

JRPP No.	Item 1 - 2010SYE012
DA No.	09/1128
Proposed Development	demolition of part of existing berthing structure and mooring piles, construction of a 32 berth floating marina structure & provision of associated services, 2C Margaret Street, Woolwich Woolwich Marina
Applicant:	Lesley Anne Newton
Report By:	Kerry Smith

Assessment Report and Recommendation

OWNER	NSW MARITIME
DATE LODGED	11 DECEMBER 2009
BUSINESS PROGRAM	DEVELOPMENT CONTROL
FILE	1455/2C & DA2009-1128

1. SUMMARY

Reasons for Report

The proposal, being designated development, is subject of a decision by the Joint Regional Planning Panel (JRPP), as the consent authority, and the assessment prepared by Council Officers regarding this application is required to be submitted to the Panel for consideration.

The application is one of integrated development as concurrence is required from the NSW Office of Water under the *Water Management Act 2000* and from the Department of Industry and Investment (Fisheries) under the *Fisheries management Act 1994*.

Issues

- Off street parking
- Traffic generation
- Water quality and sediments
- Visual impediments
- Sewerage disposal
- Hours and days of operation
- Residential amenity
- Security access
- Acid sulfate soils and heavy metals

Objections

Ten (10) letters of objection, one (1) letter of support (in part) and a petition in support of the proposal containing fifty (50) signatures were received as a result of the public exhibition of the application.

Recommendation

The application is recommended for approval for reasons that it is reasonable having regard to:

1. it is permissible
2. it complies with the relevant planning objectives contained in the planning instruments and Development Control Plan(s); *and*
3. it will not have adverse effects on the amenity of adjoining and nearby properties.

2. DESCRIPTION OF PROPOSAL

This application proposes to:

- demolish part of the existing fixed timber berthing structure (currently holding 20 berths) and mooring piles
- relinquish ten (10) commercial swing moorings (currently holding twenty (20) swing moorings) held under a lease through NSW Maritime.
- construct a new thirty two (32) berth floating marina structure, including breakwater pontoons and holding spaces for rigging and slipping
- provide various services on the berthing structure
- provide for a public sewage pump out facility on the floating marina

The redeveloped marina would accommodate power vessels as well as yachts, as it does at the present time, up to 18 metres in length.

No dredging is proposed and no works are proposed to the existing slipways. Fuel will not be sold to boat owners.

3. DESCRIPTION OF SITE AND LOCALITY

The area, subject to redevelopment only, is that on the water and below mean high watermark and subject of a current lease (No.RP5298) with NSW Maritime that is being re-negotiated for a larger area of the River.

4. PROPERTY HISTORY & BACKGROUND

The proposal was subject of a preliminary DA meeting held on 2 December 2009 with Council's Development Control Unit. Advice was given as to the necessary documentation, the JRPP process and the timing of public notification.

This application is required to be presented to the JRPP for their determination, as the development is a designated development application.

As the proposal is an integrated development application, the concurrence of the NSW Office of Water and the NSW Department of Industry and Investment are required before consent can be issued. Both of these departments have given their concurrence to the application. Copies of these letters are **attached**.

5. STATUTORY CONTROLS

5.1 Relevant Statutory Instruments

Environmental Planning and Assessment Act, 1979

Local Environmental Plan No.1 (as amended)

Zone:	Not applicable
Conservation Area:	No
Foreshore Scenic Protection Area:	No
SREP (Sydney Harbour Catchment) 2005	Yes
Development Control Plan:	No
Listed Heritage item:	No
Contributory Building:	No
Vicinity of Heritage Item:	Yes

6. POLICY CONTROLS

Not applicable.

7. REFERRALS

7.1 External Approval Bodies

As the application is both 'Integrated Development' and 'Designated Development', as defined, the proposal was referred to the Department of Planning, The NSW Office of Water, the Department of Industry and Investment and the Joint Regional Planning Panel.

Replies have been received from the Office of Water and the Department of Industry and Investment.

7.2 Health & Building

Not applicable.

7.3 Heritage

As stated within the body of the report, the application was referred to Council's Heritage Adviser for comment in relation to the heritage impact assessment prepared for and submitted with the Environmental Impact Statement that accompanied the application. The Heritage Adviser by memo dated 7 March 2010 has reported in part as follows:-

Heritage Status: Not listed; adjoins Sch. 6 items at: Site of former Woolwich Wharf (HHLEP No. 477); Sydney Smelting Works site- Kelly's Bush (No. 439); Items in vicinity include: Kelly's Bush Park (SHR No S90/05764; H99/00055 [S170]); Kelly's Bush (No. 467); 2a Margaret St (No. 225); 2b Margaret St- "Glen Mahr" (No 226); 3 Margaret St (No 227); 4 Margaret St (No 228); 3 Alfred St- "Woodstock" (No 051); 8, 10, 12, 14 Alfred St (Nos 52, 53, 54, 55); Margaret St- Fmr St Johns Church Hall (No. 229); 15 Margaret St "Ida Villa" (No. 230); Mort's Dry Dock (No. 090); Clarke's Point Reserve (No. 091). Adjoins Hunters Hill Conservation Area No 1 (Peninsula). A number of these items are listed by other bodies, including the Register of the National Estate.

There are also items such as Cockatoo Island (and components thereof) that are outside the Hunters Hill Local Government Area, and are on the State Heritage Register and/or listed by The Commonwealth Government.

Statement of Heritage Impact: by Worley Parsons (Teresa Gizzi), dated 08/12/2009 also other documents provided by the Joint Regional Planning Panels Secretariat as PDFs on a CD were reviewed:	Author	Date	Title/ Notes
Document 6557-01-000	Worley Parsons	09.12.09	Title Sheet, Location Plan and Drawing List
6557-01-001	Worley Parsons	09.12.09	Site Plan
6557-01-003	Worley Parsons	07.12.09	Proposed Marina Layout
Aquatic Ecology Report	Worley Parsons	7th December 2009	
Noise and Air Quality Report	Wilkinson Murray	November 2009	
Traffic and Parking Assessment	Worley Parsons/ McClaren Traffic Engineering	November 2009	
Visual Impact Assessment	Clouston Associates	December 2009	
Woolwich Marina EIS	Worley Parsons	December 2009	

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Of these, the drawings and Visual Impact Assessment appear most relevant for potential heritage impact consideration together with the Statement of Heritage Impact.

Proposal: *Demolish part existing/ construct marina structure to Parramatta River wholly below Mean High Water Mark. This entails relocation of the access point and to enlarge the pontoon structure to accommodate 32 in lieu of the current 20 berths. It is proposed to relinquish 10 of the 20 commercial swing moorings associated with the marina, bringing the total number of boats to 42, an increase of 2 boats served.*

It is also proposed to provide a public pump-out sewerage facility to the eastern side of the pontoon.

