

**CRUISING YACHT CLUB OF AUSTRALIA
1 NEW BEACH ROAD, DARLING POINT DA441/2009/1**

**SYDNEY HARBOUR FORESHORES & WATERWAYS AREA DEVELOPMENT CONTROL PLAN
(SHDCP)**

ASSESSMENT TABLE

[The DCP applies to development within the foreshores and waterways area. It contains performance-based criteria and guidelines which need to be taken into consideration when assessing DAs. NOTE: While the majority of the DCP is a carryover from the DCP which supplemented the previous SREP 23 specific provisions relating to the assessment of marinas was added]

| Part | Assessment |
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| Part 2. Ecological assessment | |
| Ecological communities | |
| Terrestrial | |
| - None identified | n/a |
| Aquatic | |
| - None identified | n/a |
| Part 3. Landscape assessment | |
| 3.2 General aims All development should aim to: | |
| <ul style="list-style-type: none"> Minimise any significant impact on views and vistas from and to: <ul style="list-style-type: none"> Public places Landmarks identified on the maps accompanying the DCP, and Heritage items Ensure it complements the scenic character of the area Protect the integrity of foreshores with rock outcrops, dramatic topography or distinctive visual features Provide a high quality of built and landscape design Contribute to the diverse character of the landscape | <p>There will be some impacts on views from limited sections of New Beach Road and the Plantation Reserve which are discussed in detail in 17.1 of the report.</p> <p><i>Satisfactory</i></p> <p><i>Satisfactory</i></p> <p><i>Satisfactory</i></p> <p><i>Satisfactory</i></p> |
| - <i>Landscape character type 10</i> | Special natural elements will not be impacted; the nature of the bay will not be lost; and, commercial marina activities are established |
| Part 4 Design guidelines for water-based and land/water interface development | |
| 4.2 General | |
| public access to waterways and public land is maintained and enhanced; | Public access to the waterway will be enhanced by the proposed additional berths. Public access to public land will not be affected with better access proposed via the public walkway through the site - <i>Satisfactory</i> |
| congestion of the waterway and foreshore is minimised; | The additional marina berths will not cause congestion of the waterway. Parking congestion on the foreshore will be potentially improved - <i>Satisfactory</i> |
| conflicts on the waterway and foreshore are avoided; | The additional marina berths will not cause conflicts on of the waterway. Parking conflicts on the foreshore will be potentially improved - <i>Satisfactory</i> |
| the development warrants a foreshore location; | <i>Satisfactory</i> |

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| the development does not interfere with navigation, swimming or other recreational activities; | <i>Satisfactory</i> |
| the demand for the development has been established; | <i>Satisfactory</i> |
| the structure does not obstruct or affect the natural flow of tides and currents; | The floating pontoon extension to arm D will be further from the stormwater channel outlet than the exiting arm A. The floating pontoon design will still allow the natural flow of tides and currents. The amended DA removed the encroachment of the basement car park into Rushcutters Bay, reducing the possibility of water flows being affected - <i>Satisfactory</i> |
| development does not dominate its landscape setting; | The scale of the development, being not dissimilar to what currently exists, will not dominate the landscape setting - <i>Satisfactory</i> |
| the extent of development is kept to the absolute minimum necessary to provide access to the waterway; | <i>Satisfactory</i> |
| 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; | Marinas potentially reduce the need for individual boat storage structures - <i>Satisfactory</i> |
| development is setback at least 2.5 metres from the division of the waterway as established by the NSW Maritime Authority and illustrated in Figure 4 | <i>Satisfactory</i> |
| 4.7 Commercial marinas | |
| Location | |
| Marinas (where permissible) are to be located where they can be used by as many people as possible and are easily accessed from land and water | The location regarding access is existing - <i>satisfactory</i> |
| marinas are to be located where there is adequate water depth or where minimal dredging of soft material will achieve an adequate water depth; | Water depths in the location of the additional berths are such that dredging is not required – <i>satisfactory</i> |
| marinas are to be located away from areas subjected to exposed wave environments; | Rushcutters Bay is not an exposed wave environment and the additional berths will be in an area that is further protected by existing pontoons. – <i>satisfactory</i> |
| marinas are preferably to be located away from wetlands or the wetlands protection area (both as defined by the SREP) or where they or the vessels using them will physically damage or overshadow estuarine vegetation of high value. Clauses 61 to 63 inclusive of SREP (Sydney Harbour Catchment) 2005 indicate provisions relevant to wetlands protection; | The marina is not in a wetlands protection area. Existing seagrass will not be physically damaged by the marina or vessels. Seagrasses in the shading footprint is of very low density and area and is unlikely to be able to support any ecological communities of fish or invertebrates. Measures to mitigate against the migration of suspended sediment will reduce the possibility of damage to seagrass during the construction phase - <i>satisfactory</i> |
| marinas are not to reduce the number of publicly available single (swing) moorings, jeopardise safe navigation or adversely impact other water users including small craft; | The boat storage capacity of the marina will be increased by 6. The loss of 3 swing moorings is therefore considered to be acceptable. The marina will not jeopardise safe navigation or adversely impact other water users – <i>satisfactory</i> |
| waterside structures are to minimise impacts on public water activities. | Waterside structures will not impact on public water activities - <i>satisfactory</i> |
| Design and layout | |
| buildings and other facilities are to be designed and sited so that natural or other attractive features are not obscured (see also Section 4.5 of this DCP); | Proposed buildings will not obscure natural or attractive features. Visual impacts are considered to be satisfactory subject to conditions to reduce the impact on view from residential units in New Beach Road. Regarding s.4.5 of the SHDCP: |

