

**DEVELOPMENT OF
BERRYS BAY MARITIME PRECINCT
CALL FOR REGISTRATIONS OF INTEREST
ROI No: MA 08/02**



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Disclaimer

The information provided in this Registrations of Interest (ROI) document about the subject land and improvements, including the application of planning and other laws to the land, is provided to assist Registrants but is not to be relied on by Registrants as a representation or warranty about the condition of the land or improvements or the suitability of the land for occupation or development under a future lease.

Registrants should make their own enquiries about the subject land and improvements, including obtaining legal advice and other advice if necessary to verify the information in the ROI.

NSW Maritime and the State Property Authority (SPA) have no liability for any loss or damage arising from reliance by a Registrant on any statement in the ROI relating to the land and improvements.

DEVELOPMENT OF BERRYS BAY MARITIME PRECINCT

CALL FOR REGISTRATIONS OF INTEREST

1. INTRODUCTION

1.1 Location of site and site ownership

Berrys Bay West is located on the Waverton Peninsula on the northern foreshore of Sydney Harbour approximately 1.6 kilometres north-west of the Sydney CBD, as shown on Figure 1. The NSW Government is making an area of approximately 1.6 hectares of land together with approximately 2.4 hectares of adjacent water area as shown on Figure 2 available for development as a maritime precinct.

The area comprises:

- **Site 1**, (approximately 0.98 hectares), which is part of the area formerly used by BP (Fremantle) Ltd as an oil terminal. It has been largely vacant since 1998.
- **Site 2**, (approximately 0.61 hectares), which is leased by Woodley's (Berrys Bay) Pty Ltd (Woodleys) until 19 February 2008, and with a licence extension to at least 19 February 2009 (see section 4.1). Site 2 also includes a small area leased on a tenancy-at-will basis. It is currently used for the building, slipping and repair of vessels and the berthing of vessels at its marina jetty.
- **Water area for Sites 1 and 2** (approximately 2.39 hectares), which is currently utilised for mooring of craft on monthly tenancies at the two existing Site 1 wharves and by craft utilising the Woodleys facilities and through a sublease from Woodleys at Site 2.



Berrys Bay – Woodleys and former BP sites

In addition, **Site 3** (approximately 0.29 hectares including water area) will also be made available for lease. It consists of a large concrete dolphin wharf and access way located to the east of Site 1 as shown on Figures 3 and 4. It is currently used for the temporary berthing of the *Sydney Harbour Queen*.



*Sydney Harbour
Queen moored
at Site 3*

The areas that will be made available for development and lease - Sites 1, 2 and 3 - are shown on Figure 5.

The precinct is owned by both the Maritime Authority of NSW (trading as **NSW Maritime**) and by the State Property Authority (**SPA**). NSW Maritime owns the area below the original Mean High Water Mark (including reclaimed land) while the SPA owns the land above the original Mean High Water Mark. The original Mean High Water Mark is shown as a blue line on all Figures.

Road access to both Sites 1 and 2 is from Balls Head Road as shown on Figure 6 (UBD Map 6 Reference N13). There is no road access to Site 3.

1.2 The Process

The process by which NSW Maritime and the SPA (the **Agencies**) intend to offer this opportunity to industry to redevelop the Sites as a maritime precinct is to be carried out in up to two phases, as follows.

Phase One

In Phase One, the Agencies are calling for Registrations of Interest (**ROI Call**) from applicants (individual or organisations) interested in developing these Sites and the associated water area into a modern commercial boating precinct that will cater for maritime industries, while at the same time providing public access across the Sites. The boundaries of these Sites are shown in Figure 5. The purpose of the ROI Call is to ascertain:

1. industry interest in redeveloping the Sites and whether that interest is compatible with the Agencies' vision for the Sites as a maritime industry precinct and relevant planning controls;
2. whether industry is able to satisfy the environmental requirements for redevelopment of the Sites;
3. whether proposals from industry to redevelop the Sites are likely to provide an optimal and acceptable financial return to Government; and

4. whether, in the absolute discretion of the Agencies, the process for the redevelopment and lease of the Sites is to be pursued any further.

Registrations of Interest must be made using the Lodgement Form attached at Appendix J and must include the information required under, and comply with the requirements of, section 6. Without limiting section 6, Registrations of Interest are to include concept plans that illustrate proposed development and usage of the Sites, indicative development costs, indicative development program, environmentally sustainable solutions and indicative financial return to Government.

Registrants can submit ROIs for one site, any combination of sites or all sites and may make one response, more than one response, or one response with multiple alternatives.

NSW Maritime will act as the lead agency administering this call. All contact is to be made by and through NSW Maritime. Contact details are set out in section 9.1.

Registrations of Interest will be reviewed by an assessment panel comprising representatives of the Agencies and, if required by the Agencies, external advisers. The assessment panel and the Agencies are entitled to seek further information and clarification from anyone lodging a Registration of Interest (**Registrant**) and to answer questions from Registrants and potential Registrants. Any questions asked of the Agencies during the ROI Call process by a Registrant or potential Registrant and any response from or on behalf of the Agencies to a question may, in the absolute discretion of the Agencies, be published or not published to other Registrants or potential Registrants.

The assessment panel will make recommendations to the Agencies. The recommendations might include (but will not be limited to) any of the following:

- that one or more Registrants be invited to participate in Phase Two of the ROI Call process;
- that Phase Two of the ROI Call process be conducted in a manner different to that contemplated in this document; or
- that this ROI Call process should not be pursued further.

The Agencies shall consider the recommendations from the assessment panel but are not obliged to follow those recommendations. The Agencies will, in their absolute discretion, determine whether, and if so, in what manner, this ROI Call process will be pursued.

There are no draft legal documents (Agreement to Lease, Lease, or Water Licence) included in the Phase One documents. These will be included in the Phase Two process.

Phase Two

If this ROI Call process proceeds to Phase Two, the Agencies will seek detailed proposals in respect of the projects including financial proposals. Phase Two proposals will be the subject of more extensive assessment, with a view to selecting a suitable proposal (or proposals) for the development of the Sites under agreements to develop and lease/licence the Sites.

The development will be a key milestone under the maritime industry strategy for Sydney Harbour as outlined in section 1.4.

Given the relatively compact size and location of the Sites (total land and water area including Site 3 of approximately 4.3 hectares), the preferred option of both Agencies is to offer leases and water area licences for all three Sites to a single Proponent. However Registrations of Interest for individual Sites, combinations of Sites, or sections of each Site, both on an individual

organisation basis or as part of a consortium interested in other parts of the Sites, will also be considered.

The successful Proponent(s) will sign separate lease documents with the SPA and NSW Maritime for Sites 1 and 2, while the Site 3 lease and the water area licence(s) will be with NSW Maritime only.