Comments: *There appear to be no specific controls for water-related developments under the Hunters Hill Planning regime. The relevant planning instrument would appear to be the deemed Sydney Harbour Catchment SEPP [deemed- formerly SREP (Sydney Harbour Catchment) 2005] specifically Cl 55. Protection of Heritage Items, and in particular:*

- (5) (a) *the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and*
- (b) *the measures proposed to conserve the heritage significance of the item and it's setting, ...*

And Clause 59 Development in vicinity of heritage items

- (1) *Before granting development consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item.*
- (2) *This clause extends to development:*
 - (a) *that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or*
 - (b) *that may undermine or otherwise cause physical damage to a heritage item, or*
 - (c) *that will otherwise have any adverse impact on the heritage significance of a heritage item.*
- (3) *The consent authority may refuse to grant development consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.*

- (4) *The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.*

Guidance as to the context in which marinas are located and the form and nature they should take are included at Part 4.7- Marinas (Commercial and Private) of Sydney Harbour Foreshores and Waterways Area Development Control Plan (2005) [p38]. The more pertinent provisions of this section of the DCP include:

Location: *the proposed development is to an existing marina, with some change to the location of the proposed enlarged pontoon berth structure. This is to extend some 45 metres further into the Parramatta River and increase in presented width to the waterway (i.e. to the south-east) from approx. 27 to 83 metres, though orientated more east west. The 10 swing moorings to be relinquished are located generally to the west and southwest of the existing marina structure- i.e. generally at a similar distance from or in-shore of the proposed new pontoon.*

Design and Layout: *the proposed new pontoon structure would appear minimal for the number of berths proposed and consist of a series of pontoons restrained by piles as per the guidelines. No shore-based buildings are proposed.*

Visual Impact: *the provisions relating to visual impact are:*

The Sydney Harbour Catchment DCP requires that a visual impact assessment is to be carried out in accordance with Appendix D of the DCP. At Part 1.3 of the Clouston Associates Visual Impact Assessment [VIA] it states:

This report follows the guidelines and methodology for Visual Impact Assessment of marinas as asset out in NSW Department of Planning's Sydney Harbour Foreshores and Waterways Area Development Control Plan dated 2005.

The specific provisions of the DCP are:

- *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 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;*
- *any visual analysis shall consider the impact of the largest motor vessel(s) capable of being berthed at the marina;*
the largest vessels (motorised or otherwise) to be berthed at the marina are to be located as far from shore as possible;
- *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;*
- *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 visual impact of car parking from the waterway is to be minimised; and*

- *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.*

A review of the Clouston Associates report, together with the provisions of the DCP and methodology as set out in Appendix 4 of the DCP reveals that the methodology has largely been adhered to and the provisions met. The conclusions of the VIA are: It is concluded from the forgoing VIA that the visual impacts of the proposed marina extension are not significant overall given that:

- *The most significant impacts of the marina will be on the existing marina premises itself. As explained previously views over the marina are to be expected and are deemed acceptable for businesses of this nature.*
- *The majority of the new marina footprint is contained in front of the associated commercial properties (C1 and C2).*
- *The extension replaces an existing marina of a similar footprint. Craft will be moored further from the shore than presently exists.*
- *No significant mid or long distant views are obscured by the proposal.*
- *The new pontoons are of a floating variety therefore reducing the visual profile of the structure in lower tides.*
- *The numbers of close permanent visual receptors (e.g. residences) are minimal.*
- *The most significant visual changes are from the parks with moderate to low visitation and mostly only at close range to the proposal.*
- *The new layout of the marina consolidates boats in berths on an approximate north south orientation along two jetties. This has the potential to reduce the overall visual mass when viewed along the foreshore such as in Horse Paddock where views to Pulpit Point are less obscured.*

It is however recommended that the further reduction of potential visual impacts of the marina be pursued through detailed design considerations such as muted/light paint colours and minimisation of reflectivity; most of these properties are inherent in typical marina designs and fittings.

The impacts on the setting of the heritage items adjoining and in the vicinity are largely a function of the visual impacts as determined in the Clouston VIA. Items such as the site of the former smelting works and Woolwich wharf, together with Kelly's Bush and the horse paddock are generally "places" identified on the basis of largely historic associations or uses. The impact on their setting, given that there has been a marina use on the subject site for a considerable period of time (seemingly post WWII- oddly, there appears to be no account of the history of the use of the site in the reports):

Recommendation: *I find the proposal to be supportable from a heritage and conservation viewpoint.*

The application was forwarded to Council's Conservation Advisory Panel (CAP) meeting of 17 March 2010. The minutes for this item are as follows:-

Members of the Panel present: Councillor Meredith Shiel (chair); Tony Coote (Hunters Hill Trust); Robyn Christie (National Trust of Australia [NSW]); Beverley Garlick, (architect / community representative), Greg Patch (Council Heritage Adviser- minutes only). The Manager, Environment and Regulatory Control, Steve Kourepis present to assist in technical advice. Brian McDonald (RAIA member,

Conservation Architect) was present, but expressed an interest as a Joint Regional Planning Panel member, and did not take part in the discussions.

The Panel considered the proposal to make alterations and addition to the existing water borne facilities at Woolwich Marina (2C Margaret St, Woolwich). The entails the demolition of the existing timber deck/ pile structure and its replacement by a floating pontoon system. 10 of the existing commercial swing moorings are to be relinquished and marina berths are proposed instead. The 20 existing marina berths are to be incorporated into the new one, with 12 additional berths bringing the total to 32. That is, a net increase in capacity of 2 boats.

The Panel considered that potential heritage impacts may arise on Kelly's Bush and the wider presentation of the Hunters Hill Conservation Area No 1 (Peninsula) to the Parramatta River. The potential impacts on Kelly's Bush are considered to be in relation to its setting- in terms of view to and from. The potential impacts on the Conservation area are of a similar nature.

In discussion, it was noted that the proposed structure is of a rigid rectilinear geometry and it was advised that consideration should be given to a less formal arrangement.

In considering the potential settings impacts on Kelly's Bush and Hunters Hill Conservation Area No 1, the Panel were of the view that this is a matter of the size and nature of the boats that may use the marina in future- a largely unknown factor at this time. The iconic view of the Sydney Harbour Bridge may be adversely affected if, say, a number of large motor cruisers/ yachts were berthed at the marina, but otherwise it was considered that the presence of boats in the view are an essential and customary part of the scenery.

In summary, the CAP raised no substantive objections to the proposal but advised that consideration be given to the nature of the boats to be berthed at the Woolwich Marina.

As mentioned above, there is no major objection to proposal on heritage grounds. However, the issues raised above will be discussed in detail in the body of this report.

7.4 Public Works and Infrastructure

The application was not referred to Council's Design & Development Engineer, as the development does not involve stormwater drainage over that part of the River.

7.5 Parks & Landscape

The application was not referred to Council's Parks & Landscape Co-ordinator as there will be no planting or landscaping involved in the application.

8. ENVIRONMENTAL ASSESSMENT UNDER S.79C

The relevant matters for consideration under section 79C of the *Environmental Planning and Assessment Act 1979* are assessed under the following headings.