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| | <ul style="list-style-type: none"> • The proposed buildings will not be of contrasting scale or design to existing buildings • The shape of the proposed building will harmonise with its surroundings • Lighting is not expected to have impacts regarding night navigation and standard lighting conditions are recommended • Materials will not result in excessive reflections and will satisfy the provisions of the BCA • External finishes, including colours, will be sympathetic with the surroundings; the waterside elevation will feature timber (recycled from the existing deck) cladding and aluminium glazing/lovures; the New Beach Road elevation will feature stone cladding and horizontal, operable, aluminium lovures; the roof to the 2 storey section will be dual pitched with metal sheeting while the single storey section will have a landscaped roof. • The visual impact will be mitigated by articulation of building facades and roofs • View impacts are considered to be satisfactory, subject to the 2 storey section of the building being redesigned and lowered <p>– <i>satisfactory</i></p> |
| buildings are to be designed so that their dimensions are not excessive and can reasonably meet the functional requirements of the proposed uses; | The design of the building does not result in its dimensions being excessive, subject to the 2 storey section being lowered - <i>Satisfactory</i> |
| marinas are to enhance public access to and along the shore and, where relevant, the inter tidal zone; | The proposal will improve public foreshore access through the proposed public walkway through the site - <i>Satisfactory</i> |
| Secure storage is to be provided in a controlled environment; | Storage areas, including lockers, are shown as being within the proposed building - <i>Satisfactory</i> |
| the extent of development over water including waterside structures, berths, fairways and access channels is to be minimised and result in minimal alienation of the waterway; | The waterbased component will not result in the alienation of the waterway - <i>Satisfactory</i> |
| marinas are to be in the form of a series of interlinked pontoons which shall be restrained and held in position by a minimum number of piles or mooring lines to anchor points in the seabed; | <i>Satisfactory</i> |
| design of marina restraints shall take into account the flexibility and performance of the pontoon systems under environmental loads; | <i>Satisfactory</i> |
| the colours, appearance and form of any associated buildings shall be compatible with the surrounding environment; | The colours, appearance and form of the proposed building are considered to be compatible with the surrounding environment - <i>Satisfactory</i> |
| shiny or reflective materials are not to be used; | The materials are considered to be appropriate in terms of reflectivity - <i>Satisfactory</i> |
| the depth and width of berths and fairways of commercial marinas shall accommodate either a yacht or motor vessel. Restricted berths are to be nominated only where this will lead to an optimal environmental | The additional marina berths are intended to accommodate yachts, consistent with the nature of boating associated with the CYCA. The berths would be capable of accommodating power boats without |

