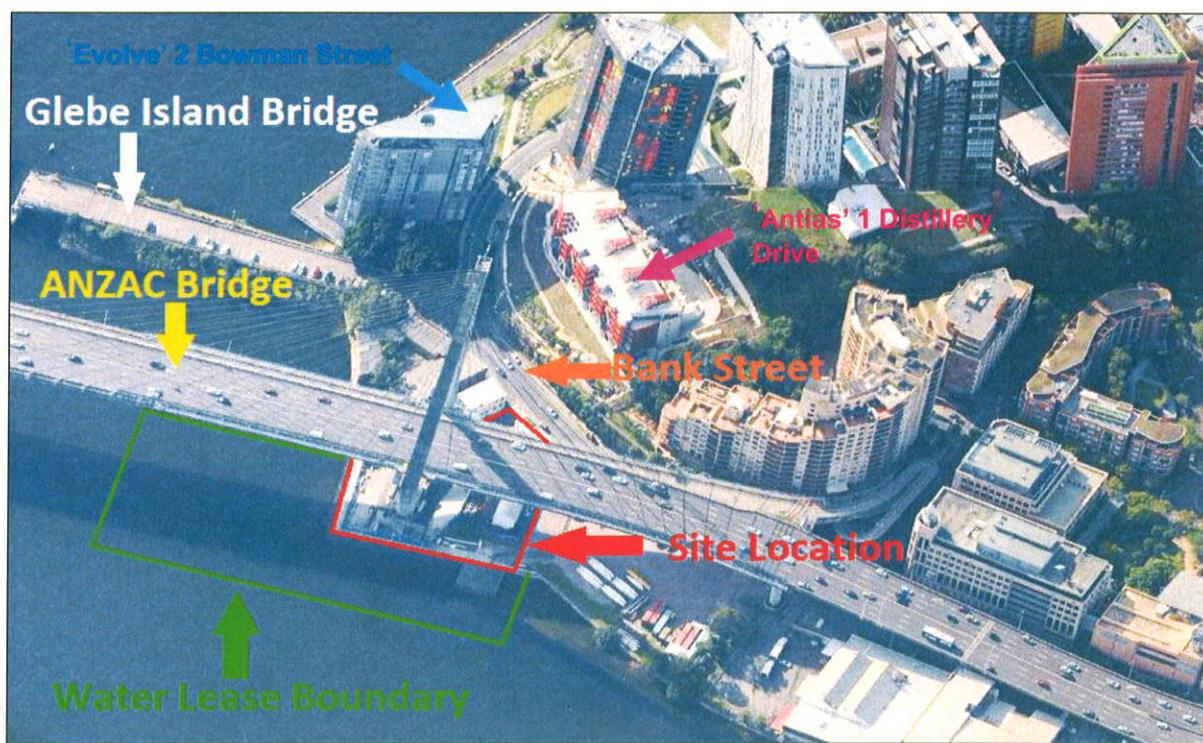
### 1.1 The Site

The subject site is located below the deck of the ANZAC Bridge and wraps around its eastern pylon. It has a land and adjoining water component and is located in the City of Sydney Local Government Area (refer to **Figure 1**).

The land component is legally described as Part Lots 19, 20 21 and 22, DP 803159. It is irregular in shape with a 43.6 metre frontage to Bank Street and a 102.4 metre frontage to Blackwattle Bay. The site has an area of 4,642m<sup>2</sup>.

The land component of the site contains previously filled and compacted soil retained by a seawall. The site falls 3 - 4 metres from Bank Street to the shoreline of Blackwattle Bay. An Ausgrid electricity feeder cable (including joint bay) traverses the land component. The south-eastern portion contains a passive boating ramp which is used by small water craft to access the waterway.

The water component generally extends westward from the land component into Blackwattle Bay and is legally described as Part Lot 1 DP 1049334 and Part Lot 107 DP 1076596. Its northern and western boundaries are 108 metres and 173 metres in length respectively and its eastern and western boundaries are 83 metres and 36 metres respectively and it has an area of 11,210m<sup>2</sup>. It is up to 7 metres in depth, with a typical depth of 3 - 5 metres.

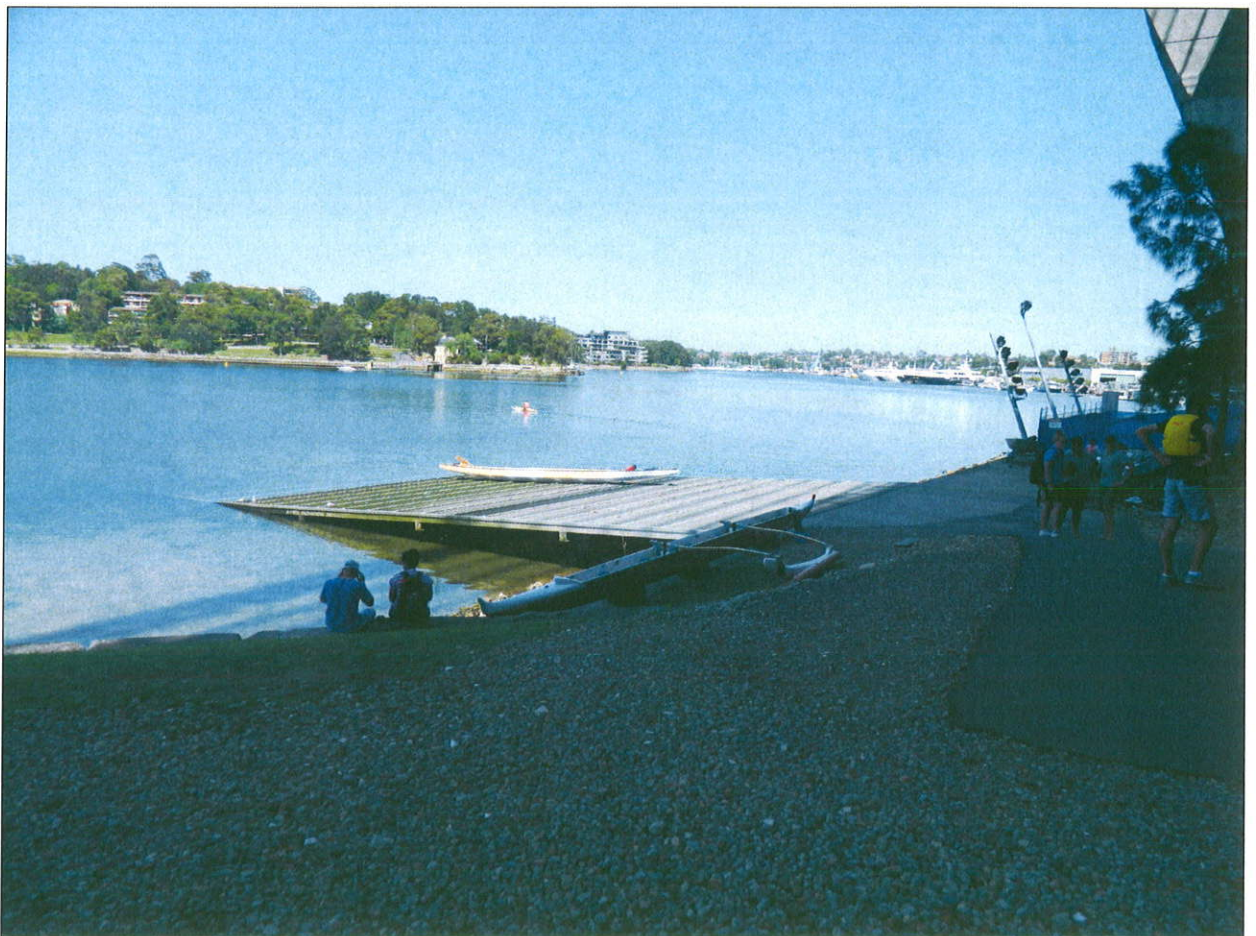


**Figure 1:** Project Location





**Figure 2:** View of the subject site from water. The extent of the land component is approximately within the red rectangle.



**Figure 3:** The passive boating ramp, looking over the waters of Blackwattle Bay/ Rozelle Bay towards Glebe Point. The eastern pylon of the Anzac Bridge is visible in the right hand top corner.

## 1.2 Surrounding Development

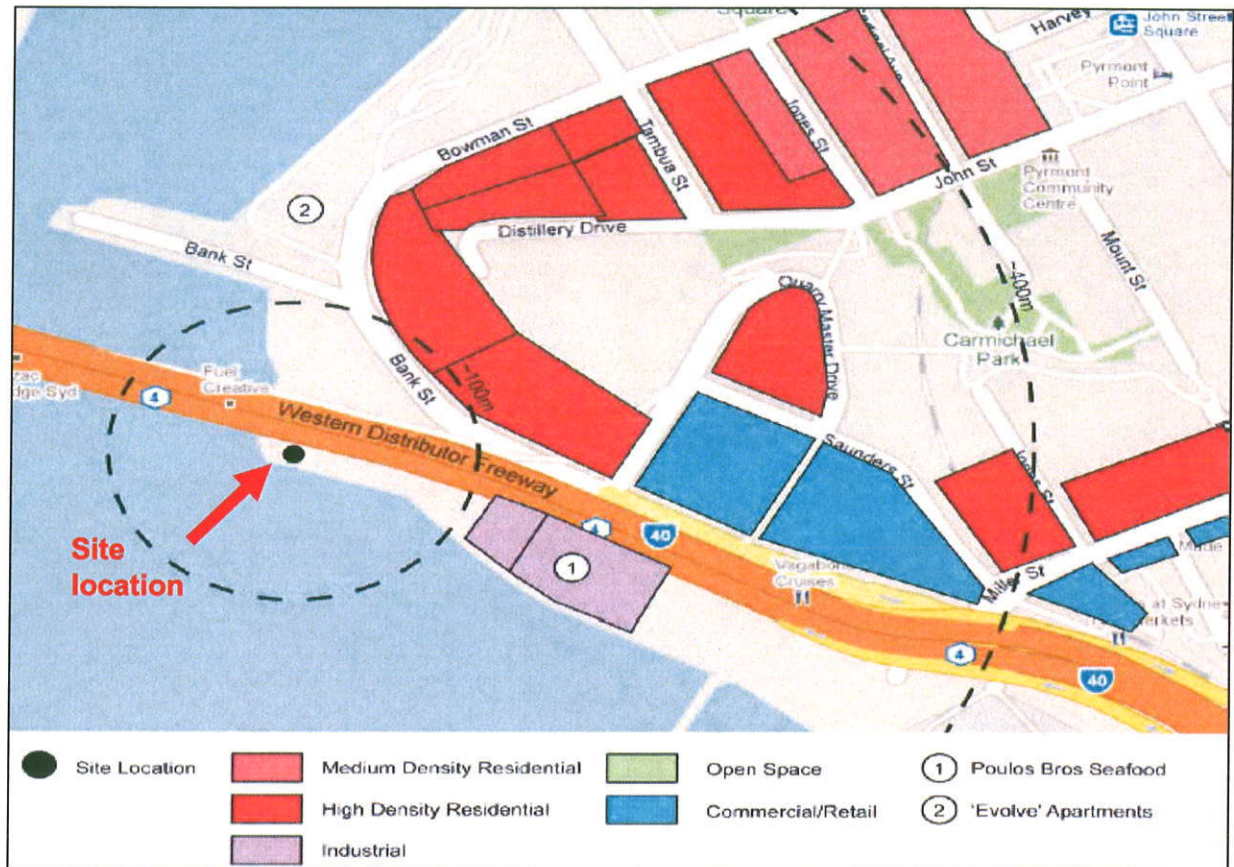
There is a variety of land uses within the vicinity of the site including residential, industrial, commercial and retail, together with open space areas (Refer to **Figure 4**).

The ANZAC Bridge passes over the site and is the dominant built element in the area. The Bridge was opened in 1995 and its construction required the extension of the Blackwattle



Bay shoreline to the west to accommodate the footing for the eastern pylon. Its deck is approximately 26 metres above the site.

To the north-east, the site is adjoined by No.2 Bank Street, which is occupied by a dwelling house. Further to the north is the eastern abutment of the old Glebe Island Bridge which was removed from service in 1995 and no longer forms part of the road network. The abutment is configured for use as a car park under the control of the RMS.



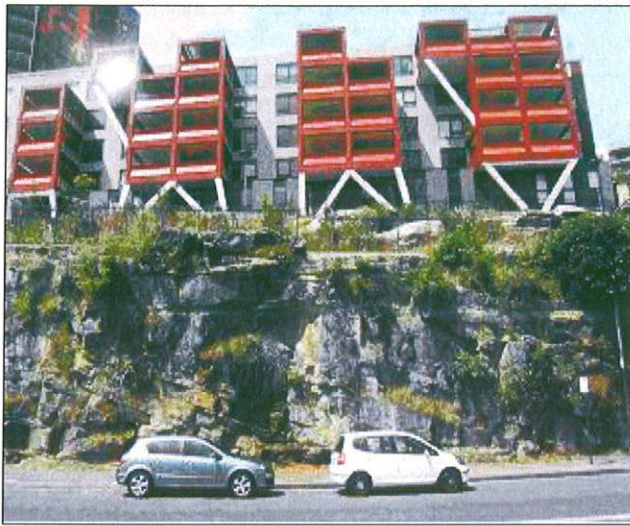
**Figure 4:** Surrounding Land Uses

To the north of the site on the opposite side of Bank Street is a 9 - 10 metre high cliff. Above the cliff are several residential flat buildings ranging in height from 7 - 15 storeys, which overlook the subject site (Refer to **Figures 5 & 6**).