Any lease of land to which this Registrations of Interest document relates, shall be in accordance with NSW Maritime's Commercial Lease Policy, the commercial lease requirements of the State Property Authority, and the standard form of lease issued by each of the Agencies. A copy of NSW Maritime's Commercial Lease Policy will be issued to Registrants upon public release in January 2008. Similar lease terms and conditions will apply to State Property Authority land.

1.3 Development and management objectives of the Sites

The successful Proponent(s) will be required to:

- ensure the development of the Sites is compatible with the relevant planning instruments and documents;
- ensure the proposed development is ecologically sustainable and environmentally compliant and efficient;
- ensure the development of the Sites is compatible with commercial boating operations and maritime navigation requirements, and does not hinder nearby recreational boating users;
- complete the development in accordance with financial objectives and development timetable to be agreed with the Agencies;
- provide public foreshore access on land, taking into consideration safety and operational requirements;
- provide adequate parking space for the precinct and nearby maritime locations;
- provide an optimal financial return to the Agencies from the use of the Site(s);
- manage the lease and water licence areas in a safe and efficient manner and in accordance with NSW Maritime and SPA requirements;
- ensure that the heritage requirements of North Sydney Council and any other appropriate authority are satisfied; and
- comply with all relevant laws including development consent under the *Environmental Planning and Assessment Act 1979* and licences under *Protection of the Environment Operations Act 1997*.

1.4 Maritime Industry Strategy for Sydney Harbour

The NSW Government supports the retention and development of key sites on Sydney Harbour for working harbour uses. This policy is expressed in several public documents including the *Sharing Sydney Harbour Regional Action Plan (2000)* and *Land Supply for the Working Harbour (2003)*.

Sites for the working harbour are limited in number and location and there is a need to ensure that each prime site is developed for an appropriate and essential use. While some aspects of the working harbour such as shipments of containers and motor vehicles will eventually cease in Sydney Harbour, other functions, such as recreational boat storage, boat repair and maritime construction contracting, have experienced significant growth.

Being strategically located on the northern side of Sydney Harbour, Berrys Bay West is identified in the above documents as a key working harbour site. Its central location makes it accessible to waters east and west of the Sydney Harbour Bridge and its deep, protected water ensures development potential for a range of on-water activities.

The Agencies own two other properties on the Waverton Peninsula. These are the former Quarantine Depot (owned by both Agencies) and the former Balls Head Coal Loader wharf (owned by NSW Maritime). These properties will be the subject of future calls for expressions of interest (refer section 2.8).

1.5 Acceptable Uses

The maritime precinct at Berrys Bay West must include the following uses and facilities:

- vessel storage capacity such as on-water berthing and/or on-land storage
- sewage pump-out
- adaptive re-use of all structures of heritage significance
- appropriate parking and landscaping
- public foreshore access across Sites 1 and 2.

The maritime precinct will preferably include elements of:

- a modern, environmentally compliant vessel repair facility with refuelling services
- a small craft launching facility suitable for rowing craft, kayaks, dragon boats and/or dinghies
- public pick-up / drop-off berths

In addition, the precinct could also contain any of the following that are commensurate with 'Waterfront' zoning:

- a back of house charter vessel facility
- a commercial vessel launching ramp
- a dinghy storage facility
- vessel mooring at the concrete dolphin wharf
- shops and offices providing services ancillary to maritime uses.

1.6 Timing

The deadline for submissions under this call for Registrations of Interest (ROI No: MA 08/02) is 2pm on **Tuesday 4 March 2008**.

It is anticipated that both applicants to be short-listed and unsuccessful applicants will be advised in May 2008.

If Phase Two proceeds, it is anticipated that the successful proposal(s) would be determined by late 2008 and successful proponent(s) would sign agreements to develop and lease the various Sites as follows:

- Sites 1 and 2 – October 2008
- Site 3 – as mutually agreed. The timing is dependent upon the retention / demolition of the Site 3 dolphin wharf and if retained, whether or not a foreshore access path/roadway to the wharf is required by the successful Proponent (refer section 4.4).

2. SITE INFORMATION

2.1 Brief History

Sites 1 and 2 are on lands on which the *David Berry Hospital Act 1906* is thought to apply. Registrants should carry out their own enquiries as to the operation and effect of that Act.

(a) Site 1 - former BP site

Site 1 has been used for maritime related activities since the 1820's. In 1922, Site 1 (Lot 21 DP1048933 – more recently depicted as Lot 2 DP 1061443) and adjacent areas (Lots 20 and 22 DP1048933) were developed for oil storage. By 1939, there were 11 oil storage tanks on the site. The leases for the land and foreshore areas were first acquired by BP (Fremantle) Ltd in 1952 and usage of the site for petroleum product storage expanded to 31 tanks by 1967. Following a reorganisation of its Australian operations, BP ceased its operations on the site in 1993, and in 1996 all storage tanks were removed.

In August 1997 the former Premier of NSW announced a strategic vision for Sydney Harbour, which led to the higher level of the original site being rezoned for open space and placed under the care, control and management of North Sydney Council in January 2003. Only Lot 21 DP1048933 (Site 1) was retained and reserved for waterfront industrial use. BP vacated the site in February 1998 and undertook a soil contaminant remediation of the site. The formal Deed of Surrender and Release of all leases and licences occurred during 2003.



Site 1 area showing existing wall

(b) Site 2 – Woodleys site

The Woodleys site has also had a long association with maritime activities. From the mid 1880s until 1902, the site was occupied by the Sydney Torpedo Depot. In 1906 EJ Woodley and his brother first leased the site and gradually developed a docking contractor, boilermaker, general engineer, blacksmiths and shipbuilders business, which was proclaimed as such in 1944. Woodleys evolved into Woodleys Slipway Pty Ltd in 1982, a business comprising nine separate companies employing some 50 workers on activities such as boilermaking, marine management, ship repairs and retail sale of boats and motors.

The business is now known as Woodley's (Berrys Bay) Pty Ltd, operated by its present owners since October 1990. The present tenancies with NSW Maritime and the SPA have been held over to at least 19 February 2009 and will be terminated when the successful Proponent is ready to take occupancy of the Site.



*Marine facility at
Woodleys site*

All participants in this ROI call must respect the fact that the Woodleys tenancy is an operating business with the right to quiet enjoyment in respect of the tenancy and no contact is to be made by participants directly with Woodley's (Berrys Bay) Pty Ltd unless agreed to by the company. Any proposed contact with Woodleys is to be made in the first instance with the Berrys Bay Maritime Precinct Project Manager.