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| outcome; | environmental consequences – <i>satisfactory</i> |
| commercial marinas are to provide a point of access to boats for disabled people where possible; | A condition of consent has been recommended for the provision of a point of access to boats for people with a disability - <i>Satisfactory</i> |
| marinas are to be designed to minimise the impact of vessels when in use on the environment including on air and water quality, marine habitat and bank stability; | The design of the marina is considered to be satisfactory with regard to the impacts of vessel use on the environment – <i>satisfactory</i> |
| <p>marina layouts are to be designed in accordance with the following publications:</p> <ul style="list-style-type: none"> • Department of Environment and Conservation (NSW) "Environmental Information for Marinas, Boatsheds and Slipways" (November 1998). NSW Maritime Authority "Engineering Standards and Guidelines for Maritime Structures" • NSW Fisheries Department's "Aquatic Habitat Management and Fish Conservation—Policy and Guidelines", 1998 • NSW Department of Primary Industries – Fisheries "Policy and Guidelines – Aquatic Management and Fish Conservation (1999)". • NSW Department of Primary Industries – Fisheries "Habitat Protection Plan No. 2: Seagrasses"; and • NSW Department of Primary Industries – Fisheries "Habitat Protection Plan No. 1: General". | The marina has been designed in accordance with the relevant publications. NSW Industry & Investment have considered the proposal in its capacity as an approval body under the integrated development regime and has issued its general terms of approval. <i>Satisfactory</i> |
| Facilities and services | |
| commercial marinas are to provide boating service facilities such as fuel, water, toilet facilities or sewage pumpout where practicable and where such facilities are not yet locally available; | The marina's existing boat servicing facilities are considered to be satisfactory - <i>satisfactory</i> |
| commercial marinas are to provide a mix and choice of boat storage facilities based on established demand as well as a range of marine services to the boating public; and | The marina will provide marina berths and swing moorings. Berths at the CYCA are almost all occupied by yachts and this is consistent with the nature of the CYCA. The CYCA has a range of marine services available to the boating public, e.g shipwright, chandlery, etc - <i>Satisfactory</i> |
| commercial marinas are to provide benefits to both the general and boating public; and | Benefits to the general public include better access to the foreshore – <i>satisfactory</i> |
| vessels at the marina are not to be used as a permanent residence. A covenant shall be included on the lease to enforce this requirement. | Noted |
| Visual Impact * | |
| the visual contrast (derived from an analysis of form, line, colour and texture) between the marina and the existing or planned future character of its setting is to be minimised; | The visual contrast between the marina and the character of the setting is considered to be minimised – <i>satisfactory</i> |
| the visual impact of the marina on people in the visual catchment (derived from an analysis of the potential number of viewers, their location within the landscape, distance from the marina, and duration of view) is to be minimised; | The visual impact on people occupying public and private land has been discussed in part 17.1 of the assessment report. Conditions are recommended to redesign the 2 storey part of the proposed building to reduce the impact on views from private residential units in New Beach Road - <i>Satisfactory</i> |
| any visual analysis shall consider the impact of the largest motor vessel(s) capable of being berthed at the marina; | The visual analysis, in terms of the water based component, has considered the impact of the largest type of vessel capable of being accommodated at the additional marina berth, i.e. 18m yachts - <i>Satisfactory</i> |
| the largest vessels (motorised or otherwise) to be | The location of the proposed additional berths in |

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| berthed at the marina are to be located as far from shore as possible; | relation to the shoreline is considered to be satisfactory. It is noted that the curvature of the shoreline may mean that from some parts there will be smaller vessels further from the shoreline than the proposed additional vessels - <i>Satisfactory</i> |
| waterside structures and berthed vessels associated with marinas are not to block views from foreshore public open space or views to foreshore public open space from the waterway; | View impacts of waterside structures and berthed vessels in relation to foreshore public open space are considered to be acceptable, see part 17.1 of the assessment report- <i>Satisfactory</i> |
| the bulk and scale of buildings and other structures on land is to be minimised through appropriate mitigation measures including landscaping, articulated walls, detailing of surfaces and by using smaller elements (see also Section 4.5 of this DCP); | The articulation and detailing of the proposed building are considered appropriate in terms of its bulk and scale - <i>Satisfactory</i> |
| the visual impact of car parking from the waterway is to be minimised; and | Car parking will mainly be in the basement. The car parking spaces on the hardstand will not be readily visible from the waterway due to the distance from the water and the elevation of the hardstand - <i>satisfactory</i> |
| all signage is to be located on dry land below the roofline (or parapet) of buildings. Advertising signs are not to detract from the visual quality or amenity of the foreshores and waterways when viewed from the waterways. | No advertising signs are proposed |
| Environmental management | |
| <p>Pollution and waste:</p> <ul style="list-style-type: none"> • potential pollutant sources from the site must be controlled and meet established performance standards; • appropriate controls are to be in place and managed to prevent any pollutants entering the environment; • marinas for nine or more vessels are to provide adequate and readily accessible facilities for the collection and disposal of wastes from vessels; • facilities for pumping out sewage holding tanks are to be provided onshore; and • any waste that cannot be recycled is to be disposed of at an appropriate facility. | <p>Existing pollution control measures and facilities are considered to be satisfactory for the relatively small increase in the boat storage capacity of the marina.</p> <p>Impacts can otherwise be appropriately managed through an Environmental Management Plan.</p> <p>The marina constitutes a 'scheduled activity' under the Protection of the Environment Operations Act and is therefore subject to licensing by DECCW - <i>satisfactory</i></p> |
| <p>Traffic and Parking:</p> <ul style="list-style-type: none"> • land-based impacts including traffic volumes and parking demand meet established performance standards; • adequate car and trailer parking (based on the number and type of berths, associated activities and number of employees) is to be available on-site. Off-site parking is acceptable only where it will not reduce community amenity or generate adverse traffic impacts; and • the adverse impacts of traffic and parking generated by boat storage facilities in terms of congestion, safety, air quality and noise are to be minimised. | <p>Traffic and parking impacts are discussed in the assessment report in relation to Council's Car Parking DCP. Parking is presently an issue in New Beach Road due to demand generated by the existing marinas, residential units and parks. The proposal will provide more car parking spaces than the additional demand generated by the proposal. Therefore, in principle, there is the potential for the existing car parking situation to be improved as more CYCA patrons will be able to park on site, thereby reducing the demand for on-street parking - <i>Satisfactory</i></p> |
| <p>Noise:</p> <ul style="list-style-type: none"> • the adverse impacts of noise (considering hours of operation, existing background noise, expected departure/arrival times for vessels, noise level of marina patrons, noise level from repair and testing of vessels and motors) are to be minimised through appropriate design and management measures; and | <p>The EIS included a report prepared by a noise consultant. The report was reviewed by Council's Environmental Health Officer. It is considered that noise associated with the construction and operational phases can be appropriately managed through conditions of consent and construction and noise and vibration management plans - <i>Satisfactory</i></p> |