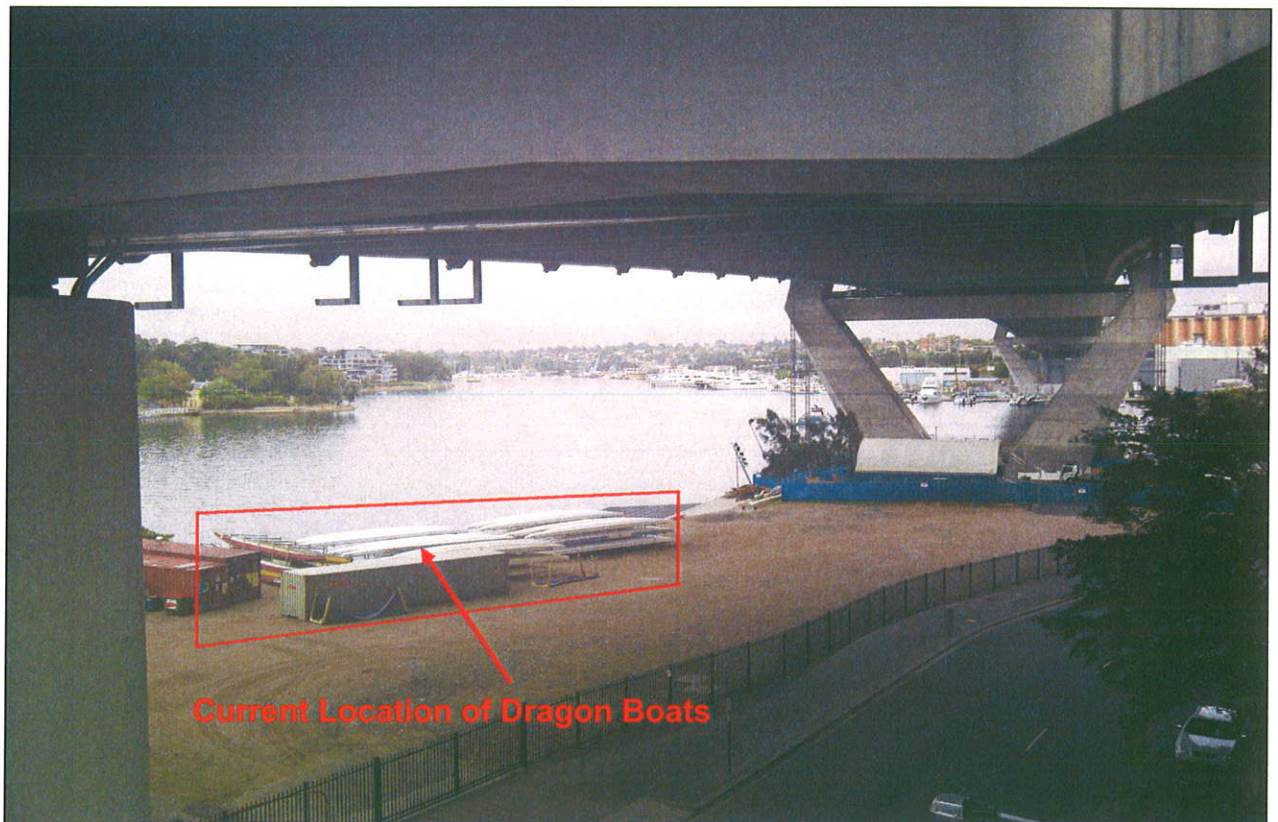
The adjoining land to the south-east is used by Dragon Boats NSW as a base from which to launch and store its boats (Refer to **Figure 7**). Further to the east on the Blackwattle Bay waterfront are commercial and industrial uses, including Bidvest Australia (food storage and distribution), Poulos Bros (seafood processing and distribution) and Hymix Concrete (concrete batching). Beyond this cluster of development is the Sydney Fish Markets.

To the west of the site are the waters of Rozelle and Blackwattle Bays. The southern shoreline of Rozelle Bay is predominantly occupied by residential land uses and open space, whilst the western and northern shorelines are predominantly 'working harbour' commercial and light industrial maritime activities, including the Sydney City Marina shipyard under the ANZAC Bridge on the opposite shore. The northern shoreline of Rozelle Bay also contains the super yacht marina, the current Rozelle base (waterfront maintenance, restoration facility and operational base) of the Fleet, and the maritime offices of RMS.





**Figures 5 & 6:** Residential development above the cliff on the eastern side of Bank Street, opposite the site ('Antias' No. 1 Distillery Drive is on the left)



**Figure 7:** Dragon Boat facility. The site is immediately to the right of the boats.

### 1.3 Background to the project

The Preliminary Environmental Assessment submitted to obtain the Major Project declaration and Director-General's Environmental Assessment Requirements proposed to undertake heavy duty restoration works on vessels on a sea dock on the northern side of the wharf.

The community significantly opposed the heavy duty restoration works, believing they would be unsightly and have adverse noise impacts. The proponent responded to the concerns of the community in its EA by deleting the sea dock and as such, no heavy duty restoration activities are now proposed.

The proposed building includes a separated space for use by the locally based dragon boat clubs for boat storage and amenities. The use of the space will need to be the subject of a separate future development application.

## 1.4 Background to the operations of the Sydney Heritage Fleet

The Fleet currently has two facilities being a museum at Wharf 7, Pirrama Road, Pyrmont and a waterfront maintenance and restoration facility and operational base at Rozelle Bay.

The Wharf 7 site functions as a museum and exhibition space displaying some of the Fleet's collection of smaller watercraft. The *James Craig* (1874) a 70 metre long three-masted barque is moored alongside Wharf 7 and is open to the public and sails from that site. Wharf 7 is the Fleet's gateway site.

The Rozelle Bay site is a maintenance and restoration facility and operational base for the majority of the Fleet's collection of larger historic vessels. The *John Oxley* (1927) a 51 metre long steam ship is currently being restored on a floating sea dock alongside the Rozelle facility.

The Fleet advise that they have been operating from Rozelle Bay for some 30 years and regularly come and go from the Blackwattle/Rozelle Bays waterway via the old Glebe Island Bridge to access the waters of the main harbour. The majority of the vessels are maintained in commercial survey to enable them to carry members of the public.

## 2. PROPOSED PROJECT

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### 2.1. Project Description

#### 2.1.1 Environmental Assessment (as exhibited)

The proposal as exhibited in the Environmental Assessment (EA) sought Project Approval for the following:

- A new maritime facility, with a land-based and a water-based component, to be used as the operational base for the Fleet's collection of historic vessels, a museum and exhibition space;
- The land-based component comprised a part two/ part three-storey building and a separate detached exhibition pavilion, incorporating an ancillary kiosk;
- The water-based component comprised an 85 metre long fixed wharf with attached floating pontoons to accommodate 11 vessels ranging in size from 15.2 metres to 51 metres; and
- Public access to the foreshore of the site.

#### 2.1.2 Preferred Project Report

Following public exhibition of the EA, the Department wrote to the proponent and requested that it respond to the issues raised in public and agency submissions. The Department also raised issues which included clarification of the nature of operations, further justification of traffic and parking impacts; improvements to the foreshore access; and additional aids to assess visual impacts.

The key components of the project, as outlined in the PPR are listed in **Table 1**. The project layout as depicted in the PPR is shown in **Figure 8** and 3D perspectives of the completed development are shown in **Figures 9 - 11**.



**Table 1: Key Project Components**

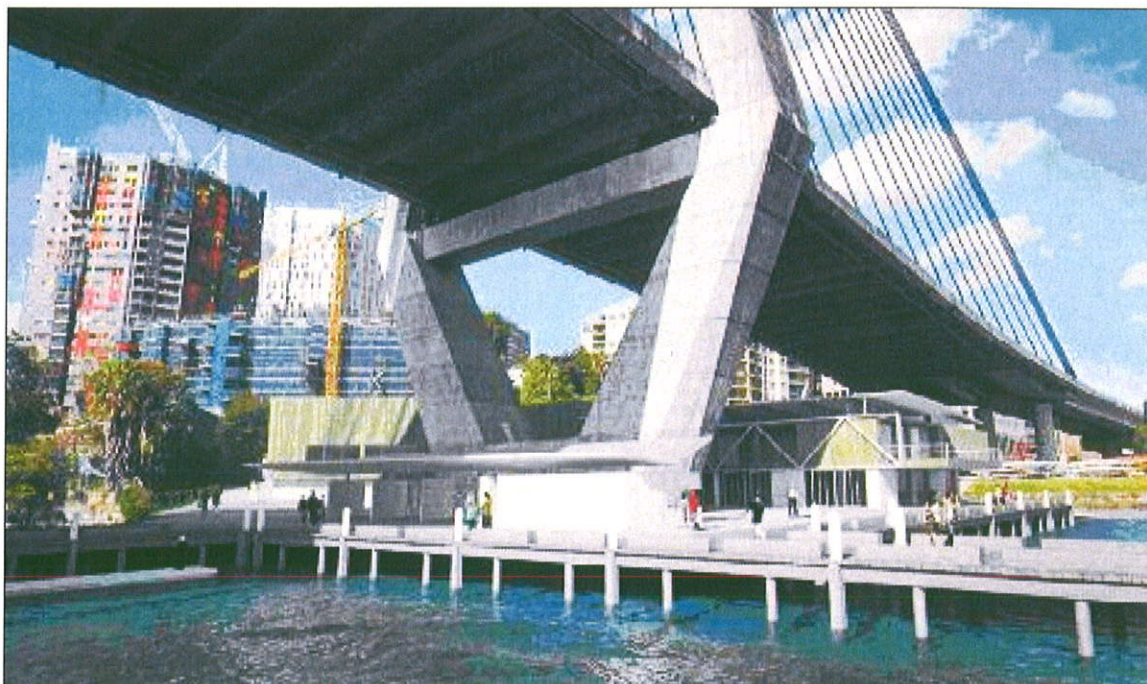
<b>Land Component</b>	<b>Description</b>
<i>Part Two/ Part Three Storey Building</i>	<p>The building is predominantly two-storeys in height, with an overlapping of levels in the midsection of the building creating a three-storey section. The building steps up from the water's edge and is two-storeys at Bank Street. The PPR reduced the length of the southern elevation by four metres and adjusted the Bank Street facades to relate better to the streetscape. The building includes spaces for the following uses:</p> <ul style="list-style-type: none"> <li>• A workshop for amateur boat builders, demonstrating traditional timber boat building skills and enabling the transfer of tools, skills and knowledge;</li> <li>• Two boat storage sheds. At this time both sheds are for the Sydney Heritage Fleet, however the easternmost shed has been designed to facilitate the dragon boat clubs, subject to separate development approval;</li> <li>• Volunteer change rooms, amenities area and the lobby area that connects via stairs and a lift with the main entry lobby on the floor above;</li> <li>• An exhibition and meeting room which has access to a balcony overlooking Blackwattle Bay;</li> <li>• External building identification to the north east corner of the building. The sign has dimensions of 10 metres x 2 metres and will be illuminated; and</li> <li>• The roof of the northern part of building is to be planted out as a green roof. The green roof will also provide access to the lighting gantry in accordance with RMS requirements to maintain the bridge pylon.</li> </ul>
<i>Exhibition Pavilion and Kiosk</i>	This is a detached single-storey building located on the western side of the Bridge Pylon, which will be used to display information about the Fleet's vessels and general maritime history. The kiosk will be operated by two volunteer staff and serve light refreshments.
<i>24 Hours Foreshore Access</i>	<p>A new pedestrian foreshore pathway is proposed along the entire Blackwattle Bay foreshore, which is part land-based pathway and part boardwalk over the water. A publicly accessible lift proposed on the western side of the site. CCTV will provide surveillance of the foreshore walkway.</p> <p>To ensure its security, fencing will enclose the bridge pylon and the surrounding area outside of operating hours. The fencing will not impede access along the foreshore walkway.</p>
<i>Drop-off and drive through facility</i>	A driveway is proposed along the north-western boundary, providing vehicle access to the workshops and bridge pylon. RMS requires access to the bridge pylon for maintenance purposes.
<i>Parking</i>	One on-site staff car parking space is proposed, together with parking for eight bicycles. The PPR deleted the use of the eastern abutment of the old Glebe Island Bridge as a car parking area.
<b>Water Component</b>	
<i>Fixed Wharves</i>	The wharves will be constructed of concrete and steel piles driven into the sea bed.
<i>Floating Pontoons</i>	Floating pontoons are to be provided on the southern side of the fixed wharf, with berthing for a total of 11 vessels. The pontoons will be constructed of concrete, positioned alongside the fixed wharf, with gangways from the fixed wharf.
<i>Timber Fixed Wharf</i>	A fixed wharf will be positioned close to the sea wall on the western side of the site to provide a small craft harbour as well as a landing wharf at its outer end. This will be used by Fleet's vessels for disembarking and embarking tour group passengers.

**Three Dolphins  
(including navigation  
aids)**

Three protective dolphins, incorporating lighted navigational aids will be positioned on the western edge of the water lease area, just beyond the end of the fixed wharf. They will be piled into the sea bed and provide protection and temporary tie off points for a typical vessel using Blackwattle Bay transiting the old Glebe Island Bridge.



**Figure 8:** PPR Master Plan showing project layout



**Figure 9:** 3D Photomontage of the proposed completed maritime facility





**Figure 10:** 3D Photomontage of the completed maritime facility, looking west from the future park.



**Figure 11:** 3D Photomontage of the completed maritime facility, including the Fleet's vessels, looking north from Glebe Point.

### ***Operational use of the site***

The site would operate principally as a maritime museum and operational base for the Fleet's collection of historic vessels. The proposed wharves and pontoons would serve as drop-off and pick-up points for members of the public participating in historic vessel tours. The maximum size of any tour or charter group is 49 people.

The Fleet's vessels would not operate to any fixed timetable or pattern and tours would be undertaken predominantly during daylight hours with the majority of movements undertaken on weekends. The Fleet's vessels would be rarely away from their berths beyond 10.00pm. There are a few exceptions to this general operational pattern, such as New Year's Eve.