(c) Site 3 – Concrete dolphin wharf

This wharf was constructed in the late 1950's by BP Australia as its major oil product import and export wharf and was used continually until around 1993 when BP ceased its shipping operations at the terminal. Water depth at the wharf, which comprises a concrete central platform from which access walkways lead to two berthing dolphins, is around 10 metres at low water. It is connected to the shore via a pipe gantry support structure and access walkway leading to a foreshore walkway.



*Site 3 - Pipe gantry
support structure and
access walkway*

2.2 Current Uses and Condition

The Site 1 land area is vacant apart from vegetation and only contains the structures listed in section 2.5. A Sydney Water sewage pumping station (SPS 686) exists at the rear of the Site. Parts of the site, particularly near SPS 686, have poor drainage.

Wharves 1 and 2 on Site 1 are currently used for short-term berthing of around 11 barges and vessels on a month-to-month basis. The wharves have power supply boards that satisfy maritime standards. These wharves are in poor condition.



Wharf 1 on Site 1



Wharf 2 on Site 1

Woodleys on Site 2 is one of the few remaining fully commercial shipyards in Sydney Harbour providing ship repair services for vessels in the order of 400 tonnes. Partially due to the limited space on the site and the age of operating components, the facility is not compatible with current Department of Environment and Climate Change (DECC) environmental standards.

Site 3 is presently used for the tie-up of a floating pontoon, the *Sydney Harbour Queen*. A structural report on the wharf is available. While fender piles on its central platform have been repaired, further remedial repairs are required to the central platform and dolphin structures. The timber plank access walkway leading from the shore remains in very poor condition.



Site 3 – dolphin and access structures

2.3 Survey Plans

The following survey plans are attached:

- i. Level survey of Sites 1 and 2 – November 2004, NSW Maritime – Figure 7
- ii. Hydrographic soundings in Berrys Bay (based on Plan 3428/5 – Hydrographic Survey, Berrys Bay, October 1989 taken by Maritime Services Board of NSW) – Figure 8

2.4 Site Plans

There are a number of Deposited Plans (DPs) that define the areas within the precinct. They are listed in Appendix A. However those most relevant to Site 1 (DP 1061443 Lot 2) and Site 2 (DP 1006263) are provided in Figures 9 and 10 respectively. A table of site area sizes is also listed in Appendix A. Copies of the other DPs can be provided at the ROI stage upon request.

2.5 Existing Structures on site

Site 1:

- * two wharf structures – a timber T wharf (Wharf 1) and a wide timber wharf (Wharf 2)
- * remnant circular stone block/concrete retaining walls which previously bunded the former fuel storage tanks



Stone wall facing eastward

*

- * remnant concrete blocks (former pumping station) at the eastern end of the site.



Remnant concrete blocks

Site 2:

- * 3 slipways with boatsheds
- * 3 timber jetties
- * a two storey administration building
- * 2 workshops
- * a small weatherboard office
- * a small shed

No condition reports on these structures are available. However under the terms of NSW Maritime's main lease with Woodley's (Berrys Bay) Pty Ltd, all structures on NSW Maritime's land (which excludes the administration building) can be required to be removed or can be retained for use by the successful Proponent. Under the terms of the lease with the State Property Authority, buildings erected in that area are not required to be removed at the end of the lease.

The lease / licence documents with Woodley's (Berrys Bay) Pty Ltd are listed under Appendix B and can be viewed by participants upon request.

Site 3

- * a concrete deck dolphin wharf (Wharf 3), pipe gantry, access and foreshore walkways

2.6 Existing services

Existing underground service information for Sites 1 and 2 showing Telstra cables, EnergyAustralia cables and Agility gas pipes is available and can be found on website www.dialbeforeyoudig.com.au. Drawing references are listed in Appendix A.

2.7 Environmental Information

In relation to Site 1, BP commissioned a site audit report in September 2002 and its auditor issued a site audit statement dated November 2002. This report is listed in the references (Appendix A) and the site audit statement is attached (Appendix C). The site audit statement indicates that Site 1 is suitable for commercial / industrial use subject to the conditions stated. A subsequent draft environmental management plan was prepared by BP in December 2002 and is also a reference report.

In relation to Site 2, no specific environmental information is available. Woodleys obligation under its Leases has been to ensure that reasonably satisfactory measures are taken to prevent pollution of the waterway and its foreshores arising out of the use of the leased property or from any vessels temporarily moored at or adjacent to the leased property.

In relation to the water area, the BP site audit reports indicate that petroleum hydrocarbons and dissolved arsenic may have entered Berrys Bay but that their concentrations are such that they do not present a significant risk to the fauna and flora of the Bay or to the uses permitted for Site 1. In addition, the DECC has indicated that *while contamination is present in the sediments, and it is reasonable to conclude that the former BP Terminal while operational would have been the likely source, the impact does not appear to be significant* (source: NSW EPA, Paper on Berrys Bay, Contamination on near shore sediments 2004).

As the Agencies are not the source of information for the environmental reports, they do not adopt or comment on the technical information or representations and are merely passing on the information to applicants and organisations. The Agencies make no representation or warranty that any of the information or conclusions in any report or in this ROI Call is accurate or complete. The Agencies accept no liability for the statements made in any of the reports or any information or statement in this ROI in respect of the condition of the Sites and adjoining land and any requirements of any authority in respect of the Sites or adjoining land, the investigations undertaken or reliance on the reports. As the Agencies will lease the Sites to the successful Proponent(s) on an 'as-is' basis, applicants and organisations should satisfy themselves as to the condition or suitability of any of the Sites and their interest in the Sites subject to anything whether or not disclosed or ascertained from the reports. Registrants should make their own enquiries as to whether any notices or other requirements of state agencies apply to the land and would require compliance by the Registrant if the Registrant were to take occupation of the land.

There are a number of other environmental reports available on the Sites. These are listed in Appendix B and can be viewed at the ROI stage upon request.

2.8 Surrounding development and uses

Figure 11 shows the location of the surrounding land areas owned or managed by others.

Care, control and management of the area depicted on Lot 20 DP 1048933 and Lot 22 DP 1048933 (east of Site 1) has been transferred to North Sydney Council which has created open space improvements. The resultant parkland was officially opened on 12 March 2005.

The small area and easement in Site 1 totalling 114.6m² (Lot 1 DP 1061443) is owned by the Sydney Water Corporation and is used as an underground sewage pumping station (SPS 686).



Sydney Water site

The area immediately behind Lot 20 abutting Balls Head Road (Merivalla P/L Lot 879 DP 752067) contains four occupied residential apartments.

Balls Head Road is a public thoroughfare which stops at the edge of the maritime precinct.

The area bordering the Woodleys site to the south and west is vacant bushland owned by North Sydney Council (Lots 1 and 2 DP 216463 respectively).