9. STATE INSTRUMENTS / LEGISLATION

9.1 State Environmental Planning Policies (SEPPs)

Not applicable.

9.2 Regional Environmental Plans (REPs) – Deemed SEPPs

The subject site is located within the area covered by SREP (Sydney Harbour Catchment) 2005. This plan has a number of general aims and objectives, the most relevant of which, in this case, are as follows:

Aims of plan

- (1) *This plan has the following aims with respect to the Sydney Harbour Catchment:*
 - (a) *to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained:*
 - (i) *as an outstanding natural asset, and*
 - (ii) *as a public asset of national and heritage significance, for existing and future generations,*
 - (b) *to ensure a healthy, sustainable environment on land and water,*
 - (c) *to achieve a high quality and ecologically sustainable urban environment,*
 - (d) *to ensure a prosperous working harbour and an effective transport corridor,*
 - (e) *to encourage a culturally rich and vibrant place for people,*
 - (f) *to ensure accessibility to and along Sydney Harbour and its foreshores,*
 - (g) *to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity,*
 - (h) *to provide a consolidated, simplified and updated legislative framework for future planning.*
- (2) *For the purpose of enabling these aims to be achieved in relation to the Foreshores and Waterways Area, this plan adopts the following principles:*
 - (a) *Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,*
 - (b) *the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,*
 - (c) *protection of the natural assets of Sydney Harbour has precedence over all other interests.*

Furthermore, Part 3 Division 2 of SREP (Sydney Harbour Catchment) 2005 lists matters for consideration by Council when determining an application. It further states that Council shall not grant consent to an application unless it is satisfied that the proposal is consistent with the relevant objectives of the SREP.

The following matters for consideration are relevant to this application:

25 Foreshore and waterways scenic quality

The matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways are as follows:

- (a) *the scale, form, design and siting of any building should be based on an analysis of:*
 - (i) *the land on which it is to be erected, and*
 - (ii) *the adjoining land, and*
 - (iii) *the likely future character of the locality,*
- (b) *development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,*
- (c) *the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.*

As stated within the body of this report, Council's Heritage Adviser and the Conservation Advisory Panel raised no objection to that part of the proposed works.

It is considered that the proposal would satisfy the above aims of the policy. The matters for consideration, in particular those of particular relevance pertaining to the appearance of the development from the waterway and foreshore, and heritage issues are considered to have been satisfactorily addressed by this proposal.

9.3 Other Legislation

10. HUNTERS HILL LOCAL ENVIRONMENTAL PLAN NO. 1

10.1 Aims and Objectives of Hunters Hill Local Environmental Plan No.1 and Zone

The proposal is not bound by the zoning provisions of *Hunters Hill Local Environmental Plan No. 1* as the area is totally below mean high water mark.

There are, therefore, no development standards that apply to this development being below mean high water mark and, hence, a compliance table would not be relevant.

10.2 Site Area Requirements

Not applicable.

10.3 Residential flat buildings and low-rise multi-unit housing-density and garden area controls

Not applicable.

10.5 Height of Buildings

Not applicable.

10.6 Garden Area

Not applicable.

10.7 Integrated Housing Development

Not applicable.

10.8 Foreshore Building Lines

Not applicable.

10.9 Foreshore Scenic Protection Area

Not applicable.

10.10 Other Special Clauses / Development Standards

Not applicable.

11. DRAFT AMENDMENTS TO STATUTORY CONTROLS

No relevant draft amendments pertaining to this application.

12. DEVELOPMENT CONTROL PLANS (DCPs)

12.1 Compliance Table Residential Development Control Plan No.15

This is not relevant as the land is below mean high water mark.

12.2 General controls

Planning Policy – All Development

Not applicable.

Heritage Conservation Areas

Not applicable as the area is below mean high water mark. However, as mentioned above an assessment by Councils heritage adviser and Council's CAP have considered this matter in detail and raise no objections to the proposal.

Foreshore Scenic Protection Area

Not applicable as the area is below mean high water mark.

Visually Prominent Sites

Not applicable as the area is below mean high water mark.

Height

Not applicable.

Front, Side and Rear Setbacks

Not applicable.

Garden Area

Not applicable as the area is below mean high water mark.

Solar Access

Not applicable as no buildings above mean high water mark are involved.

Privacy

Not applicable.

Views

Although there will be some view of the water lost as a result of the widened and deepened lease arrangements with NSW Maritime over the water, people from those vantage points will still have views of boats on the water as well as water itself. In these circumstances, there would be no reasonable objection raised on the basis of lost views in the siting of the proposal, as the area where such effects of views will be altered will be as viewed from Kelly's Bush and the Horse Paddock. A detailed visual assessment has been carried out for the applicant in accordance with the provisions of SREP (Sydney Harbour Catchment) 2005, which is on the Statement, submitted to Council, and that such final assessment has been generally agreed to by Council's Heritage Adviser.

Following a detailed assessment of the visual assessment report submitted with the application and a site view, it is considered that there will be no loss of iconic views as a result of this development.

Car Parking

The applicant through their traffic engineer has stated that as a result of the two (2) additional berths, there will be the need under the parking code provisions for an additional one off-street car parking space.

Council's Group Manager Works & Services has reported by memo that the traffic volumes as set out in the traffic engineers report appear reasonable.

As discussed further in this report (below), the recommendation resultant from advice from Council's Maritime Environmental Engineer is that two (2) berths be deleted from the overall development. As a consequence, this will result in no additional berths. Hence, there will be no additional off-street parking required in respect of the proposal.

With the recommended loss of two (2) boat spaces from the development, there will be no additional moorings, hence, there will be no condition relating to additional off-street parking to be provided around the site. A condition will be imposed to the recommendation section of this report addressing this issue.

Garages and Carports

Not applicable.

Fences

Not applicable.

12.2 Other DCPs, Codes and Policies

Not applicable.

13. THE LIKELY IMPACTS OF THE DEVELOPMENT

The application was referred to Council's maritime environmental engineer who by memo dated 17 March 2010 provided the following comments:-

1. *The eastern side of the new floating structure encroaches on the safe navigation waters for users of the Margaret Street Boat ramp. We recommend that the layout is modified such that berths 7 and 8 are deleted, and the walkway section between the northern arm and the southern end of the existing floating structure (retained in the proposed Development), is moved west.*

2. *The sewage pump out location should be moved to the western end of the northern arm to minimize the risk of spillage and to reduce the visual impact of the development.*
3. *The Operator should identify the maximum size vessels, which will use the slipways, then the fairway widths, and maneuvering areas at the slipway reviewed to ensure there is suitable and safe navigable water for these vessels.*
4. *The Aquatic Ecology report states that benthic sample were being taken and would be provided. We recommend that the results of the benthic assessment are provided to the Council and that the EIS is then updated to confirm or otherwise the effect of the development on the aquatic fauna.*
5. *Do you know if the Department of Planning are satisfied the DA submission addresses their requirements?*
6. *Do you know if NSW Maritime are satisfied the marina will satisfy their requirements for safe navigation.*
7. *The marina is close to the main channel used by all water traffic heading to and coming from the west. The marina should be designed and constructed from floating elements, which have dynamic characteristics, which are safe for people to use. See below – Conditions of Consent.*
8. *Noise levels during piling could exceed noise guidelines. See below Conditions of Consent.*

It is considered that the above points are self-explanatory and conditions that result from these are incorporated as conditions in the recommendation section of this report.

