

Sydney Eastern City Planning Panel

Panel Reference	PPSSEC-31
DA Number	DA2019/0380
LGA	City of Canada Bay
Proposed Development	<p><u>Original lodgement date</u> - 19/12/19</p> <ul style="list-style-type: none"> ▪ Alterations and additions to the marina berth layout to provide overall storage of 130 vessels comprising 15 swing moorings and 115 floating berths. Increasing floating berth spaces from 50 to 115. ▪ Removal of 29 swing moorings and retention of 15 swing moorings. ▪ Cessation of slipway activities including the removal of slipway rails and demolition of internal office mezzanine structure within the covered slipway area. ▪ Provision of 8 valet car parking spaces within the existing slipway area. <p><u>Amended</u> - 22/12/2020</p> <ul style="list-style-type: none"> ▪ Marina arm lengths reduced with separation between closest boat and Gladesville Bridge increased for northern arm from 5.64m to 10.73m and southern arm 23.29m to 26.7m. ▪ Amend to comply with AS3962:2020 with increased walkway widths and separation between vessels. ▪ Reduction in total number of fixed berths from 115 to 111 & relocate destination berth. ▪ Change size of vessels. ▪ Rotate southern arm 2 degrees away from foreshore. ▪ Provide waste storage area to south of building. ▪ Ancillary kiosk amended to neighbourhood shop. ▪ Public kayak pontoon in existing slipway.
Street Address	380 Victoria Place, Drummoyne
Applicant	Enares Pty Ltd
Owner	<p>380 Victoria Place, Drummoyne (Lot 1 in DP 430123, Lot 1 in DP 549352 & Lot B in DP 401843) - SNJ Pty Ltd</p> <p>Water & Land Based Element (Lot 1 in DP 1019271 & Vol 5018 Folio 1) - Transport for NSW</p> <p>Howley Park East (Lot 7058 in DP 94083) – Crown Lands</p>

Zoning & Permissibility	<p><u>Land-based Component</u></p> <p>In accordance with the Canada Bay Local Environmental Plan 2013, the site is zoned R3 Medium Density Residential. A marina is permissible in accordance with Clause 2.5 Additional permitted uses for particular land and the neighbourhood shop is listed as a permissible use in the land use table.</p> <p><u>Water-based Component</u></p> <p>In accordance with Clause 18 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, the water based component of the proposed development, defined as a Commercial Marinas, is permissible with the consent of Council.</p>
Date of DA lodgement	19 December 2020
Total number of Submissions Number of Unique Objections	<p><u>Original notification</u></p> <ul style="list-style-type: none"> - 179 objections - 48 in support <p><u>Re-notification</u></p> <ul style="list-style-type: none"> - 122 objections - 1 in support
Recommendation	Refusal
Reason for referral to the Panel	<p>The development is defined as private infrastructure (wharf or boating facilities) and has a capital investment value of greater than \$5 million.</p> <p>The proposal is Designated Development under Part 1 of Schedule 3 of the Environmental Planning and Assessment Regulations</p>
Relevant planning documents for evaluation pursuant to Clause 4.15 of the EP & A Act 1979	<ul style="list-style-type: none"> ▪ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ▪ Sydney Harbour Foreshore and Waterways Area Development Control Plan 2005 ▪ State Environmental Planning Policy No. 33 – Hazardous and Offensive Development ▪ State Environmental Planning Policy No. 55 – Remediation of Land ▪ Canada Bay Local Environmental Plan 2013 ▪ Canada Bay Development Control Plan 2013 ▪ NSW Sydney Harbour Boat Storage Strategy (TfNSW) 2013
List all documents submitted with this report for the Panel's consideration	Refer to Appendix A
Summary of key submissions	<ul style="list-style-type: none"> ▪ Visual impact and view loss ▪ Insufficient Parking

	<ul style="list-style-type: none"> ▪ Navigation & Safety ▪ Amenity ▪ Not in the public interest ▪ Environmental Impact ▪ Vehicular Traffic & Movement ▪ Site is not suitable ▪ Restriction of Public Recreation & Access ▪ Amended plans fail to address concerns ▪ Neighbourhood shop ▪ Use of Howley Park (East) ▪ Heritage Impacts ▪ Private facilities ▪ Loss of Working Harbour ▪ Fire Safety ▪ Property value ▪ Sustainability
Report prepared by	Mr Stuart Ardlie – City of Canada Bay
Report date	3 June 2021

1. Background

This Designated and Integrated Development Application was lodged on the 19 December 2019. The application was notified on the 13 January 2020 to 841 owners / occupiers for a period of forty-seven (47) days and advertisements placed in local newspaper publications.