The majority of volunteer activity on the site would be undertaken between 8:00am and 6:00pm. However, depending on the tour vessel requirements, there may be occasions when volunteer crew members (typically five to ten people) will be on the site prior to 7:00am. Crew members returning a vessel to its berth would rarely be on the site beyond 10:00pm.

The museum and exhibition space would be open to the public from 9:30 am to 5:30 pm daily and would be staffed by two to four volunteers. An additional four volunteer site guides may also be present, depending upon pre-booked tour requirements. The refreshment kiosk would be staffed by two volunteers.

Traditional timber boatbuilding skills are proposed to be taught and demonstrated within the community skills workshop. This activity would involve the use of hand tools and small power tools.

It is proposed to undertake 'running maintenance' of the Fleet's vessels on site, which includes routine requirements such as brass polishing, deck cleaning and touch-up painting. Coaling (refuelling of steam vessels) and diesel refuelling is also proposed to be undertaken on site, as is the periodic removal of grate ash from steam vessel boiler fire boxes. The vessels effluent holding tanks are proposed to be emptied off-site at official pump-out stations.

## **2.2. Project Need and Justification**

### ***NSW 2021***

NSW 2021 is a 10 year plan to rebuild the economy, provide quality services, renovate infrastructure, restore accountability, and strengthen local environments and communities.

The project is consistent with Goals 24 and 25 of the Plan as it would assist in creating opportunities for people to be involved in their community and provide increased opportunities for seniors to participate in community life. The Fleet is predominantly operated by its 600 volunteer members. The proposed facility will allow the continued involvement of its members in a community activity and will likely attract new members from the adjoining residential area.

The project is also consistent with Goal 27, as it would enhance cultural, creative, sporting and recreation opportunities available to the general public. The proposed facility will enhance opportunities to experience maritime history passively through visiting exhibitions and actively by taking a boat trip on an historic vessel.

### ***Draft Metropolitan Strategy for Sydney 2031***

The Draft Metropolitan Strategy aims to manage growth, enhance Sydney's position in the global economy, achieve greater housing affordability, enhance liveability and ensure equity for future generations. The draft strategy contains objectives and goals and actions to guide the growth and development of Sydney to 2031.

The project is consistent with Objective 8, as it will assist in promoting social, cultural and recreational opportunities. The proposal will provide a facility which is available to all members of the community for active or passive participation. Additionally, it will assist in the preservation of Australia's maritime history for the benefit of the wider community. The Draft



Strategy identifies the protection of Sydney Harbour as a working port as being a metropolitan priority.

### 3. STATUTORY CONTEXT

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#### 3.1. Continuing operation of Part 3A

Although Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) was repealed in October 2011, the project is classified as a "transitional Part 3A project" under Schedule 6A of the EP&A Act. This means the project will continue to be assessed and determined under the provisions of the former Part 3A of the EP&A Act.

#### 3.2. Major Project

On 21 January 2011, the proposal was declared a Major Project under Part 3A of the EP&A Act, as it is development described in Schedule 2 of *State Environmental Planning Policy (Major Development) 2005*, being development on a nominated Sydney Harbour Foreshore Site that has a capital investment value of more than \$5 million.

#### 3.3. Delegations

In accordance with the Minister's delegation of 14 September 2011, the Planning Assessment Commission (PAC) may determine the application as more than 25 submissions objecting to the application were received.

#### 3.4. Permissibility

##### ***Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005***

The water component of the site is zoned W1 (Maritime Waters) under *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* ('SREP 2005'). The proposed uses are characterised as a commercial marina and a community facility which are permissible with consent in the W1 zone. Further assessment against the provisions of SREP 2005 is provided at **Appendix D**.

##### ***City of Sydney Local Environmental Plan 2005 (SLEP 2005) & 2012 (SLEP 2012)***

At the time of lodgement of the application, *City of Sydney Local Environmental Plan 2005* (SLEP 2005) applied to the site and the land component was zoned Public Recreation. The proposed uses were permissible in the zone.

Since that time, SLEP 2012 has commenced and zoned the land component of the site RE1 Public Recreation. The proposed land based uses are permissible in the zone. Further assessment against the provisions of SLEP 2012 and SLEP 2005 is provided at **Appendix D**.

#### 3.5. Strategic planning policies

##### ***Bays Precinct Strategic Framework Report to the NSW Government***

The BPSF report (endorsed by the Government on 26 March 2013) contains strategic planning principles to guide future planning of the Bays Precinct, and identifies short, medium and long term land use opportunities.

The report recommends that the precinct continue to be used for maritime activities, facilities be provided to improve access to Sydney Harbour, and support be provided to facilitate a

variety of uses in the precinct. The project is consistent with the recommendations as it is a community based maritime use with public benefits and which can co-exist with other uses.

The BPSF strategic planning principles guide future development within the Precinct. The principles include: facilitating active and passive use of the waterway, encouraging developments which provide the precinct with distinctiveness, and promoting tourism.

The project is consistent with the strategic planning principles, providing opportunities for active use of the harbour through participation in tours, or passive use of the foreshore promenade. The proposal is dependent upon a foreshore location but will not alienate the foreshore from public use. The Fleet's collection of historical boats and water craft reflect the precinct's late 19th and early 20th century maritime industrial legacy and provide the site with a distinct character.

The Department considers that the proposal is consistent with the recommendations and relevant strategic planning principles of the BPSF report.

A series of Master Plans apply to the Bays Precinct as matters for consideration by approval and consent authorities in development assessment. The BPSF report supports the current Master Plans as an appropriate guide to development within the Precinct.

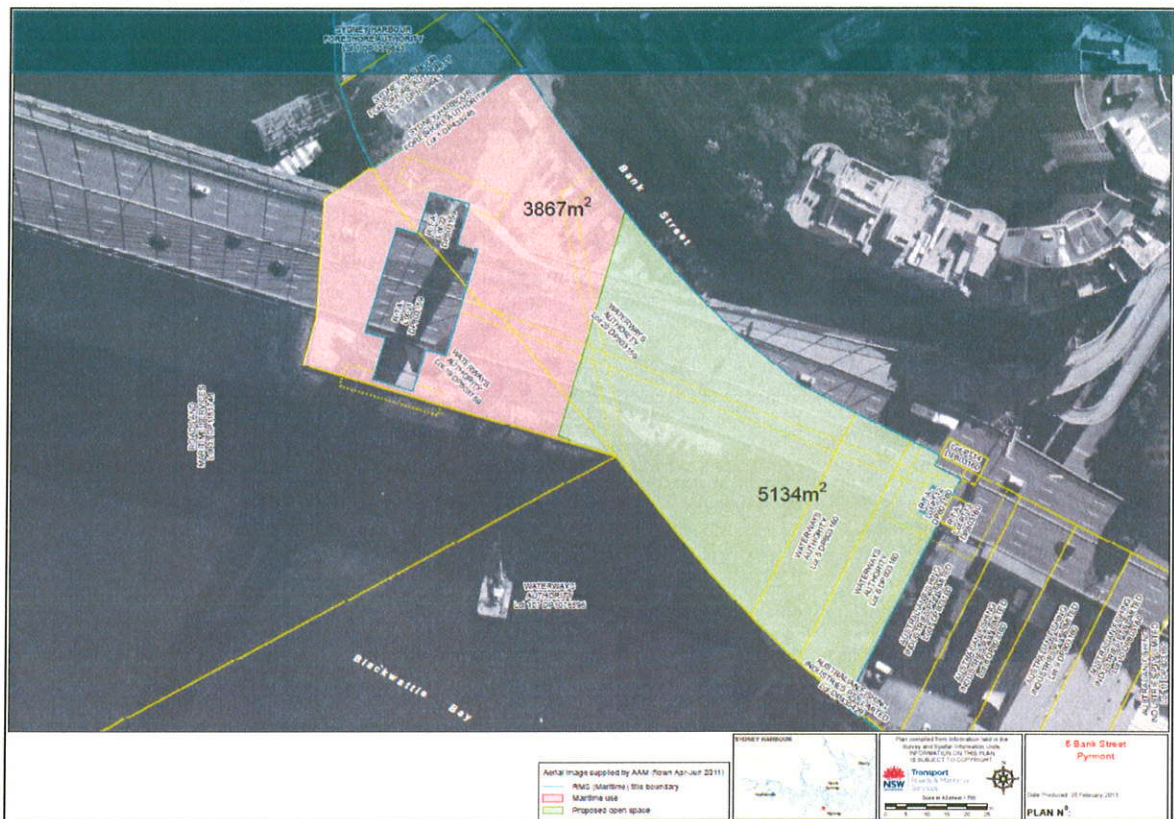
### ***Bank Street, Pyrmont Master Plan 2006 (the 'Master Plan')***

The subject site is the north-western portion of land identified as Site 3 in the Master Plan being land owned by Roads and Maritime Services (RMS). The Master Plan has the status of a Development Control Plan, and the provisions of the Master Plan do not take precedence over the zoning and related objectives applicable to the site under SREP 2005.

The Master Plan assumes the subject site will be redeveloped as a public facility with passive water access and identifies public recreation, passive boat launching/club facilities and open space as being the desired future land-use character for the site. The Master Plan identifies potential facilities on the site (and the larger NSW Maritime site) as being a ten metre wide foreshore promenade, landscaping and passive recreation facilities (e.g. children's play equipment and BBQ facilities), a boat ramp and storage for dragon boats, potentially within a two storey (7m) high building.

The project provides foreshore access in a form which can be connected with adjoining lands as they are developed. RMS has indicated that it is in the early stages of negotiations to possibly transfer the remaining part of its lands to the City of Sydney Council for use as parkland. RMS has also indicated that if those negotiations are unsuccessful it is likely that they would at some point convert the remaining land to public open space. **Figure 12** is a draft plan provided by RMS. The 3,867m<sup>2</sup> parcel of land is the subject site, while the remaining 5,134 m<sup>2</sup> portion is the land intended to be the foreshore park. Therefore the project does not prevent the remainder of RMS land being developed into parkland which could include play equipment and barbecue facilities.





**Figure 12:** RMS land in Bank Street - Draft Plan (Source: RMS)

The project provides a space for the storage of dragon boats and provision of amenities. It will be necessary for the dragon boaters to obtain separate approval for their use. The identification of the dragon boaters club by the Master Plan as a potential facility for the site does not prevent consideration being given to other uses which may also be suitable.

The proposed land use is considered to be consistent with the Master Plan and it will not prevent the achievement of other aims within it.

### 3.6. Environmental Planning Instruments

Under Sections 75(2)(d) and 75(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The Department's consideration of relevant SEPPs and EPIs is provided in **Appendix D**. In summary, the project is consistent with the objects of the EP&A Act, is permissible in the land use zone, and consistent with the objectives of all relevant EPIs.

### 3.7. Objects of the EP&A Act

Decisions made under the EP&A Act should have regard to the objects under section 5 of the Act. The objects are:

(a) *to encourage:*

*(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection, provision and co-ordination of communication and utility services,*
- (iv) the provision of land for public purposes,*
- (v) the provision and co-ordination of community services and facilities, and*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development, and*
- (viii) the provision and maintenance of affordable housing, and*
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The objects under section 5 (a) (iv), (v) and (vii) of the EP&A Act, are relevant to the project. SLEP 2012 permits the site's development for the proposed purpose. The project will establish a publicly accessible facility which will provide social, educational and economic benefits to a wide section of the community and foster the preservation of Australia's maritime heritage. The public and government authorities have been consulted on the proposal consistent with section 5(c) of the EP&A Act, and submissions received have been considered in the Department's assessment. Accordingly, the proposal is consistent with the relevant objects of the EP&A Act.

The Department has considered the encouragement of ecologically sustainable development (ESD)(Object 5(a)(vii)) in its assessment of this application. The construction and operation of the project will occur in a sensitive manner, ensuring the environment is protected for future generations. The site does not contain any environmentally significant flora or fauna and the quality of water discharged into the harbour will be improved. The Statement of Commitments and the recommended Instrument of Approval include measures to minimise any potential environmental impacts. Accordingly, the Department considers that the development is consistent with ESD principles

### **3.8. Statement of Compliance**

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's Environmental Assessment Requirements have been complied with.

## **4. CONSULTATION AND SUBMISSIONS**

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### **4.1. Exhibition**

Under section 75H(3) of the EP&A Act, the Director-General is required to make the EA of an application publicly available for at least 30 days. The EA was publicly exhibited from 13 March 2013 until 30 April 2013 (48 days).

The EA was made available at the following locations:

- the Department's website;
- the Department's Information Centre;
- the City of Sydney Council Customer Service Centre; and
- the Pyrmont Community Centre.

The Department also advertised the public exhibition in the Daily Telegraph, the Sydney Morning Herald and the Inner West Courier on 13 March 2013, and gave written notification to landholders, local community groups and relevant State and local government authorities.



Following the public exhibition, nine submissions were received from government authorities together and 92 from the public (see **Appendix B** for copies of submissions). Transport for NSW and the NSW Police Marine Area Command were notified but did not make submissions.

Of the government authorities only the City of Sydney Council raised concerns about the proposal detailed in the EA, with the remainder providing comments and recommended conditions of approval. Of the public submissions on the EA, 74 objected, 13 supported and five did not object but raised concerns.

## 4.2. Proponent's Preferred Project Report

On 29 October 2013, the proponent submitted a Preferred Project Report (PPR). The PPR provided for minor amendments to the proposed design as detailed in Table 1. Generally, the amendments improved the streetscape, amenity, accessibility and security, and included additional clarifying information comprising photomontages and details of operational activities.

The PPR was publicly exhibited from 13 November 2013 until 26 November 2013. A total of 15 submissions were received comprising nine public submissions (including seven objections, one commenting and one in support), and seven submissions from government agencies, including submissions from City of Sydney Council and Leichhardt Council (refer to **Appendix B** for copies of submissions). Issues raised in the submissions generally reiterated concerns raised in relation to the EA.