It is most important to be noted that it is recommended that the plans be resubmitted showing the reduction in total number of marina berths from 32 to 30.

The likely impacts of this development, as forwarded to the applicant for response, are summarised into a number of points as set out and addressed below:-

- **Lack of off-street parking** With the reduction of the two additional berths for the marina, there will be no additional traffic likely to be generated as a result of the upgrade works. Under those circumstances, additional off street parking facilities could not be justified.
- **Loss of water views** There will be a wider and deeper spread of craft and pontoon structure over this part of the River as a result of this application. It will replace some existing views of water only from some vantage points with future expanded views of boats moored and pontoons. As these views will not be substantially those experienced from private premises but from public open space lands i.e. Kelly's Bush and the Horse Paddock in particular, strong objection could not be reasonably taken against this likely effect.
- **Noise after hours** The current floating marina provides access for the lessees 24 hours per day. This expanded operation on the water will operate under the same conditions and, as such, with the same number of boats moored, there is not likely to be any additional noise generated.
- **Disturbance of foreshore seawall/beaches** The consultant for the applicant states that having all outer pontoons to be 'breakwater pontoons', which will reduce the effect of waves from passing rivercats and harbourcats to an acceptable level. An assessment of wind waves and waves caused by vessel wash was carried out by the consultants for the applicant to be able to result in a positive recommendation on this matter.

- **Sewage pump out system** The applicant has not finally decided between the options of a pump out system to the nearby sewer rising main/pumping station in Margaret Street or to be pumped out by the operators via tanker. The recommendation as advised by Council's maritime consultant is to use the Sydney Water pumping station to collect and dispose of the effluent collected from the sewage pump out operation.
- **Security gates to control access to the pontoon and the on-shore marina** The plans show a new security gate on the pontoon, which will provide for an authorised security code for access to the berths. The on-shore security management (which is not part of this application) will remain unchanged, which has its gate unlocked during business hours, being from 7am to 5pm Mondays to Saturdays.
- **Concentration of certain heavy metals** The applicant states that the forthcoming geotechnical investigation will only relate to the design of the piles and not the seabed generally. They also state that management of the surface sediment during construction is covered in the 'Construction Management Plan' as accompanying the application's EIS.
- **High level of acid sulfate soils** As there will be no dredging of the seabed for this development, the monosulfides will be managed by way of the "Construction Management Plan". Their final assessment is that *"it is unlikely that the existing wave climate and water velocities at the site would allow formation of monosulfidic"*.
- **Existing on-site parking** It is stated that there are four (4) off-street parking spaces available in front of the existing on shore marina, a further two (2) spaces are used for courier and delivery vehicle parking and there is residential parking under the residential portion of the marina. These will not be affected by nor form part of the current development proposal.
- **OH&S issues** The redevelopment will overcome the current problematical situation of requiring pedestrian access through the existing slipway operations to gain access to the marina berths.

14. SUBMISSIONS

The proposed development was for a period of thirty (30) days commencing on 29 January 2010. Within the specified time period ten (10) letters of objection, one (1) letter of support (in part) and a petition in support of the proposal containing fifty (50) signatures were received as a result of the public exhibition. Copies of the submissions are **attached** to the report.

NOTIFICATION REQUIRED	YES
NUMBER NOTIFIED	163
SUBMISSIONS RECEIVED Name & Address of Respondents	SUMMARY OF SUBMISSIONS
Judith & James Fitzpatrick 2 Margaret Street Woolwich	<ul style="list-style-type: none"> • We object to this proposal on the grounds of an increase in traffic congestion in upper and lower Margaret Street and adjoining Alfred Street and restricted access to the public boat ramp for trailer – driver boats not using the floating berths proposed. The significant increase in the size of boats to be moored can only increase the pressure on street parking from owners and crew
Ben Ho Margaret street Woolwich	<ul style="list-style-type: none"> • Current street parking is already busy on weekends/special events resulting from users of Woolwich public slipway, moorings and marina. These users park their vehicles and trailers up

	<p>Margaret Street and Alfred Street, narrowing it to a single lane with opposing traffic passing only at driveway spaces</p> <ul style="list-style-type: none"> The proposed DA has no provision for additional on-site parking at the Marina property. The significant increase in the number of marina berths will inevitably increase street parking
Noel & Robyn West 8 Margaret Street Woolwich	<ul style="list-style-type: none"> Our objection is related to increased traffic congestion 32 berths and too many will increase the density of the water space and make it even more unsuitable for water traffic and will be visually undesirable The resulting noise early in the morning and evenings is also a concern
Allister McConnell 2B Margaret Street Woolwich	<ul style="list-style-type: none"> Parking needs to be considered as a whole to ensure that overall neither leads to an increase in the traffic on Margaret Street. Margaret Street is a narrow two-way road that is dangerous as it is and incapable of any extension to current mooring facilities public or private that increases traffic flows.
Ron Kaplan 68b Woolwich Road Woolwich	<ul style="list-style-type: none"> I feel that extra off-street parking is essential and urge Council to insist on this provision before approving the marina.
Tom Atkinson 4 Margaret Street Woolwich	<ul style="list-style-type: none"> There are no 'existing use rights' for expanded marina. The proposal extends beyond existing lease. Any new lease does not cover existing use. Impact of development on current public usage. The various craft all compete for limited safe space. The safety and OH&S risk is far greater than the risk to Marina users current access provisions, which have been effective for over twenty years. The marina berth access OH&S issues could be solved and the original footprint maintained by eliminating Berths 21 to 32 from the proposal. Now most "public car spaces" are monopolised by marina staff and visitors. Allegorically the proposed pump-out facility is interesting, the Marina gets the revenue, the residents the residue.
Sydney Harbour Association P.O.Box 265 Rose Bay	<ul style="list-style-type: none"> The present proposal enlarges (rather than reducing) the blockage of views of the Parramatta River from the public open space of Kellys Bush that is caused by the present marina on the site. On that score, it does not either protect, or enhance, or maintain the visual amenity of the foreshore. We have developed a concept proposal for the re-development of the marina at Woolwich. It is attached.
Meredith & Jeremy Cridland 5 Margaret Street Woolwich	<ul style="list-style-type: none"> The proposed development will cause increased traffic flow and parking problems in and around Margaret Street throughout the week and especially on weekends. Margaret Street is a steep street with a dangerous crest close to Woolwich Road. Increased traffic and parking in the street will add to the dangers faced by residents when driving and parking in this street. The proposed increase in the number of mooring berths and their location will impede the public's safe