Lot 99 DP 1048930 is owned by the SPA and is to be developed by North Sydney Council as landscaped open space. The adjacent former Balls Head Coal Loader wharf and associated fender berthing dolphins and access walkway are owned by NSW Maritime. NSW Maritime is to seek separate registrations of interest from the private sector to redevelop the former coal loader site as a large vessel storage facility.

All of Lot 100 DP 1048930 is land owned by the SPA.

Further south of the vacant bushland site DP 216463 Lot 1, is a heritage-listed site on Lot 100 DP 1048930 owned by the SPA, which together with adjacent land below the original Mean High Water Mark owned by NSW Maritime, comprise the former Quarantine Depot site. This site which contains four buildings, a jetty and a slipway was used as a base for fumigating staff that were employed at the North Head Quarantine Station. An application for rezoning for waterfront uses has been lodged with North Sydney Council and a separate call for registrations of interest for this site will be made following approval.

3 PLANNING INFORMATION

3.1 Planning Instruments and Controls

The site is subject to the following statutory planning instruments:

- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Sydney Harbour and Foreshores Area Development Control Plan* adopted in conjunction with the *Sydney Regional Environmental Plan (Sydney Harbour Catchment)*
- *State Environmental Planning Policy (Major Projects) 2005*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *North Sydney Council Local Environmental Plan (LEP) 2001*
- *North Sydney Council Development Control Plan (DCP) 2002*

The site is also subject to the following strategic planning documents:

- *Waverton Peninsula Strategic Masterplan* prepared for North Sydney Council by Clouston Associates, March 1999
- *Waverton Peninsula Framework Plan* prepared by the NSW Department of Planning 2002 (unpublished)
- *Land Supply for the Working Harbour* prepared by the Waterways Authority 2003

In addition, any application for development on land owned by NSW Maritime will be subject to the provisions of the policy document *Obtaining Permission to Lodge a Development Application* prepared by NSW Maritime (available on www.maritime.nsw.gov.au).

Strategies for Site 1 shown in the *Waverton Peninsula Strategic Masterplan* are in Appendix D. The full Masterplan can be viewed on:

www.northsydney.nsw.gov.au/www/html/3066-strategic-masterplan.asp

Registrants should obtain planning certificates pursuant to s149 of the *Environmental Planning and Assessment Act 1979* to verify any information provided in the ROI regarding the planning controls that apply and the purposes for which development may be carried out on the land.

3.2 Zoning and Development Controls

The site is subject to the zoning and provisions of North Sydney LEP 2001 and the SREP Sydney Harbour Catchment 2005.

The land identified as Site 1 is zoned “Waterfront” by North Sydney Council LEP 2001 to permit a range of maritime industries including charter and tourist boat facilities, marinas, ship building and repairs, water based transport facilities and ancillary shops and offices. The land identified as Site 2 is zoned part “Waterfront” and part “Bushland”. A part of the site (ie reclamation) is unzoned in both North Sydney LEP 2001 and the SREP Sydney Harbour Catchment 2005.

Relevant extracts from the North Sydney Council LEP are in Appendix E.

The water is zoned “W1 Maritime Waters” under the SREP Sydney Harbour Catchment 2005. Zone W1 Maritime Waters permits a range of uses including boating industry facilities and commercial marinas with development consent. The SREP Sydney Harbour Catchment 2005 contains certain provisions relating to development on these Sites.

Sites 1 and 2 are identified as Landscape Character Type 11 in the DCP which applies to industrial areas of the Harbour.

Relevant extracts from the North Sydney Council DCP including the Waverton / Wollstonecraft Character Statement are also found in Appendix E.

3.3 Heritage Issues

Both Site 1 and Site 2 have heritage significance and in this regard consideration will need to be given to North Sydney Council's requirements in relation to the Sites. Site 3, though having no heritage-recorded listing, is a reminder of the former industrial use of the precinct.

Site 1 is a prominent harbourside former industrial landmark, distinguished by physical changes to underlying topography. The site has an historical association with eminent merchants Edward Wollstonecraft and Alexander Berry who had early wharf and store buildings on this site made of blocks hewn by convicts. Physical evidence of these early buildings remains on site in the form of the sandstone blocks which were reused to form circular sandstone and concrete walls which previously bunded the oil storage tanks when it operated as the BP oil terminal.

The site is listed in the North Sydney Local Environmental Plan 2001 Schedule 3 and in the State Heritage Inventory as "remains of Berry's Wharf and Store".



Site 1 – sandstone wall

Note that the existing Wharves 1 and 2 on Site 1 as well as the block structure at the eastern end of the site are not considered heritage items and may be demolished.

Site 2 has heritage value as a waterfront industry site related to shipbuilding and repair. While there is no one specific building or item listed in the State Heritage Inventory, the boatsheds and slipways exemplify the past and present maritime nature of Sydney Harbour. Being a former Torpedo Depot as well as being associated with the working harbour firm Woodleys for over 100 years, means that the site is associated with a number of historical vessels, yachts, launches and boats that are part of Sydney's heritage.

The site is listed in the North Sydney Local Environmental Plan 2001 Schedule 3 and in the State Heritage Inventory as "Woodleys Shipyard" and includes"a complex of waterfront workshops, slipways and sheds....". It represents the Berrys Bay ship building tradition and the equipment and slipways are recorded as having some technological interest.

As the primary significance of the site rests in its function rather with the existing fabric of specific structures and buildings, the association of the site within the pretext of the overall maritime precinct that contains a facility for maintaining and repairing a wide range of commercial and private craft is considered acceptable within this ROI.

Sites 1 and 2 are listed in the SPA (former NSW Crown Property Portfolio Heritage and Conservation Register) as Heritage Nos. 511 and 512, contained in Appendix F.



Site 2 – Woodleys shipyard

A report by heritage consultants Godden Mackay Logan outlining the options in which the heritage values of the Sites (and in particular the convict hewn sandstone blocks within Site 1 and the historical ship building and repair context of Site 2) can be interpreted within the development of the Berrys Bay Maritime Precinct, will shortly be completed and issued as Appendix G.

A Conservation Management Plan for all Waverton Peninsula industrial sites, prepared in May 2000, can be found on www.northsydney.nsw.gov.au/www/html/3057-conservation-plan.asp.

3.4 Planning Approval

It is likely that the successful Proponent(s) will require the following approvals:

Permission to Lodge a Development Application is required from NSW Maritime (for development proposed over water or reclaimed land) and from the SPA (for development proposed on land) before a development application can be lodged. All proposals on NSW Maritime land will be subject to the provisions contained within its policy document *Obtaining Permission to Lodge a Development Application*.