The proposed development will be Integrated Development requiring approval under:

- Schedule 1 of the Protection of the Environment Operations Act 1997; and
- Fisheries Management Act 1994.

The Natural Resources Access Regulator has advised that, for the purposes of the Water Management Act 2000 the proposed works are exempt from the need to obtain a controlled activity approval.

On the 15 May 2020 Council requested additional information raising the following matters:

- In accordance with the Secretary's Environmental Assessment Requirements a visual impact assessment is required from the properties along the foreshore.
- Applicant to relinquish 29 moorings and to open up the navigation channel by up to 28m. A mooring plan for the entire commercial marina and private swing moorings is to be submitted.
- Clarification is required regarding the previous development consents which relate to the site.
- Traffic Services Referral - Deficient onsite parking, poor manoeuvring and impractical operation of the vehicle valet service.
- NSW EPA referral – Requested additional information in relation to the noise impact assessment and contaminated land.
- A waste storage area shall be proposed on the site with details on the location, enclosure and servicing, including vehicle movements provided for consideration.
- Removal of the existing slipway rails, slipway area, engineering workshop and shipwright workshop contrary to Clause 23 of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
- Environmental Health referral – Requested additional information in relation to the noise impact assessment.
- Heritage referral – The proposal is not acceptable with regard to its heritage impacts and does not satisfy Clause 5.10 of the Canada Bay Local Environmental Plan 2013 and Part D3 of the Canada Bay Development Control Plan 2017
- Acid sulfate soils – Require confirmation from a geotechnical engineer whether acid sulfate soils are present onsite, and if an acid sulfate soil management plan would be required.
- Advised to review public submissions.

The Applicant amended the proposal and submitted additional information on the 24 September 2020 and 22 December 2020. The amendments are summarised as follows:

- Reducing the total number of fixed berths proposed by four (from 115 to 111)
- Amending the size of selected vessels
- Rotate southern arm of the marina two degrees clockwise (towards the South)
- Change use of the existing kiosk/lounge to neighbourhood shop

- New waste storage enclosure adjacent the south eastern corner of the marina building
- Provision of a public kayak pontoon to existing slipway

The amended proposal was re-notified, including all previous submitters, on the 24 December 2020 for a period of forty-six (46) days.

The application was re-notified again on the 07 April 2021 as the Applicant did not erect the site notice during the previous re-notification period, resulting in a breach to statutory notification and advertising requirements of the Canada Bay Community Participation Plan. Council erected the site notice this time and advised all notified properties any previously received submission remained valid and would be taken into consideration during the assessment of the application, with no need to re-submit any previous submission.

The applicant's solicitors have written to Council stating that no site notice was received by the applicant for the amended scheme. Council's records indicate that the site notice was forwarded to the applicant. In any event, the application was re-notified with a site notice for the amended proposal erected on-site by council staff.

2. Proposed Development

The proposal development includes alterations and additions to the Gladesville Bridge Marina berth layout to provide overall storage of 126 vessels comprising 15 swing moorings and 111 floating berths, refer to Figure 1 and summary below:

- Removal of selected pontoons and piles.
- Removal of 24 existing commercial swing moorings and retention of 15 commercial swing moorings.
- Removal of 5 private swing moorings to be replaced by conversion of 5 commercial swing moorings into private swing moorings.
- Relocation of Police mooring.
- Construction of 111 permanent floating berth spaces of varying sizes increasing the number of floating berths from 49 (39 permanent & 10 temporary plus 3 pump out):
 - 5 x 10m vessel
 - 17 x 12m vessel
 - 20 x 15m vessel
 - 16 x 17m vessel
 - 6 x 18m vessel
 - 35 x 20m vessel
 - 2 x 25m vessel
 - 6 x 30m vessel
 - 3 x 35m vessel
 - 1 x 45m vessel
 - 1 x destination berth
- Cessation of the slipway activities, including demolition of the slipway rails and demolition of the internal office mezzanine structure within the covered slipway area. Provide public kayak pontoon on the existing slipway.
- Provision of 8 new car parking spaces within the existing slipway area and the operation of the entire onsite carpark via a valet system.
- Waste storage area (1.5 x 4m) to south of building.
- Kiosk for marina patrons amended to a neighbourhood shop (30sqm).