	<p>and efficient use of the public boat ramp at the end of Margaret Street.</p> <ul style="list-style-type: none"> • The increased number of moorings and their location further out in the river will impede safe traffic on what is already a very busy section of the Parramatta River. The increased number of moorings will hinder the view enjoyed by many from the public park at the waterfront of Kellys Bush and the Horse paddock • There is no provision for changed parking conditions close to the marina. The limited public parking spaces currently available will not be sufficient to meet the demand. Public open space should not be taken up for additional parking for a private business. The parking spaces currently on the site do not seem to be available for use by staff or visitors to the marina
<p>Richard White 6 Alfred Street Woolwich</p>	<ul style="list-style-type: none"> • Scale and negative visual impact and loss of views from both land and water. • Parking issues. The survey was limited to the week 16/11/09 to 22/11/09 and has little bearing as to the real situation given that it failed to take into account a number of key factors including marina berths half full, time restricted parking unsuitable for people using the marina over night and loss of spaces as a result of the current proposal to widen the boat ramp • Swing mooring leases which are used more often than marina berths will achieve greater opportunities for recreational boating and increased use of Sydney Harbour than the proposed marina berths • OH&S issues could arise in the future affecting the workers as well as private marina users • New position of Marina footprint shows it more in front of Kelly's Bush foreshore park. Mooring the boats further out into the harbour dramatically adds to the loss of view and increases the negative visual impact • Environmental – exclude conical pile caps to provide for pelicans resting places • Lack of public access to be created by the installation of security gates • Hours of operation being 24 hours per day is unacceptable and will increase traffic and noise at all hours of the night • Sewage pump out facility is inappropriate as it is visually unattractive and will add to congestion by boats using this facility and those standing off waiting thereby increasing the danger of collisions of boat traffic in and out of the widened Margaret Street boat ramp • Floating pontoons creates a harsh unbroken visual and physical barrier at water level that prohibits the movement of passive recreational craft and wildlife whilst adding nothing to the view
<p>Rod Dufficy 3 Alfred Street Woolwich</p>	<ul style="list-style-type: none"> • I think the DA will have very little or no impact on traffic in the surrounding area. I am in favour of getting rid of 10 swing moorings in the harbour as I believe they are a navigational hazard (especially at night- as no lights required). I am in favour of

	modernising the marina into a floating facility as the current timber structure is seriously dated and in an unacceptable condition for boat owners
Australian Government Sydney Harbour Federation Trust P.O.Box 607 Mosman	<ul style="list-style-type: none"> • Impact on the adjoining public boat ramp for the ability of boats to safely and efficiently navigate to/from the ramp • Parking impacts – generate additional demand for parking space and will be likely to overwhelmingly use a public parking area that is proposed to be built nearby on the Horse Paddock • Other navigational impacts – Sydney Ferries and the local sailing club should be consulted as the marina intrudes a great deal further into the waterway than the existing structure
Greg Newton Woolwich Marina 2C Margaret Street Woolwich	<ul style="list-style-type: none"> • Petition containing fifty (50) signatures fully supporting the proposed revitalisation of Woolwich marina

The main issues of concern outlining the objections are discussed below:

- **We object to this proposal on the grounds of an increase in traffic congestion in upper and lower Margaret Street and adjoining Alfred Street and restricted access to the public boat ramp for trailer-driver boats not using the floating berths proposed. The significant increase in the size of boats to be moored can only increase the pressure on street parking from owners and crew**

Comment: The information supplied by the traffic consultants for the applicant in relation to traffic generation is that there will be one additional car parking space required for this development, but it is argued that there is adequate on street parking available to cater for one such additional vehicle. As a consequence, virtually no additional vehicles will be involved in the new development as applied for. Under these circumstances, there will be no measurable change in the on-street parking conditions and the traffic generated by the development. However, due the deletion of two berths as per the recommendation, there will be no additional traffic generated and there can be no requirement for the provision of additional off-street parking for the development. This issue has also been discussed in detail in the body of this report.

- **Current street parking is already busy on weekends/special events resulting from users of Woolwich public slipway, moorings and marina. These users park their vehicles and trailers up Margaret Street and Alfred Street, narrowing it to a single lane with opposing traffic passing only at driveway spaces**

Comment:

The information supplied by the traffic consultants for the applicant in relation to traffic generation is that there will be one additional car parking space required for this development, but it is argued that there is adequate on street parking available to cater for one such additional vehicle. As a consequence, virtually no additional vehicles will be involved in the new development as applied for. Under these circumstances, there will be no measurable change in the on-street parking conditions and the traffic generated by the development. However, due the deletion of two berths as per the recommendation, there will be no additional traffic generated and there can be no requirement for the provision of additional off-street parking for the development. This issue has also been discussed in detail in the body of this report.

- **The proposed DA has no provision for additional on-site parking at the Marina property. The significant increase in the number of marina berths will inevitably increase street parking**

Comment: The information supplied by the traffic consultants for the applicant in relation to traffic generation is that there will be one additional car parking space required for this development, but it is argued that there is adequate on street parking available to cater for one such additional vehicle. As a consequence, virtually no additional vehicles will be involved in the new development as applied for. Under these circumstances, there will be no measurable change in the on-street parking conditions and the traffic generated by the development. However, due the deletion of two berths as per the recommendation, there will be no additional traffic generated and there can be no requirement for the provision of additional off-street parking for the development. This issue has also been discussed in detail in the body of this report.

- **Our objection is related to increased traffic congestion**

Comment: The information supplied by the traffic consultants for the applicant in relation to traffic generation is that there will be one additional car parking space required for this development, but it is argued that there is adequate on street parking available to cater for one such additional vehicle. As a consequence, virtually no additional vehicles will be involved in the new development as applied for. Under these circumstances, there will be no measurable change in the on-street parking conditions and the traffic generated by the development. However, due the deletion of two berths as per the recommendation, there will be no additional traffic generated and there can be no requirement for the provision of additional off-street parking for the development. This issue has also been discussed in detail in the body of this report.

- **32 berths and too many will increase the density of the water space and make it even more unsuitable for water traffic and will be visually undesirable**

Comment: The information supplied by the traffic consultants for the applicant in relation to traffic generation is that there will be one additional car parking space required for this development, but it is argued that there is adequate on street parking available to cater for one such additional vehicle. As a consequence, virtually no additional vehicles will be involved in the new development as applied for. Under these circumstances, there will be no measurable change in the on-street parking conditions and the traffic generated by the development. However, due the deletion of two berths as per the recommendation, there will be no additional traffic generated and there can be no requirement for the provision of additional off-street parking for the development. This issue has also been discussed in detail in the body of this report.

- **The resulting noise early in the morning and evenings is also a concern**

Comment: As there will be no additional berths for this development based on the recommendation, it is unlikely that there will be any measurable increase in noise outside of daylight hours that could detrimentally affect the amenity of the local residents.