Planning approval for a development application (DA) is required from the relevant planning approval authority. The relevant authority and environmental assessment approval process will depend on the type and scale of development proposed for this site. For instance, North Sydney Council is the approval body for boat repair facilities under the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2003*. However a marina which would moor, berth or store more than 30 vessels may be deemed to be termed a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* for which the Minister for Planning is the consent authority.

Construction approval directly from NSW Maritime is required for works on its land under the provisions of Regulation 65A of the *Management of Waters and Waterside Lands Regulations - NSW* despite any other conditions of development consent. The SPA does not grant construction approval for structures on its land directly but requires the sighting of all construction drawings accompanied by a certificate signed by a certified practicing member of the Institution of Engineers Australia.

Construction certificates and **occupation certificates** that are required under s109C(1)(b) and s109C(1)(c), respectively, of the *Environmental Planning and Assessment Act 1979*.

Application forms and applicable guidelines for the above are found on the relevant NSW Maritime, SPA, North Sydney Council or Department of Planning websites.

Forms and guidance notes for applications to NSW Maritime can be found at [www.maritime.nsw.gov.au/ maritime property division / property planning](http://www.maritime.nsw.gov.au/maritime-property-division/property-planning).

Note that subsequent to the planning approval, approvals may also be required under the *Heritage Act*, *Protection of the Environment Operations Act*, and *Fisheries Management Act*.

4. SITE ISSUES

4.1 Woodleys site (Site 2)

The current leases between Woodleys and both NSW Maritime and SPA extend to 19 February 2008. However both Agencies will permit Woodleys to continue operating from Site 2 on a licence basis until 19 February 2009 or until such time as the Successful Proponent for the site has obtained all necessary development approvals and is ready to occupy the Site, whichever is the later. Based on advice from the Successful Proponent, the Agencies will provide Woodleys with three months' notice of the date for them to vacate the site.

The leases with NSW Maritime indicate that Woodleys must remove all existing improvements (structures) erected upon the leased area as directed by NSW Maritime. NSW Maritime may be prepared not to invoke this requirement for those improvements which would be required by the Successful Proponent provided removal of the structures is not required to enable compliance with the requirements of any authority or is otherwise not required for commercial or safety reasons. ROI submissions should therefore identify which existing structures on NSW Maritime land would be retained and incorporated in concept plans for Site 2.

However, for the area under existing lease with the SPA, the buildings now standing are not required to be removed and are required to be in good and substantial repair at the termination of the lease. In particular, this refers to the two storey administration building.



*Woodleys
administration
building*

In relation to the workshop buildings that lie partly on NSW Maritime land and partly SPA land, submissions are to indicate whether these would or would not be required for utilisation.

The site would be leased to the successful Proponent on an 'as-is' basis except for the potential removal of improvements referred to above.

ROI concept plans must take these conditions into consideration as well as current DECC requirements relating to existing structures.

4.2 Public Foreshore Access

The Waverton Peninsula Strategic Masterplan states that along Site 1, public foreshore access is to be provided and 'negotiated with successful lessees to meet occupational health, safety, security and operational requirements'. There are several models in Sydney and interstate of the successful integration of public access and industrial waterfronts. **Given the proximity of**

this site to the open space network of Berrys Bay and Balls Head, concept plans are required to indicate and describe how public access is to be provided and subsequently managed along (or through) Site 1.

A working waterfront study prepared for North Sydney Council which addresses public foreshore access for the site is listed in Appendix B.

It is the intention to continue public access from Site 1 through to Site 2 and ultimately (by others) to the former Quarantine Depot site referred to in section 2.8 of this ROI document. Concept plans for Site 2 are to indicate how public access can be achieved through the Site.

4.3 Parking

The Proponent will be required to meet parking standards for the sites set by North Sydney Council. Registrants should note that there are site limitations for parking at both the nearby former Quarantine Depot site and former Balls Head Coal Loader site. Users of these sites may require parking spaces and therefore Registrants must make allowance for an additional 20 parking spaces to provide centralised parking for these locations.

4.4 Access and Use of Site 3

There is presently no practical access to Site 3 other than by water. Given the steep terrain surrounding Site 3, the only practical means of providing land access would be along the foreshore, for example as a sealed / boardwalk access path, partly over water, along the foreshore connecting Site 1 to Site 3. This access path typically could be around three metres wide and be limited to pedestrian and small service vehicle traffic (see Figure 12).

NSW Maritime's preference is for suitable maritime use(s) of Site 3. Suitable uses could involve the temporary berthing of appropriate vessels at the wharf, use as a pick-up/ drop off facility for commercial vessels, or use for day berthing for private vessels to provide access to nearby parkland areas. Note that there is a height differential between mean water level and the top of the wharf structures of around 2.5 metres.

Site 3 applicants are to indicate whether a land access route to Site 3 is required. Responsibility for funding and providing this access route would be negotiated with the successful Proponent of Site 3.

Should a land access route be required, the successful Site 3 Proponent shall make Site 3 available for public access whenever the wharf is vacant subject to any public safety, security and operational requirements.



*Current access –
Site 1 to Site 3*



Current access – Site 1 to Site 3



Current access – approaching Site 3

North Sydney Council has suggested that Site 3 could alternatively be utilised for recreational purposes and has prepared a study to this effect which is listed in Appendix B.

Should no ROI be received that proposes to use Site 3, NSW Maritime may consider demolition of the dolphin wharf and associated pipe gantry, access and foreshore walkways.

4.5 Access way to the Sydney Water Corporation sewage pumping station

Registrants are to allow for a 5-metre wide easement to SPS 686, for construction of an all weather truck access road that connects to Balls Head Road that would be funded by the successful developer. Allowance will also be required for a truck turning circle at SPS 686. Sydney Water has indicated that the successful Proponent may choose the location of the easement and turning circle to be compatible with their site layouts.

5. LONG TERM LEASE AND WATER LICENCE TERMS

5.1 Lease and Water Licence

This ROI document is the first stage of seeking industry involvement in the development and management of the Berrys Bay Maritime Precinct. Any proposal should be supported by a proposed competitive commercial rent offer.

For the land and water sites, the length of the lease term that would be granted would reflect the level of capital investment that is proposed. Indicatively this could be for a term of 30 years.

In terms of rental, annual rental is preferred, including a base rent, subject to review every three years to the greater of CPI and market, and in each other year, according to CPI. A ratchet provision will apply to all reviews. However other proposals for rental will be considered.

,Except where expressly provided to the contrary in the ROI, or by the agreement of the parties;.