## 4.3. Public Authority Submissions

Of the seven agencies' submissions to the PPR, no objections were raised, with the EPA recommending conditions of approval and the City of Sydney Council confirming residual issues of concern. The key residual issues expressed by the agencies are summarised, as follows, and detailed in Table 2 below:

- Access, traffic and parking;
- Built form and urban design;
- Visual impacts, views and outlook; and
- Noise and air quality.

**Table 2 – Public authority submissions**

<b>City of Sydney Council</b> did not object but raised the following residual issues
<ul style="list-style-type: none"> <li>• The interface (articulation and absence of opportunities for passive surveillance) of the proposed building with the public domain, specifically the elevation to Bank Street and the north-western portion of the foreshore walk;</li> <li>• Consideration of public views from Bowman Street to Anzac Bridge and the waterfront;</li> <li>• A 2 metre pinch point on the western portion of the foreshore walk is insufficient to provide safe and adequate circulation space for pedestrians and bicycles. Recommend increasing the width to 4 metres;</li> <li>• The shared pedestrian and vehicular entrance, access for pedestrians, bicycles, wheelchairs and service/workshop vehicles are inadequate;</li> <li>• Conditions of approval required for any European and indigenous heritage;</li> <li>• Acid Sulphate Soil Management Plan required; and</li> <li>• Permanent employees and volunteer workers are required to be considered in the calculation of Section 94 contributions.</li> </ul>
The following agencies did not object to the proposal subject to conditions of approval (indicated in brackets):
<b>Roads and Maritime Services – Roads Division</b> (no obstruction to RMS buildings/structures/easements; parking in accordance with AS2890.1-2004; and a construction traffic management plan).
<b>Department of Primary Industries (NSW Office of Water)</b> (stormwater treatment measures).

<b>Sydney Harbour Foreshore Authority</b> (weather resistant construction materials, and pedestrian link to enable easy future connectivity to adjoining sites).
<b>Environment Protection Authority</b> (contamination assessment, construction and operational environmental management plans, construction noise management, and environment protection licence).
<b>Ausgrid</b> (unrestricted access to its assets, and Deed of Agreement between RMS, the proponent and Ausgrid covering its conditions and requirements).
<b>Sydney Ports Corporation</b> (navigation aids, pollution mitigation measures and ongoing consultation with the Harbour Master).
The following agencies did not object to the proposal nor recommended conditions of approval:
<b>Roads and Maritime Services – Maritime</b>
<b>Department of Primary Industries (Fisheries NSW)</b>
<b>Office of Environment and Heritage – Heritage Branch</b>
<b>Leichhardt Council</b>

In addition to the above public authorities, the Foreshores and Waterways Planning and Development Advisory Committee recommended consideration be given in the assessment and any approval to the following issues:

- Heritage impacts on Cam's Wharf at 1 Bank Street, Pyrmont;
- Compliance with the Australian Standard for the Design of Marinas;
- Boardwalk and foreshore walkway designed to maximise public accessibility and amenity; and
- Relevant matters in the SREP (Sydney Harbour Catchment) 2005 and the Sydney Harbour Foreshores & Waterways Area DCP (Sydney Harbour Catchment) 2005.

#### 4.4. Public Submissions

A total of 92 submissions were received from the public to the exhibition of the EA. Of those submissions, 74 objected to the project, 13 supported the project and 5 did not object but raised concerns. This included submissions from the following special interest groups:

- Sydney University Women's Rowing Club;
- Council of Ultimo Pyrmont Associations, Pyrmont Heritage Boating Club;
- Pyrmont Action Inc;
- Pyrmont Community Group;
- Coalition of Glebe Groups;
- Glebe Point Residents Group (supports); and
- Social Infrastructure for Children in Ultimo and Pyrmont.

A total of nine public submissions (including seven objections, one commenting and one in support) were received in response to the exhibition of the PPR. Issues raised in the submissions generally reiterated concerns about the EA.

The key issues raised in public submissions are listed in Table 3.

**Table 3: Summary of Issues Raised in Public Submissions**

<b>Issue</b>	<b>Number of submissions</b>
Proposed diversion of existing bus routes to Bank Street and increased levels of traffic in Bank Street	61
The absence of on-site car parking and increased demand for limited available on-street car parking	41
Noise impacting on nearby residential users resulting from the operational use of the site, especially noise emanating from activities associated with heavy duty restoration of the Fleet's vessels.	38
Preference for the site to be developed as parkland.	37



Issue	Number of submissions
Pollution of the air and waterways as a consequence of the Fleet's operations.	24
Alternative sites should be considered.	18
Impediments to safe navigation of the waterway.	11
Impact on existing water views available from residential properties	9
Inconsistency with the Bank Street Master Plan	7

The Department has considered the issues raised in submissions in its assessment of the project.

## 5. ASSESSMENT

The Department considers the key environmental issues for the project to be:

- Access, traffic and parking;
- Built form and urban design;
- Visual impacts and view loss; and
- Noise and air quality.

Other issues considered in the assessment are:

- Contamination;
- Marine construction and safe navigation;
- Flooding and sea level rise; and
- Section 94 Contributions.

### 5.1. Access, Traffic and Parking

Public submissions raised concern that the project would adversely impact on the availability of on-street car parking and increase traffic volumes in the local street network. The EA included a Transport Management and Accessibility Plan (TMAP). The TMAP adopts a restrictive approach to car parking to encourage the use of public transport. No on-site visitor parking is proposed and a single staff car parking space is to be provided. It is proposed that staff, volunteers and visitors will principally access the site using public transport. The Fleet proposes to augment existing public transport through the provision of privately run ferry and shuttle bus services.

The Department engaged ARUP to undertake an independent review of transport and traffic issues relating to the proposal. The Department's assessment is set out below.

#### Car Parking and public transport accessibility

The City of Sydney Council's Development Control Plan does not include a specific parking rate for museums and instead requires that the proponent provide a parking and access report which justifies the proposed parking provision. The TMAP provides the analysis required by the DCP.

The TMAP calculates the likely visitor parking requirements as follows:

*"30 visitors could possibly arrive by private car and spend an average of 2 hours at the museum. Assuming a 6 hour (10am to 4pm) peak visitation period, then this equates to some 10 visiting persons or up to 20 persons at one time that may seek to park near the*

*site. With a typical car occupancy rate of 3 persons per car this equates to some 7 cars on average."*

A survey was undertaken of the transport behaviour of staff and volunteers travelling to the Fleet's existing comparable facility at Wharf 7, to determine their parking demand. The survey found that 7% relied on private transport to access the site, and that:

- 15% travelled by bus from the City to Pyrmont;
- 22% used public transport to a City railway station or bus stop and subsequently walked across the Pyrmont Bridge;
- 44% used the light rail service from Central to Pyrmont;
- 4% walked from home;
- 7% used a ferry to Pyrmont Bay; and
- 1% used the monorail from the city stop to Harbourside.

Based on the proponent's information it is estimated that approximately 40 volunteers would attend the site on a typical weekend. Based on existing practices, those volunteers would generate demand for 3 car parking spaces.

It is concluded therefore that the project would on a typical day on the weekend, generate demand for 10 (7 visitor & 3 staff/volunteer) on-street parking spaces.

There are 43 on-street car parking spaces in the vicinity of the site. On-street parking is controlled by two hour ticketed parking along each side of Bank Street. The two hour time limit commences from 8:00am and concludes at 7:00pm with permit holders being exempted from this. Further east along Bank Street, the ticketed parking changes to a six-hour provision, between 8:00am and 7:00pm, without permit holder exemptions.

The TMAP includes a survey of availability of on-street parking spaces. The survey was undertaken on Bank Street outside the site on a Saturday morning from 7:00-8:00am. The survey results showed 90% occupancy with 38 of the 43 available parking spaces being occupied, i.e. 5 spaces remaining available. ARUP observed similar levels of usage on its visitation to the site. The demand for spaces would therefore exceed what is typically available on the surrounding streets.

The Fleet proposes a range of measures to manage demand for parking, including the following:

- Provision of minibus and ferry shuttle services. The ferry service would involve the use of one of the Fleet's small work boats, which would pick up staff and volunteers from wharves at various locations. The shuttle bus service would involve a privately owned seven metre long, 20 seat minibus. Ferry and mini-bus shuttle services will be provided to the general public from Wharf 7 to the Bank Street site via sales of internet tickets or directly from the wharf;
- Preparation of a Travel Access Guide/ workplace travel plan;
- Restricted provision of on-site parking for staff;
- Provision of 8 bicycle spaces and end of trip amenities;
- Encourage visitors to access the site via public transport on the website and in general promotional material; and
- Actively promote group tours, which will arrive in one of the Fleet's vessels or via coach.

The Fleet proposes to prepare a Travel Access Guide (TAG) which promotes the active use of public transportation. The TAG will involve the museum management being pro-active in the supply of up-to-date public transport information for staff and visitors. A TAG will be prepared in accordance with RMS Guidelines.

The TAG is a positive initiative to promote public transportation access and discourage private vehicle trips to the site. The recommended instrument of approval requires the TAG to be submitted prior to issue of an Occupation Certificate.

ARUP has considered the parking demand and the measures proposed to manage it and accept that the provision of on-site parking should not be required.

The site's constraints which include its obtuse shape, the proximity of the pylon of the ANZAC Bridge and the Ausgrid power lines which traverse it, limit the area in which on-site parking could be sensibly provided. A requirement to provide on-site parking is also likely to lead to compromised internal and external spaces, reducing the functionality of the building. It is not considered that the site is suitable for on-site parking.

The site is serviced by a range of existing public transport services, including Sydney Buses (routes 501, 443 and 201); Metro Light Rail service between Central Station and Lilyfield (both the John Street, Pyrmont and Fish Markets stations are a 5 to 10 minute walk from the site); the Sydney Ferry service to Pyrmont Bay, which is a 15 minute walk from the site. Bicycle access is also afforded to the site via the shared footpath route, which runs along Bank Street and connects with the broader bicycle network.

The application originally proposed to change the local bus routes, to have a route pass along Bank Street. The Council's and public submissions to the EA raised concern about the proponent's proposed bus route diversions and the project as detailed in the PPR no longer seeks to alter bus routes in the vicinity of the site.

It is also noted that City of Sydney Council's submission raises no concern in relation to the restrictive approach to on-site car parking and advises that the proponent's green travel plan should incorporate initiatives to encourage sustainable transport practices by both staff and visitors to the facility. Council's submission indicates that a minimum of two bicycle parking spaces should be provided for employees and six bicycle parking spaces for visitors.

The Department concludes that the project will generate some additional demand for on-street parking which can in part be met by the available supply. The limited supply of on-street parking and the availability of alternative means of transport are likely to lead to a change in travel behaviour from private vehicles to public transport. The absence of on-site parking is acceptable in the circumstances.

### ***Bus/coach parking***

ARUP's review identified the inability of full-size buses and coaches to enter and exit the site in a forward direction. Due to the inability for buses and coaches to safely exit the site on to Bank Street, the proponent now intends to accommodate bus and coach parking on Bank Street. It is anticipated that a single bus length bay will be necessary to accommodate charter buses and the timing of these buses can be managed by Fleet such that only one bus arrives or departs the kerbside zone once that zone is operational.

The provision of a tourist bus set down and parking zone on Bank Street would be at the expense of a number of on-street public car parking spaces. It is important that any future bus set down zone in Bank Street not have the effect of reducing the existing quantum of on-street public car parking in the surrounding locality. In this regard, the TMAP identifies opportunities such as an existing signposted "No Standing" section of Bowman Street, where 10 additional on-street parking bays could be provided to compensate for the loss of any parking associated with the implementation of a bus set down and parking area.

The submission from the City of Sydney Council identifies that approval for a bus parking zone would need to be obtained from Council's Local Pedestrian, Cycling and Traffic Calming Committee. It is the recommendation of this report that no bus tour groups be able



to access the site until the kerbside bus parking zone has been approved by the Council. The minibus which would be used for the proposed shuttle bus service is able to load and unload within the delivery bay adjacent to the entry forecourt.

### ***Traffic generation and critical intersection performance***

The proposal will not generate any significant peak hour flows during the weekday 8.00am-9:00am and 5:00pm-6:00pm peak periods, which are the periods when the key intersection of Bank Street/Miller Street is accommodating high traffic volumes. The additional traffic of 5 to 10 vehicles represents one additional vehicle either entering or leaving the local precinct every 6 to 12 minutes during peak hour.

ARUP accepts that the additional load on the Bank Street/Miller Street intersection is low in peak hour terms and it expects it would be within normal daily and seasonal variations. In the context of low additional impact and on the basis that many of the staff/volunteer trips in the peak periods will be made on public transport or on the proposed ferry service, ARUP accepts that the impacts on the intersection will not be significant.

The Department is satisfied that the project will not have any detrimental impact on the performance of critical intersections within the vicinity of the site and that the local street network has the capacity to provide for the reasonably small number of private vehicle trips generated by the proposal.

### ***Conclusion***

The Department generally agrees with the findings and recommendations of the TMAP and the restrictive approach towards the provision of on-site parking. The project will function without unreasonable impacts on the road network and on-street parking, as the site is well serviced by public transportation and the proposed measures, including the TAG, will promote its use.

ARUP's independent findings confirm that the proposed measures to manage parking demand and the provision for bus and coach parking on Bank Street are satisfactory. Accordingly, the proposal is acceptable in terms of the relevant considerations relating to transport, access traffic and car parking.

## **5.2. Built Form and Urban Design**

### ***Built form***

The City of Sydney Council's concerns in relation to the proposed built form and urban design comprise the following:

- the north-western elevations (approximately 40 metres long) onto the foreshore promenade should provide better activation and opportunities for passive surveillance;
- the north-eastern elevation (fronting Bank Street) should better address the street and provide adequate surveillance;
- the building does not successfully integrate with its context; and
- the two metre wide pinch point on the western portion of the foreshore walk is insufficient for safe and adequate circulation of pedestrians and bicycles, and should be increased to a minimum of four metres.