- **Parking needs to be considered as a whole to ensure that overall neither leads to an increase in the traffic on Margaret Street. Margaret Street is a narrow two way road that is dangerous as it is and incapable of any extension to current mooring facilities public or private that increases traffic flows**

Comment: The information supplied by the traffic consultants for the applicant in relation to traffic generation is that there will be one additional car parking space required for this development, but it is argued that there is adequate on street parking available to cater for one such additional vehicle. As a consequence, virtually no additional vehicles will be involved in the new development as applied for. Under these circumstances, there will be no measurable change in the on-street parking conditions and the traffic generated by the development. However, due the deletion of two berths as per the recommendation, there will be no additional

traffic generated and there can be no requirement for the provision of additional off-street parking for the development. Under these circumstances, it is considered that the traffic conditions in Margaret and Alfred Streets will not be more dangerous than the conditions that currently exist.

- **I feel that extra off street parking is essential and urge Council to insist on this provision before approving the marina**

Comment: The information supplied by the traffic consultants for the applicant in relation to traffic generation is that there will be one additional car parking space required for this development, but it is argued that there is adequate on street parking available to cater for one such additional vehicle. As a consequence, virtually no additional vehicles will be involved in the new development as applied for. Under these circumstances, there will be no measurable change in the on-street parking conditions and the traffic generated by the development. However, due the deletion of two berths as per the recommendation, there will be no additional traffic generated and there can be no requirement for the provision of additional off-street parking for the development. This issue has also been discussed in detail in the body of this report.

- **There are no ‘existing use rights’ for expanded marina. The proposal extends beyond existing lease. Any new lease does not cover existing use**

Comment: It is considered that ‘existing use rights’ do not apply in this case as the *Environmental Planning & Assessment Act 1979* does not apply to land below mean high water mark. They would only apply to the existing marina, which is above high water mark but is not part of this application.

- **Impact of development on current public usage. The various craft all compete for limited safe space**

Comment: There is not likely to be any detrimental impact on the use of the public ramp that exists adjacent to the subject area. The competition for limited safe space on the water will be one for the management of the marina. It is not considered that, subject to compliance with conditions as set out in the recommendation, safety would be an issue in the use of the ramp which in the main would probably have very little to do with the use of the marina berths in the modified form as applied for. However, as mentioned above the eastern side of the new floating structure encroaches on the safe navigation waters for users of the Margaret Street Boat ramp. Therefore, it is recommended that the layout is modified such that berths 7 and 8 are deleted, and the walkway section between the northern arm and the southern end of the existing floating structure.

- **The safety and OH&S risk is far greater than the risk to Marina users current access provisions, which have been effective for over twenty years. The marina berth access OH&S issues could be solved and the original footprint maintained by eliminating Berths 21 to 32 from the proposal**

Comment: OH&S issues could arise in the future affecting the workers as well as private marina users. This will be a matter for the management of the marina as well as the NSW Work Cover Authority.

- **Now most “public car spaces” are monopolised by marina staff and visitors**

Comment: On the assumption that the above objection is factual, and there is no reason to believe otherwise, there are still spare parking spaces in Margaret Street for use by the public.

- **Allegorically the proposed pump-out facility is interesting, the Marina gets the revenue, the residents the residue**

Comment: This is a commercial decision made by the applicant that will have to be considered

as part of the development application.

- **The present proposal enlarges (rather than reducing) the blockage of views of the Parramatta River from the public open space of Kelly's Bush that is caused by the present marina on the site. On that score, it does not either protect, or enhance, or maintain the visual amenity of the foreshore. We have developed a concept proposal for the re-development of the marina at Woolwich. It is attached**

Comment: It is recognised that there will be an increase in the blockage of water views due to the mooring of boats and the pontoon particularly from Kelly's Bush. The choice for the applicant and NSW Maritime (the lessor) in this application is the location and number of moorings. It is considered that as there will be little or no River views of private landowners detrimentally affected by the change in lease area, refusal of the application on this basis would not be able to be reasonably substantiated.

- **The proposed development will cause increased traffic flow and parking problems in and around Margaret Street throughout the week and especially on weekends. Margaret Street is a steep street with a dangerous crest close to Woolwich Road. Increased traffic and parking in the street will add to the dangers faced by residents when driving and parking in this street**

Comment: The information supplied by the traffic consultants for the applicant in relation to traffic volume generated is that there will be virtually no additional vehicles involved in the new development. Therefore, there will be no measurable change in the on-street parking conditions and the traffic generated by the development. Under these circumstances, it is considered that the traffic conditions in Margaret and Alfred Streets will not be more dangerous than the conditions that currently exist.

- **The proposed increase in the number of mooring berths and their location will impede the public's safe and efficient use of the public boat ramp at the end of Margaret Street**

Comment: The information supplied by the traffic consultants for the applicant in relation to traffic volume generated is that there will be virtually no additional vehicles involved in the new development. Therefore, there will be no measurable change in the on-street parking conditions and the traffic generated by the development. Under these circumstances, it is considered that the traffic conditions in Margaret Street will not be more dangerous than the conditions that currently exist.

- **The increased number of moorings and their location further out in the river will impede safe traffic on what is already a very busy section of the Parramatta River. The increased number of moorings will hinder the view enjoyed by many from the public park at the waterfront of Kellys Bush and the Horse paddock**

Comment: It is recognised that there will be an increase in the blockage of water views due to the mooring of boats and the pontoon particularly from Kelly's Bush. The choice for the applicant and NSW Maritime (the lessor) in this application is the location and number of moorings. It is considered that as there will be little or no River views of private landowners detrimentally affected by the change in lease area, refusal of the application on this basis would not be able to be reasonably substantiated.

- **There is no provision for changed parking conditions close to the marina. The limited public parking spaces currently available will not be sufficient to meet the demand. Public open space should not be taken up for additional parking for a private business. The parking spaces currently on the site do not seem to be available for use by staff or visitors to the marina**

Comment: The information supplied by the traffic consultants for the applicant in relation to

traffic generation is that there will be one additional car parking space required for this development, but it is argued that there is adequate on street parking available to cater for one such additional vehicle. As a consequence, virtually no additional vehicles will be involved in the new development as applied for. Under these circumstances, there will be no measurable change in the on-street parking conditions and the traffic generated by the development. However, due the deletion of two berths as per the recommendation, there will be no additional traffic generated and there can be no requirement for the provision of additional off-street parking for the development. This issue has also been discussed in detail in the body of this report.

- **Scale and negative visual impact and loss of views from both land and water**

Comment: It is recognised that there will be an increase in the blockage of water views due to the mooring of boats and the pontoon particularly from Kelly's Bush. The choice for the applicant and NSW Maritime (the lessor) in this application is the location and number of moorings. It is considered that as there will be little or no River views of private landowners detrimentally affected by the change in lease area, refusal of the application on this basis would not be able to be reasonably substantiated.