- Any lease entered into by a Registrant with NSW Maritime is to be in accordance with: NSW Maritime's Commercial Lease Policy, as well as the standard form of lease that NSW Maritime intends to use for future commercial leasing under that Policy
- Any lease entered into by a Registrant with the State Property Authority is to be in accordance with State Property Authority commercial property policies as well as the standard form of the State Property Authority commercial property lease.

During the period of the Agreement to Lease and prior to the commencement of the Lease / Licence, the Agencies are prepared to consider acceptance of a lower occupation licence fee (\$/m² per annum) payment of 50% (or other agreed percentage discount), of the Annual Rental.

In setting an appropriate occupation licence fee, consideration will be given to the proposed interim site use and area required.

Upon execution of an Agreement to Lease, the Agencies will require the successful Proponent(s) to pay:

1. The Proponent(s) share of the Agencies' legal and consultant costs in negotiating and executing the Agreement to Lease and the Lease / Licence documentation; and
2. An upfront development payment, in addition to any rent or occupation licence fee, for an amount to be agreed, but could be the greater of \$25,000, or 3 months full rent, or 1% of the building works cost.

Both payments are to be non-refundable.

6 INFORMATION TO BE SUBMITTED WITH REGISTRATIONS OF INTEREST

6.1 Information required

The following information is to be provided on or attached to the Registration of Interest lodgement form found in Appendix J:

1. Registrant's Details

- Name of Registrant
- Legal entity of Registrant
- Australian Business Number (ABN)
- Business and postal address
- Contact person
- Contact person's telephone and facsimile numbers and e-mail address
- Consortium members in Registrant's organisation
- Main interest holders or shareholders in Registrant's organisation
- Date of company registration
- Site(s) sought (refer also section 1.1)
- Alternative lease period greater than 30 years, if required and essential to proposal.

2. Background and Experience of Applicant

- Relevant background and experience of Registrant and/or consortium organisations
- Organisational structure and profiles
- Details of maritime precincts (or elements thereof) developed in the last five years
- Details of maritime (or related) businesses managed in the last five years
- Details of any quality accreditation
- Membership(s) of any industry associations
- Advice on any judgement debts or court orders currently against the applicant or organisation
- Annual financial statements and reports for the past three years
- Strategic Plan, if available, for the current financial year
- Details of a contact for further financial information if required
- Details of two referees regarding expertise in developing a maritime precinct (or elements thereof)
- Details of two referees regarding management of a maritime (or related) business

NB. The above detail applies to all members of a consortium.

3. Concept development details

ROIs for each site sought must contain sufficient information and concept plans that provide:

- Approximate total area of site and water licence area required (square metres)
- A description of each element and its proposed function or use within the development
- Proposed site uses and which of these do not conform to those listed in section 1.5
- Indicative concept plans that describe the proposed development including infrastructure and maritime works

- An indication of whether the two existing Site 1 wharves would be retained or demolished
- A list of structures that would need to be removed from Site 2
- A list of structures to be retained and/or modified
- Range of vessels, berth numbers and lengths for any commercial marina proposal
- Range of vessels (in terms of length, weight and beam) that would be serviced by a travel lift and/or slip should a vessel repair facility be proposed
- Proposed methodology for investigating and removing any remnant contamination
- Indication of how the heritage requirements of each site would be addressed
- Concept plan showing vehicular access routes proposed for each site and within the sites
- Location of the Sydney Water access road easement that is compatible with the proposed Site 1 layout
- Whether a foreshore access route to Site 3 is required
- Vehicle parking concept and approximate number of vehicle parking spaces provided. In addition to vehicle parking requirements for business operations and for public use of the Sites, 20 car parking spaces are to be provided for users of other nearby maritime sites
- All proposed public access routes and how public access would be managed across these 'working waterfront' sites
- Any special requirements or conditions relating to the proposed use.

Note that neither Agency intend to undertake any further infrastructure, services, maritime or building works, other than possible removal of some or all of Woodleys' improvements on expiry of the lease or a possible contribution towards the foreshore access route to Site 3 (to be negotiated). Applicants should acknowledge acceptance of this requirement.

4. Financial Information

Registrants will be responsible for the capital and operating costs of any infrastructure, building and marine improvements. All Registrants are to provide the following information based on a lease period of 30 years. Registrants may also provide this information over an alternative lease period greater than 30 years, if required and essential to their proposal. NSW Maritime does not warrant that a lease term greater than 30 years will be granted.

- Indicative costs of all components within the development works
- Indicative annual rental (or equivalent payment) to be paid for the preferred lease and water licence term for each nominated development site sought
- Occupation licence fee to be provided during the period of the Agreement to Lease and prior to Lease / Licence commencement
- Indicative structure of debt and equity to finance the development
- Evidence of the financial capability of the Registrant to perform obligations under a future lease. In this regard, details of a financial referee or submission of an independent financial assessment of the Registrant's capability is required.
- Confirmation of the Registrant's capability of providing adequate security for the performance of any future lease obligations as a condition of participating in Phase 2 of the ROI.

Successful Proponents will be responsible for all required maintenance work to keep the sites in a good state of repair and for outgoings on their leased area such as rates and taxes. They

will also be responsible for the Agencies' legal costs of negotiating, drafting and completing all documentation and payment of stamp duty.

5. Development Program Schedule

An indicative overall Development Program Schedule is to be provided showing the likely time necessary to complete the activities listed below following execution of the Agreement to Lease (assume 1 October 2008). Appropriate float over Christmas / New Year should be made.

Details should include:

- lodgement of application for landowner's consent
- lodgement of the Development Application
- lodgement of specifications and drawings for construction approval
- period of construction
- advice on practical completion
- commencement of operation.

In addition, Registrants should also provide details of their proposed development management team and key professional personnel.

6 Long Term Lease Plan

- An outline of the long term management and maintenance plans for the development site(s)

6.2 Conformance with Government Policy

By lodging a proposal, Registrants acknowledge that they are aware of, and will conform to, relevant laws of the Commonwealth and the State of New South Wales, as well as relevant New South Wales Government policies, codes, guidelines and environmental recommendations in developing their concepts, including but not limited to:

- Code of Practice for Procurement (applicable from February 2005)
- Guidelines for Privately Funded Projects
- Ecologically Sustainable Development
- Environmental Management Systems Guidelines
- Department of Environment and Conservation (EPA) Environmental Guidelines for Best Management Practice for Marinas & Slipways
- Department of Environment and Conservation (EPA) Industrial Noise Source Policy.

7 LODGEMENT OF REGISTRATIONS OF INTEREST

7.1 Deadline and Location of Lodgement

Deadline: 2:00 pm, Tuesday 4 March 2008

Location: Tender Box
Maritime Property Division
NSW Maritime
Level 11
207 Kent Street
SYDNEY NSW 2000

Registrations of Interest must be placed in the tender box on Level 11 at the above address no later than 2:00 pm on the above date. Any ROI received after that time will not be considered, except where it is clear that the cause of the lateness was beyond the control of the Applicant, and when there is no possibility that the integrity of the ROI process has been comprised.