The Department considers that the building is generally well designed and suited to its waterfront location. The building massing complements the site's topography and minimises its visual and amenity impacts being two storeys at the foreshore and street, with a three storey section located in the mid portion of the building. The building is well articulated with

horizontal and vertical articulation across the elevations. A variety of materials are proposed, including concrete panels, timber cladding, expressed timber framing and glazing which are considered appropriate.

The Department does not agree with Council's concerns about the activation of the building facade to the north-west portion of the foreshore walk. This elevation contains glazing to the first and second floors, and the ground floor is activated by glazed doorways and openings. Having regard to the use of this part of the proposed building as a community workshop, the proposed level of activation is considered adequate.

The Department concurs with Council's concern about the proposed north-eastern elevation to Bank Street, as it does not address the street well and does not provide surveillance of the street frontage. While the streetscape elevation has a variety of materials, including vertical timber boarding and translucent honeycomb polycarbonate panels, this is insufficient to create a satisfactory level of visual interest. The design of the elevation does not allow for passive or active surveillance of Bank Street. To ensure a satisfactory streetscape presentation, a condition is included in the recommended terms of approval requiring the proponent to submit amended drawings of the Bank Street elevation. The drawings will need to demonstrate a greater degree of visual interest, together with elements that permit passive surveillance of Bank Street.

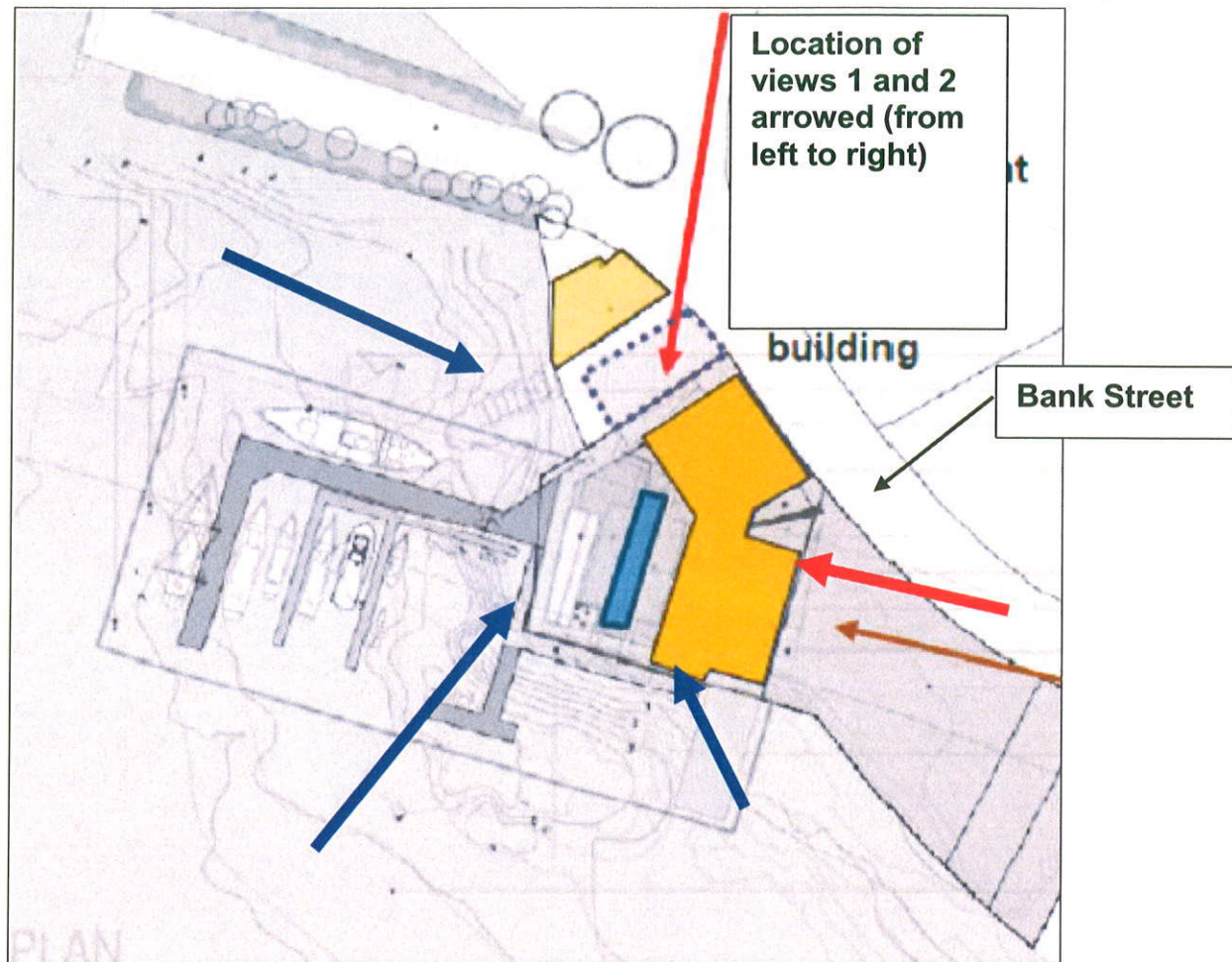
### Foreshore walk

The foreshore walk along the north-western side of the site provides pedestrian and vehicular access to the foreshore, rather than being part of the foreshore promenade. This section of public pedestrian walkway provides a temporary link between the pedestrian footway on the Bank Street carriageway and the section of foreshore promenade on the shoreline of the site. Following the anticipated redevelopment of the parcels of land to the north-west of the site, the foreshore promenade would be extended further north along the shoreline. In the long-term, the number of pedestrians accessing the foreshore via this route would not be significant to justify a design amendment to the project.

The Department notes that there are a number of points on the foreshore promenade which do not achieve the 10 metres width recommended by the Bank Street Master Plan. Those points are located on the western side of the proposed kiosk, a small portion of the walkway immediately in front of the western boat storeroom workshop, and the north-western portion of the walk adjacent to the northern end of the exhibition pavilion. In order to address this requirement, a condition is included in the recommended terms of approval requiring the proponent to undertake design modifications in order to achieve an unimpeded walkway width of 10 metres, for the entire foreshore of the site. The Department raises no concern over the fact that part of the walkway would be covered by the roof of the exhibition building and the cantilevered deck on the southern elevation of the proposed main building.

## **5.3. Visual Impacts and View Loss**

Public and agency submissions raised view loss issues. The public submissions objected to the loss of water views/visual impact from the private domain, with the submissions primarily received from the residents of 2 Bowman Street ('Evolve') and 1 Distillery Drive ('Antias'). The City of Sydney Council's submission identified views of the Anzac Bridge eastern pylon and surrounding waters from the public domain as important (views 1 and 2, and **Figure 13** below) and requested that consideration be given to redesigning the building to open up views of the pylon from Bowman Street.



**Figure 13:** Location and orientation of Public Views 1 and 2 (red arrows), together with public views from the water/ Glebe foreshore (blue arrows)

The proponent's justification for the proposed view impact is that the land-based building will:

- Be generally two storeys in height with a small section only (282m<sup>2</sup>) of three storeys;
- Be sited discreetly beneath the deck of the ANZAC Bridge;
- Step down in response to the site's topography;
- Not be prominent, particularly when viewed from Bank Street and its residential properties opposite;
- Be dwarfed by the Anzac Bridge, which is visually dominant in the locality; and
- Appear as secondary elements within the foreshore landscape.

The proponent's justification for the proposed wharf structures are that they:

- Are located within the waterway;
- Will reinforce the maritime nature of the site consistent with the objectives of the relevant planning instruments and strategic planning framework for the locality;
- Will retain the appearance of a working harbour; and
- Will provide visual variety and interest.

The Department has assessed the impacts on public and private views using the Views Planning Principle established by *Tenacity Consulting v Warringah [2004]* NSWLEC 140 ('Tenacity').

The criteria for the assessment of views established in the Tenacity judgement are as follows:



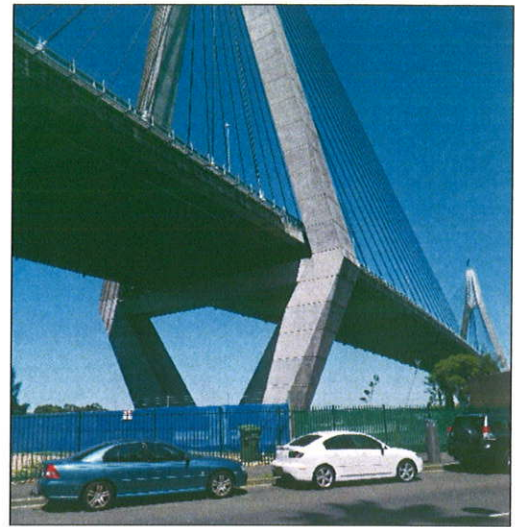
- (i) Assess the views to be affected (iconic views, water views, partial, obscured);
- (ii) From what part of the property the views are obtained;
- (iii) The extent of the impact (negligible, minor, moderate, severe, devastating); and
- (iv) The reasonableness of the proposal that is causing the impact.

The Department's consideration of the proposal against the criteria is set out in **Table 4**.

**Table 4: Visual Impact Assessment against the Tenacity Views Planning Principle**

<b>Principle</b>	<b>Consideration</b>
Assess views to be affected	<p>The residential properties at 2 Bowman Street and 1 Distillery Drive have:</p> <ul style="list-style-type: none"> <li>views of the waters of Blackwattle Bay/ Rozelle Bay and the Glebe foreshore across the site and adjoining sites and over/ underneath the Anzac Bridge carriageway (depending on the height of the unit). The views vary dependent upon the height and location of the apartment relative to obstructions; and</li> <li>views of the Anzac Bridge structure, including its pylons and stay cables.</li> </ul> <p>Public views from Bank Street comprise:</p> <ul style="list-style-type: none"> <li>the site and the Bank Street road carriageway (refer <b>Figures 14 &amp; 15</b>);</li> <li>the underside of the Anzac Bridge road deck and eastern pylon, and a partial view of the upper part of the eastern pylon and stay cables; and</li> <li>a partial view of the Anzac Bridge, including the eastern pylon to its apex the bridge deck and stay cables.</li> </ul> <p>Public views from Bowman Street comprise:</p> <ul style="list-style-type: none"> <li>the site and the Bowman Street road carriageway;</li> <li>the underside of the Anzac Bridge and eastern pylon, and a partial view of the upper part of the eastern pylon and stay cables (Bank Street)(refer <b>Figure 16</b>); and</li> <li>a partial view of the Anzac Bridge, including the eastern pylon to its apex (pylon base obscured by an existing adjoining building), the bridge deck and stay cables.</li> </ul> <p>Public views from Glebe Point and the Glebe foreshore (on the opposite shoreline of Blackwattle Bay/ Rozelle Bay) comprise:</p> <ul style="list-style-type: none"> <li>the site in the context of a complete iconic view of the Anzac Bridge, including the bridge deck, the eastern and western pylons and stay cables.</li> </ul> <p>The Bank Street Master Plan identifies the view directly under the Anzac Bridge pylon looking towards the other pylon as unique.</p>
From what part of the property the views are obtained	<p>2 Bowman Street: Private views are obtained from the kitchen and bedroom rooms of a significant number of units (refer <b>Figure 17</b>). These views are secondary views, with primary, north facing views of the waters of Johnstons Bay and the Glebe Island, Balmain and Pyrmont foreshores being obtained from the living rooms and adjoining deep balconies on the northern elevation.</p> <p>1 Distillery Drive: Private views are obtained from the west facing living room areas (refer <b>Figure 18</b>). The view ranges from the old Glebe Rowers Club on the left to the abutment of the old Glebe Island Bridge on the right, and includes the waters of Blackwattle Bay/ Rozelle Bay, the opposite Glebe foreshore and partial iconic views of the Anzac Bridge.</p> <p>Public views from Bank Street and Bowman Street are obtained from the respective public carriageways and footways.</p>
Extent of impacts	<ul style="list-style-type: none"> <li>The residential properties at 1 Distillery Drive are elevated above the site and sit atop a high sandstone embankment. Given the low rise, two/three-storey height of the proposed building and its stepped form, the proposed building will obscure a negligible area of water view currently available</li> </ul>

Principle	Consideration
	<p>beneath the Anzac Bridge road deck, as viewed from the lower level units. The extent of this impact will be further diminished at higher levels. The proposed wharves, pontoons and berthed vessels will obscure a small area of water view currently available. The view to the opposite Glebe foreshore would be retained in its entirety, together with the majority of the existing water views available. The proposed green roof would assist the visual integration of the building with the adjoining future public open space. The view impact is considered minor.</p> <ul style="list-style-type: none"> <li>• The secondary water views from 2 Bowman Street, beneath the road apron of the Anzac bridge, and immediately to the right of the eastern pylon would be partially obscured by the proposed fixed wharf, floating pylons and the Fleet's vessels at their moorings. However, distant views to the southern (Glebe) foreshore would be retained, as would the visibility of the Bridge pylon, road apron and stay cables. Despite the obscuring effect of the water-based component including the Fleet's vessels, the visibility of the water beneath the bridge apron would still dominate this outlook, despite the altered working harbour appearance of the view. The view impact is considered minor.</li> <li>• The views from Bank and Bowman Streets are primarily of the Anzac Bridge and its components (eastern pylon, carriageway and stay cables). The proposal will retain the majority of those views, including to the apex of the bridge. The view impact is considered negligible.</li> <li>• The uninterrupted view from this aspect of Bowman Street, across the site, towards the base of the pylon and the water beyond (referred to in Council's submission) does not exist at present and can only be achieved by the demolition of the existing adjoining building. The view impact is considered minor.</li> <li>• The view from Glebe Point and the Glebe foreshore will be largely unchanged due to the relatively small scale of the proposed building being dwarfed by the monumental architecture of the Anzac Bridge. The view impact is considered minor.</li> <li>• The view across the water from below the ANZAC bridge carriageway, identified in the Bank Street Master Plan will still be available from the wharves.</li> </ul>
The reasonableness of the proposal which is causing the impact	<p>The proposal is compatible with the maritime use of the foreshore and adjacent waterway. It is reasonable for a maritime use requiring direct water access to be situated in such a location.</p> <p>A 7 metre height limit applies to the site and the proposed development breaches this being 8.5 metres high at Bank St, 11.3 metres high in its mid-section and 8.5 metres high adjacent to the foreshore. The impacts on private views from a compliant building would be marginally less, as these views are typically obtained from locations elevated above the site. A compliant building would have a similar impact on views from the public domain. The site is highly constrained and a requirement to comply would unreasonably impact on the site's development potential.</p> <p>The proposal is permissible within the site's land and water zones and is consistent with the priorities of the draft Metropolitan Strategy for Sydney 2031 to protect Sydney's working harbour.</p> <p>The proposal represents a small element within the context of the visual prominence of the Anzac Bridge and the affected views. The views and the Bridge design are such that one's line of sight is naturally directed upwards to the tip of the bridge's eastern pylon and to the stay cables in order to appreciate the full majesty of the bridge. The impact on residences is minor and the retained views will still provide a high level of amenity for neighbouring properties.</p>