- **Parking issues. The survey was limited to the week 16/11/09 to 22/11/09 and has little bearing as to the real situation given that it failed to take into account a number of key factors including marina berths half full, time restricted parking unsuitable for people using the marina over night and loss of spaces as a result of the current proposal to widen the boat ramp**

Comment: The information supplied by the traffic consultants for the applicant in relation to traffic generation is that there will be one additional car parking space required for this development, but it is argued that there is adequate on street parking available to cater for one such additional vehicle. As a consequence, virtually no additional vehicles will be involved in the new development as applied for. Under these circumstances, there will be no measurable change in the on-street parking conditions and the traffic generated by the development. However, due the deletion of two berths as per the recommendation, there will be no additional traffic generated and there can be no requirement for the provision of additional off-street parking for the development. This issue has also been discussed in detail in the body of this report.

- **Swing mooring leases which are used more often than marina berths will achieve greater opportunities for recreational boating and increased use of Sydney Harbour than the proposed marina berths**

Comment: The choice for the applicant and NSW Maritime (the lessor) in this application is the location and number of moorings. It is considered that as there will be little or no River views of private landowners detrimentally affected by the change in lease area, refusal of the application on this basis would not be able to be reasonably substantiated.

- **OH&S issues could arise in the future affecting the workers as well as private marina users**

Comment: OH&S issues could arise in the future affecting the workers as well as private marina users. This will be a matter for the management of the marina as well as NSW Work Cover Authority.

- **New position of Marina footprint shows it more in front of Kelly's Bush foreshore park. Mooring the boats further out into the harbour dramatically adds to the loss of view and increases the negative visual impact**

Comment: It is recognised that there will be an increase in the blockage of water views due to the mooring of boats and the pontoon particularly from Kelly's Bush. The choice for the applicant and NSW Maritime (the lessor) in this application is the location and number of moorings. It is considered that as there will be little or no River views of private land owners

detrimentally affected by the change in lease area, refusal of the application on this basis would not be able to be reasonably substantiated.

- **Environmental – exclude conical pile caps to provide for pelicans resting places**

Comment: This appears to be a reasonable concern and will be a matter for a specific condition be imposed in the recommendation section of this report.

- **Lack of public access to be created by the installation of security gates**

Comment: This is a matter for the marina management, which has been addressed as part of this application and is then covered by a condition of consent as set out in the recommendation.

- **Hours of operation being 24 hours per day is unacceptable and will increase traffic and noise at all hours of the night**

Comment: The current operation of the moorings is such that access is available 24 hours per day. There will be no change to this part of the expanded operation and, as such, there should be no measurable undue noise associated with the changes in operation of the marina.

- **Sewage pump out facility is inappropriate as it is visually unattractive and will add to congestion by boats using this facility and those standing off waiting thereby increasing the danger of collisions of boat traffic in and out of the widened Margaret Street boat ramp**

Comment: It is considered that the concerns raised about the use of the sewage pump out facilities are matter for conditions of consent, rather than a reason for refusal in the circumstances. A specific set of conditions is set out in the recommendation section of this report.

- **Floating pontoons creates a harsh unbroken visual and physical barrier at water level that prohibits the movement of passive recreational craft and wildlife whilst adding nothing to the view**

Comment: Whilst the floating pontoon will detract from the existing views of the water at this location, it is not of such a detrimental effect that the application should be recommended for refusal on that basis. The applicant in conjunction with NSW Maritime have addressed the matter of restriction on recreational craft using this area of the River. Further, it is considered that there will be minimal effect on the habits of wildlife in this part of the River resultant from the proposed works subject to compliance with conditions of approval.

- **I think the DA will have very little or no impact on traffic in the surrounding area. I am in favour of getting rid of 10 swing moorings in the harbour as I believe they are a navigational hazard (especially at night- as no lights required). I am in favour of modernising the marina into a floating facility as the current timber structure is seriously dated and in an unacceptable condition for boat owners**

Comment: The issue of safety for maneuvering around swing moorings is one for the commercial management of the operation and the overseeing by NSW Maritime as the lessor.

- **Impact on the adjoining public boat ramp for the ability of boats to safely and efficiently navigate to/from the ramp**

Comment: This issue is addressed in the body of the report.

- **Parking impacts – generate additional demand for parking space and will be likely to overwhelmingly use a public parking area that is proposed to be built**

nearby on the Horse Paddock

Comment: The information supplied by the traffic consultants for the applicant in relation to traffic generation is that there will be virtually no additional vehicles involved in the new development. Therefore, there will be no measurable change in the on-street parking conditions and the traffic generated by the development. Further to that, the recommendation is for a reduction of two (2) berths, which will mean that there will be no additional moorings, and thus there could be no condition requiring the provision of additional off-street parking facilities around the site.

It is unlikely that the parking generated by the development will create overcrowding conditions on the Horse Paddock should that area be turned over to public car parking facilities.

- **Other navigational impacts – Sydney Ferries and the local sailing club should be consulted as the marina intrudes a great deal further into the waterway than the existing structure**

Comment: These are purely matters for NSW Maritime in its consideration of the lease arrangements with the applicant.

15. CONCLUSION – THE PUBLIC INTEREST

In general terms, it is considered that there are no off-street parking concerns associated with the proposal due to the condition requiring the deletion of two (2) berths. The alteration to and loss of some water views to be replaced by views of boats and pontoon, as seen from public reserve areas around the site, is not of sufficient to warrant a recommendation for refusal of this application.

Conditions have been set out in the recommendation section of this report to reconfigure the marina structure by the deletion of two (2) berths, relocation the sewage pump out and giving adequate clearance for vessels using the existing slipways of the marina and the public boat ramp off Margaret Street. There are conditions relating to the need for a geotechnical study, calculations and a benthic study to be carried out before the construction work can commence.

A further series of conditions for development consent has been set out in the recommendation section of this report indicating the responsibilities of the applicant in relation to matters of interest to NSW Maritime.

On balance and in the light of the above comments and planning assessment, this proposal would have minimal environmental harm and is considered acceptable and reasonable, therefore it is recommended that this application be approved, subject to conditions.

FINANCIAL IMPACT

There is no direct financial impact on Council's adopted budget as a result of this report other than the consultancy fees for advice being provided by Council's Maritime Environmental Engineer.

RECOMMENDATIONS

That development application No 2009-1128 for the demolition of part of the existing berth structure and mooring piles and the construction of a floating marina structure plus the provision of associated services at No.2C Margaret Street, Woolwich, be **approved**, subject to the following conditions:

1. Pursuant to the provisions of the Environment Planning & Assessment Act 1979 this approval shall lapse and be void if the building work or use to which it refers is not substantially commenced within two (2) years after the date of approval.