- The proposed staffing for the marina is 12 and neighbourhood shop is 1.



Figure 1 – Proposed Development (Source: extract of GHD Drawing No. 21-27558-K101, Rev J GHD)

3. Zoning and Permissibility

3.1. Land-based Component

In accordance with the Canada Bay Local Environmental Plan 2013, the site is zoned R3 Medium Density Residential. A marina is permissible in accordance with Clause 2.5 Additional permitted uses for particular land and the neighbourhood shop is listed as a permissible use in the land use table.

3.2. Water-based Component

In accordance with Clause 18 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, the water based component of the proposed development, defined as a Commercial Marinas, is permissible with the consent of Council.

4. Planning Framework

4.1. Designated Development - Secretary's Environmental Assessment Requirements (SEARs 1268)

The proposed development is classified as 'Designated Development' under Schedule 3, Clause 23 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) as it constitutes a 'Marina', with an intended capacity of more than 15 vessels having a length of 20 metres or more and an intended capacity of more than 80 vessels of any size.

The Applicants response to the requirements of the SEARs is contained in Part 1.6 of the Environmental Impact Statement.

4.2. Integrated Development

The proposed development will be Integrated Development requiring approval under:

- Schedule 1 of the Protection of the Environment Operations Act 1997; and
- Fisheries Management Act 1994.

The Natural Resources Access Regulator has advised that, for the purposes of the Water Management Act 2000 the proposed works are exempt from the need to obtain a controlled activity approval.

5. **The Subject Site**

The Gladesville Bridge Marina is located at 380 Victoria Place, Drummoyne, on the southern foreshore of the Parramatta River. The Marina comprises three key elements, a land-based building, a water-based pontoon structure and swing moorings, refer to Figure 2.



Figure 2 – Existing Site (Source: Ethos Urban)

5.1. Existing Land-based Development

The land based component of the Marina, refer to Figure 3, has an approximate area of 1,740sqm and is legally defined as:-

- Lot 1 in DP 549352
- Lot 1 in DP 430123
- Lot B in DP 401843

The existing building is three storeys in height with the ground floor containing the marina office, a kiosk for marina users, engineering workshop and shipwright workshop. The first floor contains commercial offices and the second floor two private residential apartments. The apartments on the top floor sit level with Victoria Place with garage parking and direct pedestrian access from Victoria Place.

A slipway is located along the south-eastern boundary of the site which provides services which include antifouling, boat services and painting. The site also has the capacity to accommodate five (5) onshore boat cradles, however, further details on the location of these cradles has not been provided.

Access to the marina is via a formed concrete and retaining wall switchback accessway and stair structure through Howley Park (East), which is Crown Land. The accessway is legally defined as Lot 7058 in DP 94083 and has an approximate area of 635sqm. The accessway is located entirely in Howley Park and its use is licensed from Crown Lands. The southern portion of the accessway contains line marking for 6 car spaces, noting part of space 1 and 2 and a service area are located in the green area (depicted below in the triangular green dashed line area) on land owned and leased from Transport for NSW.