**Figures 14 and 15:** Views from Bank Street

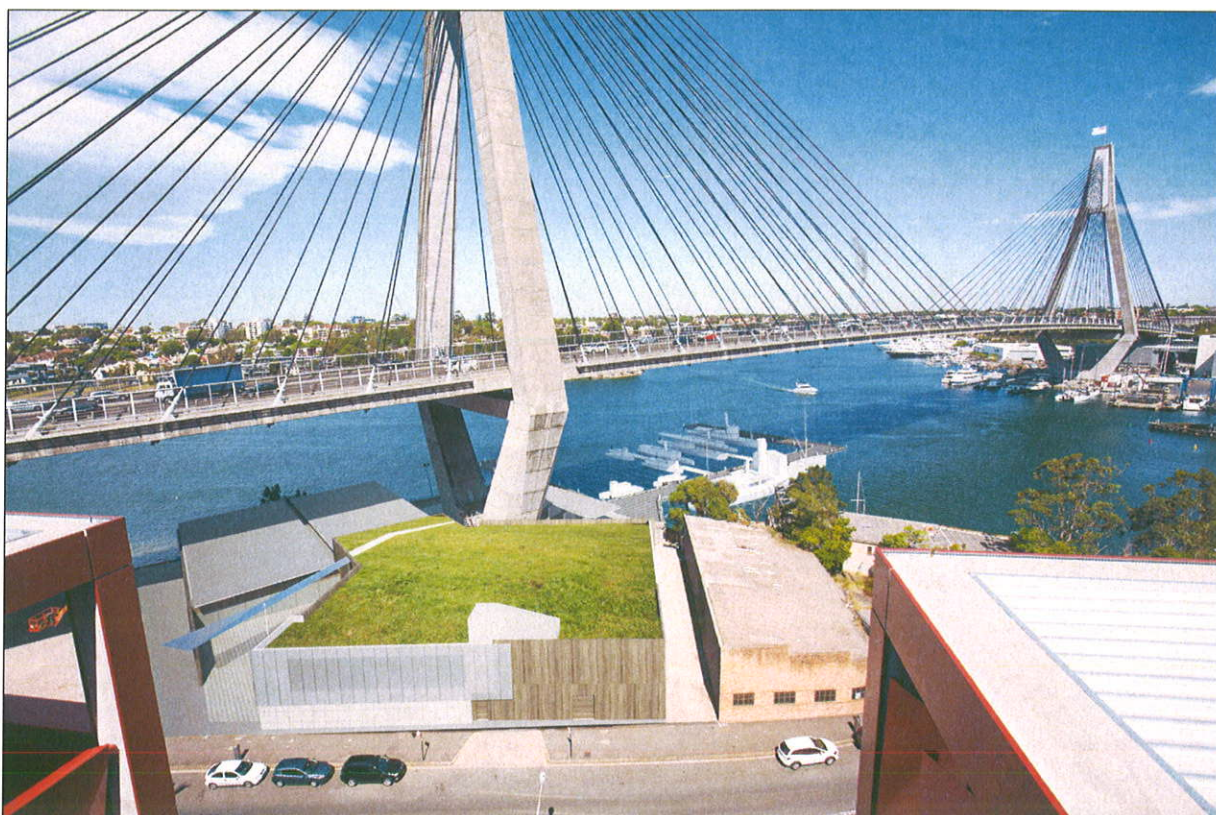


**Figure 16:** View from Bowman Street





**Figure 17:** 3D Photomontage of the completed maritime facility, including the Fleet's vessels in their berths (looking south)



**Figure 18:** 3D Photomontage of the completed development, including the Fleet's vessels in their berths (looking south west)



## 5.4. Noise and Air Quality

### **Noise**

The proposal would result in both relatively short-term construction noise and long-term operational noise. Construction noise generated by the proposal will comprise demolition and site clearance, construction of buildings on the land component of the site, and on-water construction, including piling. Operational noise generated by the proposal will comprise noise emissions related to the movements of the Fleet's vessels, customer and staff cars in the vicinity of the site, delivery vehicles, hand tool operation and general noise and talking from customers and volunteers entering and leaving the site. Public submissions objected to the project on the basis of intrusive noise.

The Environmental Assessment was accompanied by a noise impact assessment, which found that the proposed works did not breach the relevant noise criteria. The water-based component would be constructed using screw piles rather than compression driving. While this is intended to primarily reduce the disturbance of marine sediments, it will also reduce the noise associated with the construction of the project.

The Department's acoustic expert reviewed the noise impact assessment and considers that the predicted noise levels will be acceptable given the site's location underneath the Anzac Bridge. The expert advised that noise generated by vehicles traversing the Bridge dominates the noise environment and that in this context operational noise generated by the project would not be unreasonable.

In order to ensure that the construction and operational noise limits associated with the proposal are reasonable, recommended terms of approval include conditions for construction and operational noise management to mitigate the noise impact on sensitive receivers and provide assurance that noise limits as outlined by the proponent can be complied with as part of a noise management plan. The required noise management plan would include time restrictions for the use of intrusive appliances, compliance with the project specific noise assessment criteria, the City of Sydney Council's standard construction hours and the Australian Standard for noise control on construction, maintenance and demolition sites. Further, noise control conditions recommended by the Environment Protection Authority have also been included in the recommended terms of approval. The EPA's conditions relate to the operational phase and adopt the proponent's Project Specific Noise Assessment Criteria.

Subject to conditions relating to noise management and mitigation, the Department is satisfied that the proposal will not result in any unreasonable noise impacts on the surrounding environment and residential receivers.

### **Air quality**

Public submissions identified air-quality concerns associated with the operation of the Fleet's vessels, specifically, the emission of smoke and soot from steam driven vessels, together with odour and dust associated with the handling of coal and grate ash. The submission received from the EPA did not raise any concerns in relation to potential air quality impact from the proposal.

The EA was accompanied by an Air Quality Assessment (AQA). The Protection of the Environment Operations Regulation 2010 (POEO Regulation) lists a number of approved circumstances whereby smoke emissions are allowed to be discharged from marine vessels. These include the period of the vessels approaching, leaving or manoeuvring a berth and the period (no more than 30 min per 24 hours) after lighting a boiler and leading up to normal boiler operation. The air quality assessment indicates that compliance with these allowable

derogations will ensure that the emission of combustion products from vessel boilers is within acceptable limits as prescribed by the POEO Regulation.

The AQA outlines relevant thresholds published by the Australian Government National Pollution Inventory (NPI) in relation to the burning of liquid and solid fuels by marine vessels. In NSW, if these thresholds are exceeded, a marine vessel operator is required to report to the EPA. The NPI reporting threshold for the combustion of fuel is 400 tonnes fuel per year or one tonne or more of fuel an hour at any time. The Fleet usage and combustion of liquid and solid fuels (0.9 tonnes usage per year) is well below this reporting threshold. The AQA concludes that no quantitative assessment of the emissions through dispersion modelling is necessary given that the Fleet's emissions are significantly below the relevant thresholds, and that, "the Fleet emissions should not cause any significant air quality, impacts at the neighbouring receptors."

The handling of coal and removal of grate ash has the potential to generate dust emissions. Coal would be delivered by truck and supplied in carry bags suitable for lifting by forklift, with drawstring discharged direct into vessel bunkers. The AQA indicates that so long as best practice measures for these operations are adhered to, including the closure or part enclosure of the bunker portal by a curtain, particulate emissions would comply with POEO Regulations.

Grate ash generated by the combustion of coal will need to be periodically removed from the Fleet's vessels. The ash will be deposited into sealed bags within the vessels and removed for subsequent disposal at a suitable waste management facility. The AQA indicates that the potential for off-site impacts from grate ash emissions would be low and that the only significant impacts would be occupational health and safety issues associated with handling and exposure of ash and that this should be addressed through the provision of suitable personal protection equipment, including dust masks. The Fleet already has procedures in place to deal with these matters. The loading of coal and the removal of grate ash at the Rozelle Bay facility has been undertaken for a number of years.

Subject to the implementation of the recommendations contained in Part 7.2 of the AQA, including requiring separate construction and operational Environmental Management Plans, the Department is satisfied that there would be no unreasonable impact on surrounding air quality or nearby sensitive receivers as a consequence of the proposal.

## **5.5. Other Issues**

### **5.5.1 Contamination**

The EA included a preliminary contaminated land assessment report. The report considered that the site may have been contaminated from site derived sources, including previous uses (including Colonial Sugar refinery) or the importation of contaminated fill, with up to 4m of fill estimated to have been introduced onto the site. The report further identifies external sources such as the former CSR industrial facility, which sat up hill from the subject site that may have led to its contamination.

The report reviewed previous sampling which had been undertaken but did not undertake any additional testing. The previous sampling was only undertaken at shallow soil depths but revealed the presence of contaminants (polycyclic aromatic and petroleum hydrocarbons) at elevated levels. The report recommends that additional testing be undertaken.

The contaminated land assessment report also considered the potential for contamination in the seabed sediments of the water component of the site. It recommended that additional testing be undertaken here as well, but in the absence of preparation of a construction methodology which controlled movement of marine sediments.



The EPA has advised that a soil investigation should be undertaken prior to the commencement of works to determine the exact nature and extent of potential contamination. The EPA further recommends that measures to minimise the disturbance of potentially contaminated marine sediments during the construction of the water-based component should be implemented. These measures include displacement piling and use of silt curtains during construction, and controlling vessel movements during operation. The instrument of approval includes EPA's recommended conditions.

The available information suggests that while the site is contaminated and will require remediation it is likely that the site can be remediated given the type of known contaminants. It is a recommendation of this report that a condition be imposed requiring Phase 2 testing to be undertaken prior to the commencement of this approval and that if the testing identifies that remediation is required, then this is to be undertaken in accordance with a Remedial Action Plan, prior to commencement of the use.

### **5.5.2 Marine construction and safe navigation**

Public submissions received identified issues relating to the potential impacts on the safety of passive boat users, including dragon boaters, kayakers and rowers.

#### Marina design and water depths

The proposed fixed wharves and floating pontoons will be constructed on steel piles. The proponent anticipates that dredging of the seabed will not be required for construction or operation of the water-based component. The instrument of approval includes a condition specifying that there shall be no dredging.

The proponent has advised that it intends to construct the marina to a standard higher than that required by Australian Standard AS 3962-2001. A condition is recommended to ensure that at a minimum compliance with the standard is achieved.

#### Sharing the waterway and safe navigation

Fleet vessels already operate from the northern shoreline of Rozelle Bay and regularly transit the old Glebe Island Bridge to gain access to the waters of the main harbour. All of the Fleet's vessels are maintained in commercial survey and information provided by the proponent indicates that the Fleet has an unbroken safety record.

The PPR amended the layout of the water-based component to include the provision of three dolphin<sup>\*</sup> marine structures, including navigational aids. The dolphins will serve to protect the Fleet's berthed vessels and provide temporarily tie off points for vessels in the event of queued vessels waiting to exit/ enter the waters of Blackwattle/Rozelle Bays via the eastern and western channels of the old Glebe Island Bridge.

RMS raised no objections in relation to safe navigation. Sydney Ports Corporation has advised of its requirements for navigation aids, the prevention of coal and grate ash spill into the water and requires details of aids to navigation (lights) on the three proposed "protective dolphins". The instrument of approval includes Sydney Port's requirements.

The Department is satisfied the proposal will not detrimentally impact on public safety or the requirements of other users of the waterway. The Department's recommended conditions of

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<sup>\*</sup> Marine structures that extend above the water level and are not connected to shore, often incorporating lighted navigational aids, and directional signs. Mooring dolphins can also be used to "cushion" ship impacts, somewhat similar to fenders. The structures typically consist of a number of piles driven into the seabed or and connected above the water level to provide a platform or fixing point.

approval include a management plan to minimise conflicts with other water users, a "no wash" requirement, and the use of the protective "dolphins" as parking moorings by public vessels during inclement weather conditions or in the event of vessel queuing.

### Marine ecology

The EA included a flora and fauna assessment report that concluded that whilst the proposal may result in additional shading of a very small proportion of the water lease area, it does not raise any issues in respect of terrestrial and aquatic ecology. NSW Fisheries indicated that given the general absence of underlying marine vegetation and the existing shaded environment created by the Anzac Bridge it is not necessary to incorporate mesh decking material into the proposed wharves and pontoons. NSW Fisheries has indicated support for the project provided that the proponent's erosion and sediment control measures are implemented during the construction and operational phases of the proposal. The timing of the implementation of the erosion and sediment control measures are outlined in the statement of commitments and the Department's recommended conditions of approval.