7.2 Form and Content of Registrations of Interest

Registrations of Interest are to comprise the duly completed Lodgement Form and all other information required in section 6 of this ROI document.

Registrations of Interest should be enclosed in a sealed package, noted clearly and legibly labelled:

Berrys Bay Maritime Precinct
Registration of Interest No: MA 08/02

Three hard copies of all documents are to be submitted.

8. ASSESSMENT PROCESS AND CRITERIA

8.1 Assessment

The Agencies will form an assessment panel comprising representatives from the Agencies and a private sector adviser to review the Registrations of Interest received and to make recommendations to the Agencies. The Agencies have also appointed a probity auditor to observe the process to ensure fairness. Any short-listing and selection of Registrants or a second public invitation to participate in a Phase Two process will be made by the Agencies at their absolute discretion. The Agencies are not bound to follow the recommendations of the assessment panel.

8.2 Assessment Criteria

Registrations of Interest will generally be assessed on the extent to which they comply with the objectives set out in section 1.3 and the information submitted as specified in section 6. In particular, key assessment criteria will include (in no particular order of importance):

- Planned uses for the sites
- Background and experience details including level of performance in developing, managing and operating a maritime precinct or elements therein
- Demonstration of financial and managerial soundness
- Concept development details
- Proposed lease and water licence periods, commensurate with proposed capital investment
- Compliance with Masterplan and LEP requirements and constraints
- Indicative financial offer, rental and capital investment
- Sensitivity and commitment to heritage, sustainability and public access issues
- Maintenance, remnant contamination removal, and management plans
- Value for money.

The Agencies will be under no obligation to pursue the ROI Call process and may elect to terminate the process at any time after lodgement of Registrations of Interest.

8.3 Negotiation Period

Following assessment of the detailed proposals submitted in Phase Two, the Agencies may enter into negotiations with one or more short-listed Registrants (Proponents) for the sites with a view to finalising Agreement(s) to Lease acceptable to and for execution by the Agencies. The Agencies reserve the right to extend the negotiation period at any time.

Negotiation periods will expire on the earlier of:

- Agencies giving the Proponent written notice (expiring at any time) that negotiations are terminated with that Proponent for that site; and
- The Agencies and a Proponent entering into a formal Agreement to Lease document.

The Agencies will not be responsible for any expenses or losses incurred by Proponents as a result of the termination of the negotiation period.

8.4 Notification

Following the Lodgement deadline, all Registrants will be listed in the Recently Closed Tenders section on the NSW Maritime website www.maritime.nsw.gov.au. Once a list of short-listed Registrants for a site has been prepared, the Agencies will notify all Registrants whether or not they have been short-listed for negotiations. When an Agreement to Lease has been executed, Agencies will notify other Proponents who were short-listed for negotiations.

9 ADDITIONAL INFORMATION

9.1 Contact for Registrations of Interest

Michael Freeland
Berrys Bay Maritime Precinct Project Manager
Maritime Property Division
NSW Maritime
Level 11, 207 Kent Street
Sydney NSW 2000
Tel: (02) 9364 2039 Fax: (02) 9364 2444
Email: mfreeland@maritime.nsw.gov.au

NB. Under no circumstances should any officer of NSW Maritime other than Michael Freeland be contacted in relation to this Registration of Interest.

9.2 Briefing Session

A briefing / question and answer session will be held at **10.00am on Tuesday 11 February 2008** at Site 1. Prospective attendees must provide at least 3 working days e-mail notice of their attendance to the Project Manager. Should it rain that morning, attendees will be notified by e-mail of any changed location. A summary of the main points and responses to all questions asked will be distributed to all prospective Registrants (see also section 9.5).

9.3 Site Inspections

Registrants may inspect Site 1 independently and at their own risk. All Site 2 inspections are to be arranged through the Project Manager, who will then advise of a suitable date and time with Woodleys. Site 2 inspections will take place on a group basis. Following the briefing / question and answer session, access to Site 3 will be arranged if requested.

9.4 Reports Available for Inspection

Copies of reports available for inspection are listed in Appendix B, and can be viewed at the above address. Please contact the Project Manager to arrange.

The Agencies make no representation or warranty that any of the information or conclusions in any report or in this ROI Call is accurate or complete. The Agencies accept no liability for the statements made in any of the reports or any information or statement in this ROI Call document or otherwise made on behalf of the Agencies by any person in respect of the condition of the Sites and adjoining land and any requirements of any authority, including but not limited to the DECC, in respect of the Sites or adjoining land.

9.5 Discussions with Registrants

The Agencies will, if appropriate, have discussions with interested parties to answer queries and clarify issues in relation to this call for ROI. Any further information given to interested parties prior to the deadline for lodgement of proposals to clarify this call for ROI (excluding information of a purely administrative nature) may, at the discretion of the Agencies, be issued to all interested parties whose details have been registered with NSW Maritime. Questions from interested parties should be submitted in writing via e-mail or facsimile. Answers will be provided by e-mail or facsimile.

The closing date for questions will be five working days before the deadline for lodgement of ROI. Questions submitted or clarification sought after that date may or may not be answered at the absolute discretion of the Agencies.

10 TERMS AND CONDITIONS FOR REGISTRATIONS OF INTEREST

10.1 Call for Registrations of Interest

The Agencies invite Registrations of Interest (ROI) for the development/upgrading and lease of the Berrys Bay Maritime Precinct sites and adjacent water area in accordance with the provisions of this ROI Call. Except to the extent that participants in this ROI Call process are bound by the terms of this ROI Call process, no legal or other obligations will arise between a Registrant and the Government or the Agencies unless and until formal transaction documents have been agreed and signed and all necessary Ministerial approvals and consents have been obtained.

In particular, the Agencies are not obliged to proceed with this ROI Call process and may elect not to proceed with the process at any time and in doing so the Agencies and the Government and their employees, contractors, agents and consultants accept no liability for loss or expenses or damage to or suffered by any participant in this ROI Call process and if it is not possible to legally exclude liability to any participant then participants agree that the liability of the Agencies and the Government and their employees, contractors, agents and consultants is limited in aggregate to \$1.

The Agencies are not under any obligation to consider any ROI or to negotiate or continue to negotiate with any applicant or organisation. The Agencies may accept or reject any ROI in its absolute discretion without giving any reason, and are under no obligation to give any reasons for their decision to a Registrant.

10.2 Deposit

No security deposit is required for the submission of a Registration of Interest.