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| • land-based impacts including noise emissions meet established performance standards. | |
| Lighting: • the adverse impacts of lighting on night navigation and neighbours are to be minimised through appropriate design and management measures. | Lighting impacts are considered to be satisfactory subject to the imposition of standard conditions on any consent – <i>satisfactory subject to condition</i> |
| Health and amenity | |
| Marinas are to be a safe place to work and adequate environmental safety and emergency response plans are in place. | Noted. Environmental safety and emergency response plans will form part of the Environmental Management Plan – <i>satisfactory</i> |

*The following figures are taken from the SHDCP, Appendix and relate to assessing visual impacts of marina developments.

FIGURE D1. INDICATIVE POTENTIAL VISUAL IMPACT OF VARIOUS DEVELOPMENT SCENARIOS

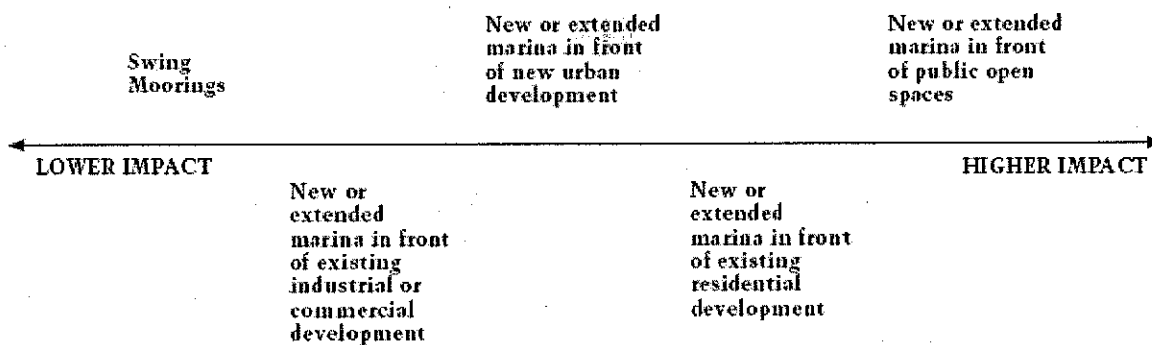


FIGURE D2. INDICATIVE CONTRIBUTION TO POTENTIAL VISUAL IMPACT

| Factor | Low Impact | Medium Impact | High Impact |
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| Location of viewer | Elevated position (ridge top) with clear view over marina. | Slightly elevated (lower slopes) with partial view over marina. | Adjoining shorelines or waterway with view blocked by marina and boats. |
| Distance of view | Land areas or waterway. (> 1000 m) | Land areas or water. (100-1,000 m) | Adjoining shoreline or waterway (< 100 m) |
| Period of view | Glimpse (eg moving car, bus or bike). | Few minutes up to half day (eg walking along foreshore, recreation in adjoining open space, boating on adjoining waterway). | Majority of day (e.g. adjoining residence or workplace). |
| Scale or relative size | Powerboat or yacht. (< 10 m long) | Powerboat or yacht (10-30 m long) | Powerboat or yacht. (30-50 m long) |
| Spatial relationships | Swing moorings adjoining relatively straight shoreline. | Marina adjoining relatively straight shoreline or swing moorings in narrow enclosed bay. | Marina in narrow enclosed bay. |
| Motion of objects | Motionless flags, wind generators and other objects. | Gently fluttering flags and slowly moving wind generators and other objects. | Flags fully extended and regularly changing direction, wind generators at full speed etc. |