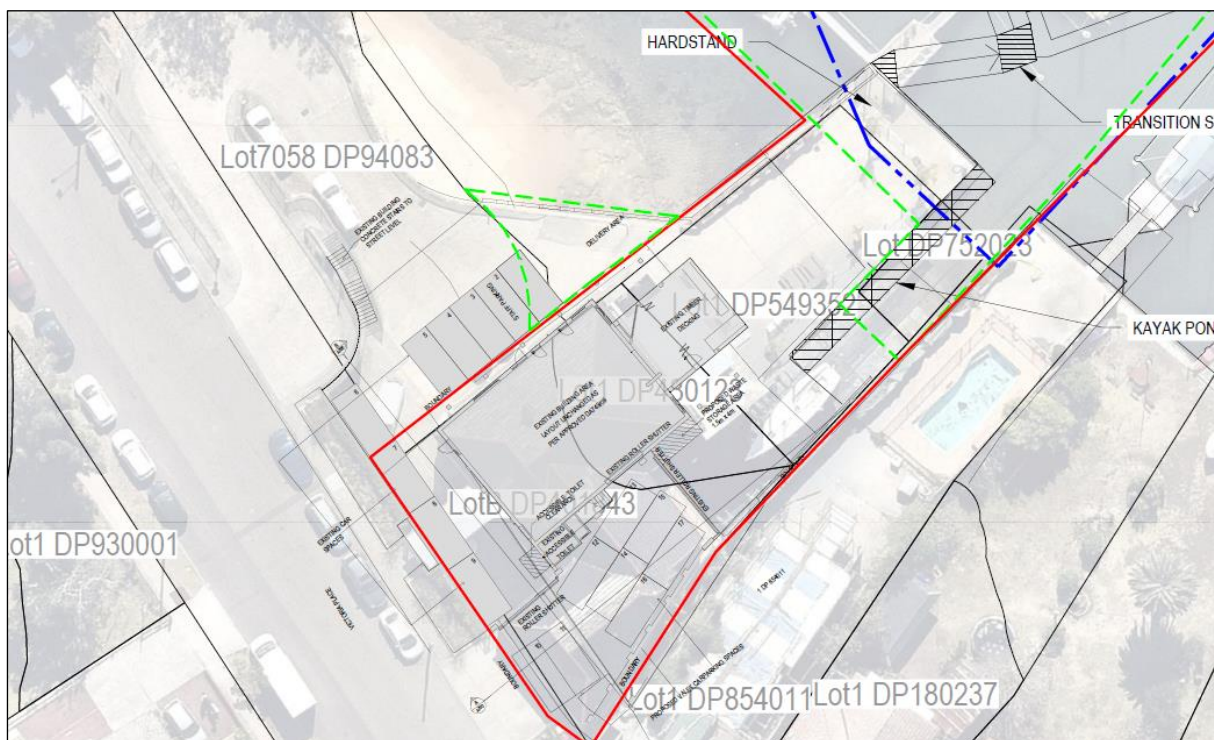


Figure 3 – Site boundary (Source: extract of GHD Drawing No. 21-27558-K301, Rev B)

From the information available, Council is reasonably satisfied that these six car parking spaces do not have development consent. In brief the car spaces were not approved with the accessway in the Land and Environment Court of NSW judgement No. 10290 of 1993 (DA91/112) as they are not shown on the plan set or in a subsequent Council approval DA749/2009, which although shown on the stamped plans are not located on the site which was subject to the application.

These car spaces have been identified on the current development application plan set, however, these spaces cannot be considered during the assessment of this application as owners consent has not been obtained from Crown Lands.

5.2. Existing Water-based Development

The water-based elements of the site cover an area of approximately 18,000sqm (excluding existing swing moorings) which is leased from Transport for NSW.

The existing water-based marina consists of a northern and southern arm with 39 floating berths ranging in size from 15m to 18m and connected to the foreshore by a pontoons which provide 10 temporary berths and 3 temporary pump out berths. The marina as it exists today was approved in the following stages:

- Stage 1 – Approved 1987 – The Maritime Services Board of NSW granted consent to Ref: 85/397/1. The notice of determination was not available, however, the works are described as refuelling, embarking and disembarking for 10 vessels with no permanent berths.
- Stage 2 – Approved 15/09/1992 – Council granted consent to DA25/92 for sewage pump out. Whilst the notice of determination is not available, unstamped plans indicates a relatively minor extension to Stage 1.
- Stage 3 – Land & Environmental Court of NSW Court orders No. 10832 of 99, granted consent to Development Application No. 43/99 for the conversion of 40 swing moorings at the Gladesville Bridge Marina, 380 Victoria, Place, Drummoyne.

The plans sighted by Council depict a design that appears to be generally consistent with the current configuration of the Marina.

The marina also includes 44 swing moorings to the northeast, noting that the swing moorings located generally along the foreshore are not managed by the marina but are leased and managed by Transport for NSW directly.

The additional marina services also include a tender service for the marina swing moorings, dinghies for after-hours use, pump out facilities and work berths.

6. **The Context**

The surrounding development is generally characterised by a mix of both low and medium density residential type developments, and public open space areas:

6.1. Development to the north

The site directly adjoins the Parramatta River. The adjacent foreshore, across the River, contains the suburb of Huntleys Point, located in the Municipality of Hunters Hill Council, with a row of waterfront detached residential dwellings, Betts Park and Huntleys Point Wharf.

To the northeast is Gladesville Bridge which is a State Heritage Item which is significant as the longest concrete arch span bridge in the world at the time of its completion in 1964 (1000 feet).