2. The development consent No. 2009-1128 relates to the plans prepared by Worley Parsons drawing Nos.6557-01-001 Issue B dated 9 Dec 2009 & 002 Issue E 2 dated 7 Dec 2009 as received by Council on 11 December 2009, except where amended by conditions of this consent.
3. This application permits the construction of a floating marina for the provisions of only 30 berths. The plans are to be amended to reflect this change and to include a site plan to be fully dimensioned, sections and elevational details of the marina and pontoon structure.
4. Berth Nos.7 and 8 being deleted from the development in order to provide for a safer navigation of waters for users of the Margaret Street public ramp. The walkway section between the northern arm and the southern end of the existing floating structure to be retained in the proposed development is to be relocated west. The plans are to be amended to reflect this change.
5. The sewage pump out being relocated to the western side of the northern arm of the pontoon, adjoining bays 9 to 12, to minimise the risk of spillage and to reduce the visual impact of that part of the development. The plans to be amended to reflect this change.
6. The sewage pump out system being connected to the nearby pumping station on Margaret Street in accordance with the requirements of Sydney Water. The applicant shall forward a copy of the approved development proposal to Sydney Water for comment/approval with regard to the location of the proposed facility near the foreshore.
7. Before commencement of construction, the applicant submitting for approval by NSW Maritime, the results of the benthic assessment and that the Environmental Impact Statement being upgraded accordingly to confirm or otherwise the effect of the development on the aquatic fauna.
8. The new piles for the moorings and pontoons not having conical pile caps, which is common to pontoon construction, to give better protection to the birds for their local resting places.
9. Not more than two (2) berths being provided for vessels of length between 16 metres and 18 metres in length to be moored in the wet berths at the floating structure and that such spaces being located in water that is presently between 5 metres and 10 metres in depth.
10. No injury being caused to the amenity of the neighbourhood due to the emission of noise outside of normal business hours or otherwise.
11. An authorised security code being provided for lessees of the moorings to access the new security gate for the pontoon/moorings.
12. Before commencement of construction, the applicant submitting for approval by NSW Maritime, the results of the geotechnical investigation to be carried out, incorporating a detailed and finalised design of the marina structure; such details to be incorporated in the revised Construction Management Plan to ensure that there will be no environmental harm caused to the seabed and the foreshore.
13. The work as to be modified in accordance with the conditions of this consent being carried out in accordance with the Construction Environmental Management Plan as prepared by Worley Parsons and incorporated in the Environmental Impact Statement.
14. Prior to commencement of construction the applicant is to submit for approval to the Principal Certifying Authority and NSW Maritime, four (4) copies of an upgraded detailed construction management plan, which includes but is not limited to:
 - a. Details of sound attenuation devices and measures to reduce noise during piling to levels, which are below the Guidelines

- b. Turbidity monitoring plan
 - c. Noise and vibration monitoring plan during construction
 - d. Construction Traffic and parking management plan
 - e. Method of removal of remnants of the original facility without disturbance, of that part of the existing structure being retained
 - f. The management of the operation of any barge or other access machinery; and
 - g. Anti pollution measures for the protection of the natural environment including silt screening and the like.
15. The detailed design of the proposed marina is to satisfy NSW Maritime Authority requirements including but not limited to the Engineering Standards and construction requirements.
 16. Prior to commencement of construction the applicant must have confirmed that the NSW Maritime Authority requirements for design have been satisfied. This is to be accompanied by a full set of drawings showing in detail all elements of the proposed marina.
 17. Prior to the commencement of construction the applicant is to submit to NSW Maritime calculations, which show the motion behavior of the floating structure, will be safe for use of the vessel moorings and pedestrian access. Such calculations should be reviewed by an independent expert to ensure that the proposed marina is suitable for the wave climate.
 18. All existing piles that are subject to removal or replacement are to be completely removed from the bed of the Parramatta River.
 19. The existing swing mooring which will be removed, as part of this development are not to be replace or reinstated in the area.
 20. Prior to occupation of the floating berths, the applicant is to submit a copy of the licence from Sydney Water permitting discharge of the sewage from the sewage pump out system, into the land side sewage system.
 21. Prior to construction, the applicant is to submit details to NSW Maritime for approval, including drawings, of the silt curtain and boom together with a certificate from practicing Engineer experienced with the design of maritime structures, stating that the silt curtain, boom and their mooring systems have been designed to withstand the wave climate likely to be experienced during construction.
 22. The operator of the marina is to identify the maximum size of vessels that will use the existing slipway and then the fairway widths and maneuvering areas at the slipway side of the new lease/pontoon area; such details submitted for approval of NSW Maritime to ensure that there is suitable and safe navigable water for these vessels.
 23. No dredging of the area covered by the draft lease and beyond being carried out as part of this development.
 24. Work must be carried out in accordance with the requirements of the Building Code of Australia and with reference to NSW Maritime's Engineering Standards and Guidelines for Maritime Structures.

25. Before the commencement of construction, appropriate detailed dimensioned working drawings fully and clearly describing all the proposed works and their components are to be submitted to and approved by the NSW Maritime.
26. Detailed drawings, addressing all conditions of this consent, being submitted for approval to NSW Maritime, addressing the following-
- a. a completed "Application for Construction of Waterside structures";
 - b. calculations verifying all aspects of design including the flotation of the pontoon, berthing and mooring loads, the effect of wave and wash (from passing vessels etc), wind and all other loads; and
 - c. evidence in writing of either sole, majority or equal interest in ownership of a vessel of dimensions as set out in condition No.9. Written evidence must also be provided that the owner of such vessels are the registered controllers of such vessels and the registration numbers of such vessels.
- Reason for conditions:* To ensure that structures proposed meet relevant engineering standards and to satisfy the requirements of Clause 65A of the Management of Waters and Waterside Lands Regulation.
27. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2009 1128 and provided by Council:
- (i) Site plan, map and/or surveys
 - (ii) Structural design and specifications
- Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled Activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
28. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
29. The consent holder must prepare or commission the preparation of:
- (i) Rehabilitation Plan
 - (ii) Erosion and Sediment Control Plan
30. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. Plans must be prepared in accordance with the NSW Office of Water guidelines located at www.dwe.nsw.gov.au/water_trade/right_controlled.shtml
- (i) Vegetation Management Plans
 - (ii) Laying pipes and cables in watercourses
 - (iii) In-stream works
31. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

32. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
33. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
34. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
35. The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to the NSW Office of Water as and when required.
36. The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
37. The consent holder must established all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
38. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
39. The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
40. The consent holder must ensure that (i) river diversion. Realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the Office of Water.
41. The NSW Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional 'works' on waterfront land (i.e. in or within 40 metres from the top of highest bank of a watercourse, foreshore, or lake). Once notified, the NSW Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposes 'works' are part of Council's proposed consent conditions and the 'works' do not appear in the original documentation.
42. The NSW Office of Water should be notified if Council receives an application to modify the consent conditions. Failure to notify may render the consent invalid.
43. The NSW Office of Water requests notification of any legal challenge to the consent.
44. No harm to any marine vegetation, including via shading, occurs without a permit from this Department.
45. The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Council.
46. Demolition waste is deposited appropriately on land.

47. The materials used for construction should not be deleterious to marine life, for example antifouling paints or treated woods must not be used. These materials inhibit marine growth and reduce the habitat available to marine life.

ATTACHMENTS

1. Locality Map – denotes location of correspondent
2. Locality Map
3. Site Plan – Existing Marina structure.
4. Proposed Plans – Marina Layout
5. Worley Parsons letter 16 March 2010 (response Letter)
6. Letters from authorities
7. Submissions resultant from public exhibition