### **5.5.3 Flooding and Climate Change**

The stormwater drainage system in the surrounding streets cannot accommodate flows from peak storm events, which results in water ponding on Bank Street in front of the site and in some storm events flows passing across the site. The waterfront location of the site also makes the project vulnerable to flooding by the waters of Sydney Harbour. The Department engaged Evans and Peck to provide expert advice on stormwater and flooding impacts.

#### Flooding

Flooding by the waters of Sydney Harbour is likely to be a result of the individual and combined effects of tides and storm surge, sea level rise and wave heights. Issues related to flooding include flood damage, public safety with respect to use of the foreshore walkway and safe evacuation of volunteers and visitors.

Evans and Peck estimates that by 2065 (which generally coincides with the end of Fleets lease period for the land) the risk of flooding within 12 months would be approximately 28% and 100% under medium and high sea level (1.8m AHD) rise events respectively. Waves from wind or passing vessels could exacerbate the sea level rise impact or cause a flood on their own. No data exists on wave height from wind or boats in Blackwattle Bay. It is estimated that the wind is likely to generate waves 0.5m in height.

There is no policy or guideline which defines an acceptable level of risk for a development such as that proposed. Evans and Peck considers that the proponent should be responsible for understanding the inherent risk of flooding (including any subsequent cost) and for implementing any mitigation/adaptation or prevention measures to address their chosen risk. Evans and Peck considers this to be consistent with the approach outlined in the Floodplain Development Manual for commercial development. This approach to managing risk is recognised by the proponent.

The proponent proposes the following mitigation / adaptation measures:

- Use of the ground floor as a workshop relatively immune to flood damages;
- Locating power supply points above the projected 1% AEP 2050 water level of 1.8m AHD; and
- Adoption of a 50 year design life for the development.

Evans & Peck is satisfied that the proponent is aware of the potential issues relating to flooding and has proposed the above measures as a means of addressing the level of risk

which is acceptable to them. Evans and Peck however recommends the following refinements to the proposed measures:

- Assurance that any inundation of the ground floor will not damage machinery, electrical or communication equipment in the plant room or the lift well; and
- Location of power supply points, telecommunication connections and fixed electrical equipment a minimum of 0.5m above the projected 1% AEP 'high' 2050 water level (i.e. a minimum of 2.3m AHD).

The proposed use requires a waterfront location and its spaces must have a direct interface with the water for them to function. This makes the building vulnerable to flooding and the proponent being aware of the potential for flooding, must determine the level of risk it is willing to accept. The proponent has designed the building so that less vulnerable uses (e.g. boat stores) are located in the area most likely to be affected by flooding. The proponent's mitigation / adaptation measures and the additional recommendations of Evans and Peck will ensure that the sensitive elements within those vulnerable areas are protected.

The safety of members of the public using the timber walkway around the foreshore could be threatened if waters overtopped the level of the walkway. Council has also identified this as an issue. Evans and Peck recommends that the walkway be designed to enable the deck to be raised if so required at a later date. The Instrument of Approval includes a condition which specifies this requirement.

#### Stormwater drainage & stormwater quality

The Blackwattle Bay Catchment area flood study indicates that ponding of water up to 0.5m in depth can be expected on Bank Street in the vicinity of the site, which is an indication that the capacity of Council's stormwater drainage system is less than the 100 ARI event. An overland flow path is required to convey excess water around the proposed building to Blackwattle Bay. Evans and Peck believes that the most prudent option to ensure an overland stormwater flow path around the site would be to implement a form of boundary treatment to redirect excess flow around the western side of the site. The proponent has advised further investigation of the overland flow path will occur in the next phase of design. The instrument of approval includes conditions requiring further investigation of these matters. The proponent also proposes to upgrade the drainage system to better contain stormwater within the site.

The EA includes a Water Sensitive Urban Design (WSUD) report which includes MUSIC (Model for Urban Stormwater Conceptualisation) modelling to estimate the quality of stormwater pre and post development. It is proposed to provide a green roof and rainwater harvesting tank as water quality improvement measures. The MUSIC modelling indicates that the proposed measures will marginally improve stormwater quality entering Blackwattle Bay. The proponent proposes to further improve the outcome by providing street trees or bio-filtration gardens in Bank Street. Evans and Peck considers that stormwater pollutants loads from hard paved surfaces of the site are unlikely to have any significant impact on the quality of water entering Blackwattle Bay.

Evans and Peck has also recommended that a stormwater pollution trap be provided that is capable of collecting litter, sediments and hydrocarbons and runoff from the forecourt area around the Anzac Bridge pylon, workshop and vessel maintenance areas prior to discharge into Blackwattle Bay. The Department supports this proposed measure and the instrument of approval includes a condition requiring a stormwater trap to be provided.

#### **5.5.4 Section 94 contributions**

Council's *Ultimo Pyrmont Section 94 Contributions Plan 1994* ('the Section 94 Plan') applies to the site. The proponent has requested that development contributions be based on the two full-time staff to be employed at the facility, but not the volunteers.



The City of Sydney Council considers that volunteers should be included in the calculation of contributions as they will increase demand for public amenities and services, including car parking, footpaths, roads and parks, irrespective of the encouragement of the use of public transport and existing car parks. Council has advised that most of the locality's existing public facilities have been majority-funded by developers through contributions, and it is unreasonable for other developers and existing local residents to fund the cost of new and upgraded facilities required specifically as a consequence of the Fleet volunteers.

However, the Council's position does not have regard to the fact that the Fleet is a community-based organisation which delivers a net public benefit and that the Fleet would not be capable of operating without the assistance provided by volunteers. The Fleet contributes to the cultural richness of Sydney and is a tourist destination which contributes to the economy. Without its volunteers, the Fleet would be unable to make this contribution. In recognition of the contribution provided by the Fleet volunteers and the net public benefit which results from the operations of the Fleet, it is the Department's view that it would be unreasonable to levy a section 94 contribution based on the number of volunteers.

Further, volunteers are unlikely to impose significant demands on local infrastructure and services as the majority of volunteers would be required on a temporary as needs basis. Also volunteers would generally be required on weekends to assist with visitor and tour groups, when the demand for infrastructure and services from other (Monday to Friday) workers is at its lowest.

The Department therefore does not agree with the Council's submission and considers that contributions should be based on the two full time workers at the current indexed contribution rate of \$3,535.77, equivalent to a total contribution of \$7,071.54. The Department's recommended terms of approval includes a condition requiring contribution to this effect.

### **5.5.5 Infrastructure**

The site contains significant infrastructure with an Ausgrid electricity feeder cable (including joint bay) traversing the site and the eastern pylon of the Anzac Bridge adjoining the site. Ausgrid and RMS, the owners of this infrastructure have been notified of the development and have made comments. The instrument of approval requires the proponent to enter into a deed of agreement with RMS and Ausgrid, to ensure that their assets and interests are protected.

## **6. CONCLUSION**

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The Department has undertaken an assessment of the proposal's merits. The assessment has considered the proponents' Environmental Assessment, Preferred Project Report, together with submissions received from the City of Sydney Council, Leichardt Council, and State government agencies and the general public.

The key issues raised in submissions relate to access, traffic and parking; built form and design; visual impacts; noise and air quality; contamination; sharing the waterway and safe navigation; flooding and sea level rise. These issues have been addressed in the proponent's Preferred Project Report and evaluated by the Department's assessment. Where these issues have not been satisfactorily addressed by the proponent, suitable conditions have been included within the recommended terms of approval to ensure that these issues can be mitigated, so as to be acceptable.

The proposal is generally consistent with the objectives of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, City of Sydney Local Environmental Plan 2005, the Bays Precinct Taskforce Report and the Bank Street Master Plan.

The Department considers the site to be suitable for the proposed development and that the proposal is in the public interest. Consequently, the Department recommends that the proposal be approved, subject to the recommended conditions of approval.

## 7. RECOMMENDATION

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It is recommended that the Planning Assessment Commission, as delegate for the Minister for Planning and Infrastructure:

- (a) **consider** the recommendations of this report;
- (b) **approve** the project application under Section 75J of the *Environmental Planning and Assessment Act, 1979*; and
- (c) **sign** the attached Instruments of Approval (**Appendix E**)



4/2/14

Daniel Keary  
**Director**  
Industry, Key Sites and Social Projects



10.2.14

Chris Wilson  
**Executive Director**  
Development Assessment Systems & Approvals

## **APPENDIX A      ENVIRONMENTAL ASSESSMENT**

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See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4500](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4500)



## **APPENDIX B SUBMISSIONS**

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See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4500](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4500)

## **APPENDIX C    PROPONENT'S PREFERRED PROJECT REPORT**

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See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=4500](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4500)

## **APPENDIX D      CONSIDERATION      OF      EPIs      &      OTHER GOVERNMENT POLICIES**

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The Department has considered the Objects of the EP&A Act, including the encouragement of ESD in the assessment of the proposal. The balancing of the application in relation to the Objects is provided in Section 5 of this report.

### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Department has considered the proposed development in relation to ESD principles and has made the following conclusions:

#### **(a)    *the precautionary principle,***

The Statement of Commitments and the Instrument of Approval contain suitable provisions to ensure that there is no threat of serious or irreversible environmental damage as a result of the development of the site.

#### **(b)    *inter-generational equity,***

The development will deliver social benefits for the City of Sydney Local Government Area and NSW. The development and operation of the site will occur in an environmentally sensitive manner to ensure the environment is protected for future generations. The development of the site will access to the foreshore and waters of Sydney water, increasing use and enjoy of the environment in a sustainable manner.

#### **(c)    *conservation of biological diversity and ecological integrity,***

The site does not any environmentally flora or fauna, with the land component largely cleared or reclaimed land. The aquatic survey demonstrates that the water component does not contain any habitat (sea grasses and the like) which require protection. The quality of water discharged into the harbour will not be reduced and arguably improved as it will be discharge in a more controlled manner.

#### **(d)    *improved valuation, pricing and incentive mechanisms.***

The proposal incorporates measures to improve the environmentally sustainable outcomes of the site. It is considered that the project will provide an improved environment to that currently provided.

Accordingly, the proposal is consistent with the principles Environmentally Sustainable Development.

### **SECTION 75I(2) OF THE EP&A ACT / CLAUSE 8B OF REGULATIONS**

Section 75I(2) of the EP&A Act 1979 and clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director General's Report is to address a number of requirements. These matters and the Department's response are set out below:



<b>Section 75I(2) criteria</b>	<b>Response</b>
Copy of proponent's Environmental Assessment and any Preferred Project Report	The proponent's EA and PPR are located at <b>Appendices A and C</b> to this report.
Any advice provided by public authorities on the project	All advice provided by public authorities on the project is included in <b>Section 4</b> and <b>Appendix B</b> of this report.
Copy of any report of a panel constituted under Section 75G in respect of the project	No statutory panel was required or convened in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially governs the carrying out of the project	Each SEPP that substantially governs the carrying out of the project is identified below, including an assessment of proposal against the relevant provisions of the SEPP.
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development against relevant Environmental Planning Instruments is provided below.
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate	The Director General's assessment of the project application is this report in its entirety.
A statement relating to compliance with the Director General's Environmental Assessment Requirements under this Division with respect to the project	It is considered that the proposal adequately complies with the DGRs and the Statement of Compliance appears in <b>Section 3.9</b> of this report.
<b>Clause 8B criteria</b>	<b>Response</b>
An assessment of the environmental impact of the project	An assessment of the key environmental impacts of the proposal is discussed in <b>Section 5</b> of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in <b>Sections 5</b> of this report.
The suitability of the site for the project	The site is a foreshore parcel of land. The site is considered to be well suited to the proposed extension and alterations to the marina.
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	A summary of the issues raised in the submissions is provided in <b>Section 4</b> of this report, with a copy of the submissions located at <b>Appendix B</b> . The proponent's response to submissions appears in <b>Appendix C</b> .

## ENVIRONMENTAL PLANNING INSTRUMENTS

To satisfy the requirements of section 75I(2)(d) and (e) of the EP&A Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The primary controls guiding the assessment of the proposal are:

- *State Environmental Planning Policy (Major Projects) 2005;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy 33 – Hazardous and Offensive Development;*
- *State Environmental Planning Policy 55 – Remediation of Land;*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;*
- *City of Sydney City Local Environmental Plan 2005; and*
- *City of Sydney City Local Environmental Plan 2012.*

Development standards contained within local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R

Part 3A of the EP&A Act. Notwithstanding, the objectives of the above EPIs, relevant development standards and other plans and policies that govern the carrying out of the project are appropriate for consideration in this assessment.

To satisfy the requirements of Section 75(2)(d) and (e) of the EP&A Act, this report includes reference to the provisions of the Environmental Planning Instruments that substantially govern the carrying out of the proposal and have been taken into consideration in the Environmental Assessment of the proposal.

### ***State Environmental Planning Policy No. 55 – Remediation of Land***

State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55) states that a consent authority must not grant consent unless it has considered whether a site is contaminated; if contaminated, whether the site is suitable for or can be remediated to be made suitable for the proposed use; and whether the site will be remediated prior to the use commencing. This assessment satisfies these requirements as:

The preliminary contaminated land assessment report submitted with the application considered that the site may have been contaminated from site derived sources, including previous uses or importing of contaminated fill or from external sources such as the former CSR industrial facility which sat up hill from the subject site. The report reviewed previous sampling which had occurred on site but did not undertake any additional testing. The previous sampling revealed the presence of some contaminants. It is a recommendation of the report that additional testing be undertaken. The EPA also recommended that additional testing be undertaken.

The contaminated land assessment report also considered the potential for contamination in the water based component of the site. It recommended that additional testing be undertaken here as well, but in the absence preparation of a construction methodology which controlled movement of marine sediments. The EPA recommended similar precautions be undertaken to control construction impacts.