6.2. Development to the east

The development to the east consists of residential blocks, which typically extend from along Victoria Place and Drummoyne Avenue down to the foreshore. Development of these properties are varied and consist of large detached residential dwelling houses, multi-dwelling housing and residential flat buildings. This development is generally characteristic of foreshore development in the suburb of Drummoyne which consists of large multistorey developments with foreshore structures including swimming pools, seawalls and some private wharfs / pontoon structures.

6.3. Development to the south

The development on the southern side of Victoria Place fronts onto Five Dock Bay and is comparable with the development typology to the east of the subject site i.e. dwelling houses, multi-dwelling housing and residential flat buildings.

6.4. Development to the west

The adjoining site to the north and northwest is Howley Park and Five Dock Point, which contains the local heritage listed abutments of the former Gladesville Bridge. This park contains large mature tree planting and basic landscaping and public facilities Howley Park (East) contains the marina accessway which is a formed concrete and retaining wall switchback ramp and stair structure.

7. Public Notification and Submissions

7.1. Original Notification and Submission Received

In accordance with Council's Community Participation Plan, this application was notified on the 13 January 2020 to 841 owners / occupiers for a period of forty-seven (47) days and advertisements placed in local newspaper publications.

Council received one hundred & seventy-nine (179) submissions objecting to the application and a physical petition signed by 567 people and an online petition signed by 1,753 people.

The Applicant has summarised and grouped the issues raised. Council considers the summary of issues provided below to be an accurate reflection of the communities concerns regarding the application.

Applicants Summary of Issues	Submissions Received
<u>Traffic and Parking</u> Lack of on-site parking Lack of Accessible parking Request kerb parking to be time limited Older community park further from homes	124
<u>Navigation</u> Accessibility, including access to private moorings, safety and transport Relocation of private moorings and mooring field Danger to sailors / rowers	116
<u>Visual Impact – Private</u>	80

View loss from surrounding properties	
<u>Environmental</u> Environmental impacts (ecology, water quality and pollution) Fumes from diesel engines Sewage being discharged from boats into waterway / no pump out facilities at marina Local residents observing oil and waste from marina Contamination from disturbance of the seabed and from chemicals and waste Increase in general rubbish Wash from boats and subsequent damage to sea walls and infrastructure	59
<u>Visual Impact – Public</u> Visual impact from public space View from Cambridge Park View from passing vessels	55
<u>Public Benefit</u> Benefit to the local community	52
<u>Amenity</u> General security, health and safety from increase marina use Privacy – Looking towards adjoining residential Acoustic impacts (Party boats & 24/7 use) Degradation of appearance of the waterway Loss of affordable swing moorings Riparian water rights Swimming in Parramatta River	43
<u>Working Harbour / Loss of Jobs</u> Loss of jobs	31
<u>Demand</u> Boat storage demand	24
<u>Fire Risk</u> Risk of fires at marina	15
<u>Consultation Process</u>	8
<u>Heritage</u> Heritage values of Gladesville Bridge Heritage value of view from Five Dock Point	-
<u>Accuracy of information</u>	1
<u>Compliance Issues from current operation of Marina</u>	1

Council received forty-eight (48) submissions in support of the application and an online petition signed by 1,455 people. The matters raised in these submissions have been summarised and grouped in the following table:

Council's Summary of Comments	Submissions Received
<u>Increase Supply and Identified Need</u> Limit supply of berths High costs of berths Increase supply will reduce cost Identified need to increase supply Would like to use Marina	28
<u>Harbour Access</u> Increase access to the Harbour Provides safe and accessible harbour and facility Harbour is for the use of all not just waterfront properties	23
<u>Economic Benefits</u> Local economy Employment Growth and investment in boating	13
<u>Environmental management and benefits</u> Better environmentally than swing moorings Closure of slipway eliminated pollution Participant in Clean Marina and Fish Friendly accreditation	12
<u>Social benefit of boating</u> Social, physiological and health benefits Support local boat community Encourage and support boating	10
<u>Benefits of marina berths</u> Marina berths are more efficient than swing moorings Reduced gap between vessels Swing moorings are untidy, inefficient and impractical Benefit rowing and sailing Enhance open space on the water Less wear and tear on watercraft Newer boats are unsuitable for swing moorings	8
<u>Not impact use of Harbour</u> Does not block access to bay or main channel No impact on other water users Not impact commercial traffic Safer navigation Removal of swing moorings increases width of channel for navigation	6