10.3 Interpretation

In the interpretation of this document:

- The singular includes the plural and vice versa.
- Words that are gender neutral or gender specific include each gender.
- When two or more persons have joined in submitting a ROI, both or all of such persons are deemed to constitute the Registrant and all covenants and agreements on the part of the Registrant binds the persons constituting the Registrant jointly and severally.
- A reference to a person includes a natural person, partnership, joint venture, association, corporation or other body corporate.

10.4 Variations to Call for Registrations of Interest

The Agencies may in their absolute discretion cancel, vary or supplement this ROI Call at any time by written notice.

10.5 Disclaimer

Registrants must make and rely on their own investigations and satisfy themselves in relation to all aspects of the ROI call including but not limited to, the condition of the site or suitability of the site for any purpose. The Government, the Agencies and the solicitors for the Agencies will not be liable for any incorrect or misleading information provided in this document, at any briefing or in response to any questions or failure to disclose information.

10.6 Use and Approvals

Registrants must make their own enquiries as to the use or uses to which the land and water areas can be put as well as any possible impact on the Site(s) from activities or development of adjoining properties. Registrants must satisfy themselves in all respects and are deemed to have acted with full knowledge of and subject to any prohibition or restriction on use imposed under any relevant statute, regulation, or by-law. Should any use be permissible only with the consent of any authority under the relevant legislation, regulation or by-law, the Successful Proponent will be responsible for obtaining such consent at its own cost.

Successful Proponent(s) will be responsible for achieving any other approvals relevant to the successful proposal and meeting relevant costs.

10.7 Confidentiality, Copyright and Disclosure

Registrants should clearly indicate whether any aspects of their ROI are the subject of a claim for confidentiality. Registrants however, should be aware that the Agencies will need to make available confidential information to the Assessment Panel.

The Agencies, as required by NSW Government policy on the disclosure of information on public disclosure of information arising from NSW Government tenders and contracts (Premiers Memorandum No. 2007-01), may publish information, as contemplated by that memorandum.

10.8 Clarification and Presentation of Proposals

Registrants may be requested to make a presentation to an Assessment Panel. Adequate notice will be provided for this purpose. The Agencies will not be obliged to hold discussions with or allow presentations by participants but may hold discussions with and request presentations from a participant or participants without being obliged to extend the opportunity to all participants.

The Agencies may, after the deadline for lodgement of ROIs request any Registrant to provide additional information or to clarify any aspect of a proposal. This right is not mutual. The Agencies are not required to consider information supplied by Registrants that has not been requested by the Agencies.

10.9 Reservations

After the deadline for lodgement of ROIs, the Agencies may hold discussions with any or all Registrants in relation to the ROI Call, the proposal or the consideration of the proposal. The Agencies are under no obligation to disclose the contents of those discussions with any other proponent or any other person.

Registrants must not make any change to proposals after submission without the written consent of the Agencies, which may be given, withheld or given with conditions at their absolute discretion.

10.10 Media Announcement

At the end of the assessment process, the Agencies may wish to hold a joint media conference with the Successful Proponent(s). Successful Proponent(s) will not make any media release or hold any media conference without the full consent of, and if required by the Agencies, the participation of the Government.

10.11 Agencies Costs

Successful Proponents who execute an Agreement to Lease with NSW Maritime and the SPA must pay NSW Maritime and SPA's legal or other related consultant costs or costs of drafting and negotiating the Agreement to Lease, lease and licence and other related negotiations and agreements.

10.12 Costs Borne by Registrants

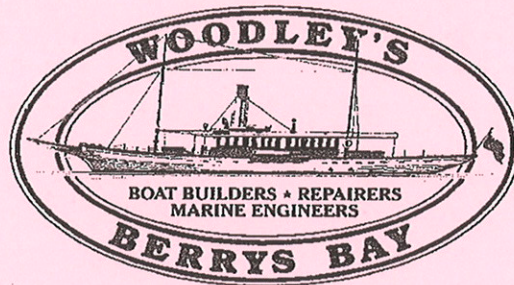
All costs and expenses incurred by Registrants in any way associated with the development, preparation and submissions of ROIs, including but not limited to attending meetings and discussions and providing additional information if required by the Agencies, will be borne entirely by Registrants.

10.13 Acceptance of Terms

All the terms and conditions of this ROI Call are contained herein.

11. LIST OF FIGURES – 1 - 12

1. Sydney Harbour West showing Berrys Bay
2. Berrys Bay aerial showing Sites 1 and 2
3. Berrys Bay aerial showing Sites 1, 2 and 3
4. Site 3 Dolphin Wharf
5. Sites 1, 2 and 3 land and water areas
6. Road access to the Berrys Bay precinct
7. Land survey heights
8. Hydrographic survey depths
9. DP 1061443 Lot 2
10. DP 1006263
11. List of Deposited Plans within Berrys Bay precinct
12. Possible alignment of access way between Site 1 and Site 3



Mr Simon Lawton
Manager
Commercial Property & Assets
Maritime Authority of New South Wales
James Craig Road
ROZELLE BAY NSW 2039

20 December 2010

Dear Sirs

Notice of Termination of Tenancy

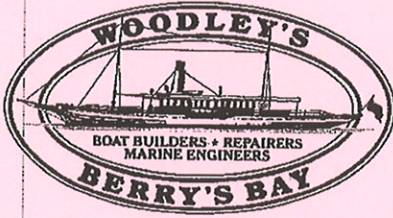
We refer to lease registered number 6700870 (**Lease**) of property described in folio identifier 1/1006263 (**Property**), as varied by the deed of variation of the Lease between Maritime Authority of New South Wales, Woodleys (Berrys Bay) Pty Limited, and Robin Anthony Crawford and Peter Irving Burrows.

We note we are currently occupying the Property as a tenant from quarter to quarter on the relevant terms and conditions as are contained in the Lease, pursuant to the holding over provision in clause 12.08 of the Lease.

In accordance with clause 12.08(a) of the Lease, we give notice to Maritime Authority of New South Wales, as lessor under the Lease three (3) months notice that our quarterly tenancy will expire at the end of that quarter which first commences immediately after the date of this letter.

Yours sincerely

Robin Crawford
Director



Woodley's (Berrys Bay) Pty Ltd 1 Balls Head Road, Waverton NSW 2060

DATE: December 20, 2010 TIME: 2:45:31 PM
TO: Simon Lawton FAX: 9563 8856
Pages: 1 inc this one
FROM: Stacey Holland FAX: 9955 8279
Woodley's (Berrys Bay) Pty Ltd Phone: 9929 5288
RE: Notice of Termination

Please phone 9929 5288 if transmission unclear or all pages not received

Message