The available information suggests that the site is contaminated and likely to be able to be remediated. It is the recommendation of this report that a condition be imposed requiring this testing to be undertaken prior to the commencement of this approval. If the testing identifies that remediation is required, then this be undertaken prior to commencement of the use.

### ***Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005***

The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP 2005) applies to the site and is required to be considered in the assessment of the application. The water based portion of the site is zoned 'W1 Maritime Waters' under the provisions of SREP 2005. It is the view of the Department that the proposal could be best defined as a 'commercial marina' and a 'community facility'. The two uses are defined by SREP 2005 as follows:

***Commercial marina*** means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and
  - (b) any facility for providing fuelling, sewage pump-out or other services for boats, and
  - (c) any facility for launching or landing boats, such as slipways or hoists, and
  - (d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and
  - (e) any associated single mooring,
- but does not include a boat repair facility or a private marina.

**Community facility** means a building or place that provides for the physical, social, cultural, religious or intellectual development or welfare of the community.

The water-based portion of the site is zoned W1 (Maritime Waters) under SREP 2005 and 'Commercial Marinas, and 'Community facilities' are permissible with consent.

The project is consistent with objective (b) of the W1 zone as it will not adversely impact on the effective and efficient movement of commercial vessels and public water transport. The Fleet currently operates vessels within the same waterway, co-existing with commercial and transport vessels. The location of the new facility in close proximity to the old Glebe Island Bridge provides the Fleet's vessels with ready access to the waters of the main harbour where the majority of the tours take place, reducing vessel traffic in Rozelle Bay.

The project is consistent with objective (c) of the zone as it is a publicly accessible, community-based maritime facility, which will promote equitable use of the waterway. Public access to the passive boat ramp will be maintained and harbour tours on the historic vessels made available. The public will also be able to passively appreciate the waterway from the foreshore promenade and wharves.

The site is within the 'Foreshores and Waterways Area' defined in SREP 2005, and in accordance with Clause 20 the following matters are required to be considered in the assessment of the application:

- *Clause 21: Biodiversity, ecology and environment protection* – The site does not have high environmental values, with the land component be largely cleared and the water component not containing habitat for marine life. The construction of the project will not therefore directly impact on any high value environment. The development will include water control measures to reduce and control water runoff from the site.
- *Clause 22: Public Access to, and use of, foreshores and waterways* - The proposal includes a publicly accessible foreshore walkway. Additional facilities are proposed adjacent to the walkway including exhibition spaces and a cafe to enliven the environment.
- *Clause 23: Maintenance of a working harbour* – The proposed use is compatible with the maintenance of a working harbour and directly linked with the historic use of the harbour and waterways. Its approval would be consistent with the general intent of making the harbour available to uses other than residential.
- *Clause 24: Interrelationship of waterway and foreshore uses* – The proposal will provide foreshore access and create an active foreshore environment.
- *Clause 25: Foreshore and waterways scenic quality* – The proposed development will not adversely impact upon the unique visual qualities of Sydney Harbour.
- *Clause 26: Maintenance, protection and enhancement of views* – The impact of the proposed development on the public view is considered acceptable, as discussed in Section 5.6 under the heading, Visual Impact, Views and Outlook.
- *Clause 27: Boat Storage Facilities* – The proposed facility does not provide space for private berths. The Fleet is a volunteer based organisation and members of the public are able to join the organisation and participate in activities and use the available facilities.

### ***City of Sydney Local Environmental Plan 2005 (SLEP 2005)***

At the time of its declaration as a major project (21 January 2011), SLEP 2005 applied to the site, with SLEP 2012 still in draft form.

Chapter 3 of SLEP 2005 applies to the Pyrmont/ Ultimo area and the subject site was zoned Public Recreation. The relevant provisions relating to the Public Recreation zone are as follows:



*(1) Only uses that the consent authority is satisfied are consistent with the zone objectives are permissible in this zone. However, the consent authority may consent to other uses being carried out beneath land used as a public recreation area.*

*(2) The objectives of this zone are:*

*(a) to establish public recreation areas which serve the needs of residents and workers within Ultimo-Pyrmont and the adjoining suburbs, and*

*(b) to provide public access to all parts of the public domain, especially waterfront areas and escarpments, and*

*(c) to provide a variety of public areas and recreational opportunities, and*

*(d) to provide for facilities that accommodate or are ancillary to recreational activities relating to the use of the public domain.*

*(3) Uses permissible in the zone adjoining the Public Recreation zone are also permissible in the Public Recreation zone for a distance of 10 metres from the zone boundary if, in the opinion of the consent authority, it would allow a better relationship between use of land as a public recreation area and use of the adjoining land and would not decrease the total amount of land that will be available for use as a public recreation area.*

Zoning provisions specify that only uses that the consent authority is satisfied are consistent with the zone objectives are permissible in this zone. An assessment of the project against the zone objectives is made below.

Objective (a) promotes the establishment of public recreation areas which serve the needs of the residents and workers of the Pyrmont community. The Fleet is a volunteer based organisation and will meet the needs of residents and workers to participate in an inclusive activity, learn new skills and volunteer in service to the community.

Objective (b) promotes public access being provided to all parts of the public domain. The project includes a foreshore walkway. The community is also able to participate in activities undertaken within the facility.

Objective (c) promotes the provision of a variety of public areas and recreation opportunities. The proposed facility is an alternative to an area of soft public domain and provides uses which serve the intellectual (i.e. museum & research facilities) and physical needs (i.e. community workspace) of the community.

Objective (d) promotes the provision of facilities to support recreational activities. The proposed facility maintains access to the passive boat ramp and provides flexibility to accommodate the needs of other users.

As the proposed uses are consistent with the zone objectives, they are permissible in the zone.

The Major Project Declaration indicates that at the time, the Minister formed the opinion that the proposal was permissible in the zone and consistent with its objectives as the proposal seeks to maintain public access to the waterfront area and provide a variety of public areas and recreational opportunities.

#### Planning Principles for Pyrmont Ultimo

The proposal is consistent with the relevant planning principle in relation to Leisure and recreation. In this regard, the proposal would utilise the foreshore location of the Bank Street site to facilitate the use of Sydney Harbour for leisure and recreation. Public access to the foreshore of the site with adjoining linkages would be provided and this will contribute to the

aim of providing public access to the entire foreshore in Ultimo-Pyrmont. The proposal is consistent with the planning principle in that it is broadly compatible with adjoining land uses, and would provide for waterfront and water-based recreation and tourism activities.

#### Maximum building height

The proposed building would have a maximum height of 11.3 m, measured from the flat roof of a three-storey portion in the midsection of the building, the finished ground level below. The Bank Street elevation of the proposed building would present as a two-storey form and have a height of 8.5 metre. The building will also have a two-storey/8.5 metre height on the foreshore elevation.

Clause 93 of SLEP 2005 states that the maximum building height on land in the Public Recreation zone must not exceed 7 metres in height. Before granting consent for any building that will attain the maximum building height, the consent authority must be satisfied that the building will meet such of the urban design requirements made by this plan as are relevant. In this regard, the relevant urban design requirements are as follows:

*(a) Building heights should allow a reasonable sharing of distant views from buildings by their occupants.*

#### Comment:

The issue of view loss is discussed in Part 5.3 of this report.

*(d) The heights and form of buildings are to take account of visual impact, solar access, wind impact and, where appropriate, the privacy of residences, in order to contribute to a high quality of environmental amenity in intensively used parts of the public domain and in residential areas.*

#### Comment

The issue of view loss is discussed in Part 5.3 of this report. The proposal will not have an unreasonable impact on aural and visual privacy of nearby residences. The proposal will contribute to high quality public domain by facilitating public access to the foreshore and providing passive surveillance of the adjoining future foreshore park.

*(e) Buildings fronting the public domain should have appropriate height, bulk, finish and street alignment so as to enhance its quality by complementing its character. In general the scale of street facades must be appropriate to the width of adjoining streets or lanes, adjoining heritage items or other contextual elements.*

#### Comment

The adjoining building to the northern Bank Street elevation has a height of 7 metres, and the height of the proposal will exceed this by approximately 1.5 metres. The residential development on the opposite side of Bank Street sits above a 9-10 metres high cliff. In this context, the modest 2-3 storey scale of the proposed building will complement the streetscape of Bank Street in the vicinity of the site.

*(f) Higher buildings may be accommodated if they will not compromise the environmental amenity and general scale of buildings in their locality.*

#### Comment:

Part 5 of this report has demonstrated that the height of the proposed building would not unreasonably compromise the environmental amenity of the occupants of adjoining buildings in the locality terms of intrusive noise, overlooking traffic impacts, view loss or otherwise.

*(g) Development on the waterfront and on adjoining land is to maximise the environmental quality of those parts of the peninsula for all users.*

**Comment:**

The proposed development will contribute to the implementation of a publicly accessible foreshore promenade along the entire foreshore Blackwattle Bay, as envisaged by the Bank Street Master Plan.

The height of the proposal would not unreasonably compromise the amenity of the public domain or the amenity of the occupants of nearby residential buildings. The height of the proposal would be dwarfed by the monumental scale of the Anzac bridge eastern pylon, and the surrounding residential towers. The height of the proposal is considered to be acceptable in the context of its foreshore location and the scale of surrounding development.

**City of Sydney Local Environmental Plan 2012 (SLEP 2012)**

SLEP commenced on 14 December 2012 and repealed SLEP 2005, which previously applied to the site. The savings provisions outlined in Clause 1.8A of SLEP 2012 indicate that:

*If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced.*

While the proposal is a transitional part 3A project application rather than a development application, it is considered that it would be prudent to give consideration to the provisions of SLEP 2012.

The land based portion of the site is zoned 'RE1 Public Recreation' under SLEP 2012. The objectives of this zone are as follows:

- *To enable land to be used for public open space or recreational purposes;*
- *To provide a range of recreational settings and activities and compatible land uses;*
- *To protect and enhance the natural environment for recreational purposes;*
- *To provide links between open space areas; and*
- *To retain and promote access by members of the public to areas in the public domain including recreation facilities and waterways and other natural features.*

The proposed uses (*information and education facilities, jetties, kiosk, food and drinks premise, signage and water recreation facilities*) are permissible with consent. The uses are also consistent with the relevant zone objectives which seek to provide a range of recreational settings and activities and compatible land uses.

Accordingly, the land based component of the proposal is permissible with consent, and the proposal is considered to be consistent with the relevant objectives of the zone.

**Other government policies**

In addition to the environmental planning instruments which apply to the site, the consideration has been given to the following policy documents which also apply to the site:

- *Sydney Harbour Foreshore & Waterways Area Development Control Plan 2005;*

**Sydney Harbour Foreshore & Waterways Development Control Plan (2005)**

The area relevant to this Development Control Plan (DCP) is the Foreshores and Waterways Area as defined in SREP (Sydney Harbour Catchment) 2005 and as identified in this DCP. The

DCP applies to all development proposals within the Foreshores and Waterways Area identified in SREP (Sydney Harbour Catchment) 2005.

The proposal complies with the objectives and requirements for water-based and land/water interfaces under the DCP as follows:

- Public access to the waterway is improved as a result of the proposed foreshore walk, providing 24 hour access around the southern and western sides of the site. The proposed walkway will enable future linkages with the public spaces and development that are anticipated to the east and north-west of the site, as well as providing direct access back to Bank Street.
- The development provides for passive and active boating recreational activities, a small watercraft storage facility and retention of the existing passive boat launching ramp. The shared usage of the site by existing and future passive boating enthusiasts is encouraged to minimise the number of structures and their cumulative impact on the environment of the Harbour and its tributaries.
- The foreshore location is warranted as the Fleet opts to maintain the maritime history of Australia and provide harbour cruises on Fleet vessels

The EA includes a Terrestrial Flora & Fauna Assessment and Aquatic Ecology Assessment. Both reports conclude that the proposal would not result in detrimental impacts on the ecological communities within the study area of the site. As such, the proposal satisfies Part 3 (Ecological Assessment) of DCP 2005.

Part 4 of DCP 2005 identifies the design guidelines for land/water interface development and applies to commercial marinas. Part 4 also identifies matters for consideration which are intended to reinforce existing controls within other planning instruments with the specific purpose of ensuring development is sympathetic to the natural and cultural qualities of the area covered by SREP 2005. The following objectives and requirements must be considered for all water-based and land/water interface developments:

- *public access to waterways and public land is maintained and enhanced;*
- *congestion of the waterway and foreshore is minimised;*
- *conflicts on the waterway and foreshore are avoided;*
- *the development warrants a foreshore location;*
- *the development does not interfere with navigation, swimming or other recreational activities;*
- *the demand for the development has been established;*
- *the structure does not obstruct or affect the natural flow of tides and currents;*
- *development does not dominate its landscape setting;*
- *the extent of development is kept to the absolute minimum necessary to provide access to the waterway;*
- *shared usage of facilities is encouraged to minimise the number of structures and their cumulative impact on the environment of the Harbour and its tributaries; and*
- *development is setback at least 2.5 metres from the division of the waterway as established by the NSW Maritime Authority.*

The proposal involves the retention of the existing passive boating ramp, together with its availability for use by the general public. The proposal not result in congestion of the waterway or conflicts on the waterway.

Where marinas are permissible, section 4.7 of the DCP lists numerous objectives and guiding principles that must be considered. These relate to location, design and layout, facilities and services, visual impact, environmental management, and health and safety.

The proposal generally meets the various objectives and principles. In particular, the proposal will provide improved boating services facilities, a visual impact analysis has been



submitted with the application and the visual impact of the proposal is considered by the Department to be acceptable, parking impacts have been addressed, and potential noise impacts can be suitably ameliorated by appropriate conditions of consent.

Accordingly, the proposal is considered consistent with the objectives and provisions of DCP 2005.

## **APPENDIX E    RECOMMENDED CONDITIONS OF APPROVAL**

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