<u>Parking and Access</u> Onsite parking Street parking already issue so no impact Alternative transport options available Residential parking scheme Potentially remove street parked boats	5
<u>Visual benefit</u> Grouping of boats Enhances views Merge into background	5
<u>Current Operation</u> Well run, managed and maintained marina Required to and comply with standards	4
<u>Location</u> Well located by road and water	3
<u>Access to services</u> Sewage pump-out, water supply and shore based infrastructure Access to provisions	3
Positive impact on local community	3
Consistency with statutory planning framework Consistency with State Government Policy	2
Suitable site History of maritime use	2

7.2. Amended Proposal, Re-Notification and Submissions Received

The Applicant amended the proposal and submitted additional information on the 24 September 2020 and 22 December 2020. The amended proposal was re-notified, including all previous submitters, on the 24 December 2020 for a period of forty-six (46) days.

Council received one hundred & twenty-two (122) submissions objecting to the application. The matters raised in these submissions have been summarised and grouped in the following table:

Council's Summary of Issues	Submissions Received
<u>Insufficient Parking</u> Impact on available kerb side parking Issues with boat trailer parking Function of stacked parking No accessible space Inadequate arrangement for delivery and heavy vehicles	92

Illegal parking on access way	
<u>Waterway – Navigation & Safety</u> Narrow portion of harbour Narrow access along foreshore and within marina Conflict with recreational users (sailing, rowing, kayaking & canoeing) Conflict with smaller vessels Slow ferry services and collision Narrow fairway Bridge clearance Navigation to destination berth	68
<u>Amenity</u> Noise Light spill Increased disruption Sleeping on boats – large increase Visual privacy – overlooking from marina to residential Anti-social behaviour Air pollution 24 hour operation Lack of enforcement	64
<u>Not in public interest</u> Use of public land and waterways Commercialisation of public waterway Token public kayak facility Restricted access to proposed kayak pontoon & parking issues No Public Benefit	58
<u>Environmental Impact</u> Water pollution Loss of natural Harbour Loss of marine life and habitat Chemicals Waste and litter Health of harbour Expose contaminated sediments Overshadow seagrass Kayak pontoon located in contaminated area Exhaust fumes	56
<u>View Impact & View Loss – Public</u> Lack compatibility with waterway and surrounding landscape Impact on natural beauty Impact on view from waterway Reduce public enjoyment – Quiet and relaxed outlook of water Eyesore viewed from harbour & foreshore	45

<u>Vehicular Traffic & Movement</u> Increase vehicular movements Safety & speed Congestion Stacked parking Cul-de-sac location	45
<u>Site is not suitable</u> Overdevelopment – size and scale Incompatible with adjoining residential / quiet bay Inconsistent with objectives of zone of CBLEP Inconsistent with objectives of SHREP & DCP Quite residential bay Sensitive aquatic environment Contrary to Our Living River – Parramatta Swimmable by 2025 Inconsistent with Canada Bay Local Strategic Planning Statement 2020	43
<u>Restrict Public Recreation & Access</u> Reduce access to harbour Reduce or no access to small foreshore beach Restrict ability to fish from foreshore Limit recreation in Bay e.g. fishing, swimming & boating	40
<u>View Impact & View Loss – Private</u> Block view from private property Extend in front of established properties	38
<u>Amended plans fail to address concerns</u> Minor amendments Trivial amendments Vessel reduction offset by increase in vessel size	37
<u>Neighbourhood shop</u> Impact from use Previously refused by Council Possible café No parking or loading facilities for this component May only benefit marina users Not required Limited access to public transport Remote from established neighbourhood centre Not accessible	37
<u>Howley Park (East)</u> Private Marina use Commercialisation Restricts public access Landowners consent not provided from Crown Lands Loss of Recreation Space Intensification in the use of this area	35

<u>Heritage</u> Detract from Gladesville Bridge Obscure view to and from Drummoyne Avenue & Victoria Place heritage items Visual impact on rock formations and stone bridge abutments	35
<u>Private facilities</u> Restrict access to and use of private jetties Relocation of public swing moorings – No consultation, no permission Prevent ability for private boat facilities e.g. pontoons / mooring pens	23
<u>Facilitates</u> Inadequate waste storage area No sewerage pump out No accessible berth Poorly located destination berth No accessible parking space Toilet facilities	23
<u>Loss of Working Harbour</u> Job loss Loss of service	18
<u>Fire Safety</u> Restrict waterfront emergency access Fire protection and risk Closer to bridge Access way not suitable for emergency services	12
<u>Property value</u> Decrease due to impacts	12
<u>Proposed use</u> Rebuild not extension Focus on superyachts & charter vessels – Impact not considered No management plan	11
<u>Sustainability</u> Disingenuous community engagement Lack of local benefits Negative social impacts No improved environmental outcomes	11
Non-compliance with technical standards	7
<u>Existing approval</u> Stage 1 temporary berthing Stage 2 18m size limit Howley Park (East) no consent for parking	4

Existing kiosk unauthorised Rebuild not extension	
Superyacht & party boat pickup from marina	4
No social or economic benefit	4
<u>Demand</u> No evidence of boat storage shortage Currently contains vacancies	3
<u>Property damage</u> Vibration during construction	3
Wave impact on seawalls Already repaired wave related property damage	3
Accuracy of information / misleading	2
Why was it given consent / permission to lodge	2
Use of 378 Victoria Place for parking	1
Swing mooring from 2000 never removed	1
Large boats should be berthed east of the bridge	1
Disabled access	1

Council received one (1) submission in support of the application stating that the updated plan delivers an even greater outcome for all stakeholders including the greater boating community.

The subject application was re-notified from the 07 April 2021 to 05 May 2021 as the site notice was not erected during the previous notification period (Council's letter dated 24/12/2020), resulting in a breach to statutory notification and advertising requirements under the Community Participation Plan. All submissions previously received in relation to the DA remain valid and have been taken into consideration during the assessment of this application.

The proponent has stated that they did not receive the site notice and that is why it was not erected on the site. Council's records indicate that a site notice was sent to the applicant.

The notification generate four (4) additional submissions which raised issues of car parking, accessible parking, increase in boat contractor visits with removal of slipway, navigation, increased use of Howley Park, loss of private swing moorings, noise and pollution.

8. Referrals

The following referral responses were received and the responses summarised:

Internal Referrals	
Traffic Engineer	<p>The following issues have been identified:</p> <ul style="list-style-type: none"> ▪ Insufficient parking ▪ Stacked parking is not feasible ▪ Clearance issues with vehicle manoeuvring adjoining retaining wall <p>Comment: A detailed traffic and parking assessment is contained in Part</p>

	10.2 of this report.
Environmental Health Team – Acoustic	<p>The referral has considered the operation use and the following issues have been identified:</p> <ul style="list-style-type: none"> ▪ Acoustic report does not consider the cumulative impact of a group of patrons staying on a boat and a group of patrons on the foreshore ▪ No plan of management provided ▪ No details on staffing after hours ▪ Is this Marina manned at all hours ▪ How are loiters going to be minimised in the parking lot ▪ Is there processes or procedures for people gathering in large groups particularly late at night ▪ Can people stay/live on the boat whilst being docked - is this allowed will this be permitted as part of this DA ▪ How is music been played in the carpark managed, in particularly late at night. <p>Comment: An acoustic assessment is provided in Part 10.6 of this report</p>
Environmental Health Team – Acid Sulfate Soils	As soil is not going to be removed out of the water and therefore being oxidised, acid sulfate soils is unlikely to be an issue and can be controlled through suitable conditions on any consent.
Environmental Health Team – Contamination	Deficiencies regarding potential contamination, see discussion in Part 9.2 & 10.5.
Heritage Advisor	<p>There are a number of concerns with regard to the impact of the proposal on the setting of heritage items in the vicinity of the proposal.</p> <p>The proposal in its current form is not acceptable with regard to its heritage impacts and does not satisfy the relevant provisions of Canada Bay Local Environmental Plan, 2013 and Canada Bay Development Control Plan, 2017.</p> <p>A heritage assessment is provided in Part 9.3, 9.6 and 10.4 of this report.</p>
Waste Management	<p>The proposed ongoing waste management arrangements would exacerbate current negative amenity, odour and access impacts from presentation and servicing of bins on Victoria Place.</p> <p>The waste management plan proposes to expand existing waste capacity by increasing the collection frequency from once per week to twice per week. While it is legally permitted for bins to be presented on the verge along Victoria Place, this arrangement has already caused some issues and complaints from neighbours due to bins potentially restricting pedestrian or vehicle access, as well as visual amenity and odour issues.</p>

External Referrals	
Foreshore and Waterways Committee	No response received.
Natural Resources Access	The Natural Resources Access Regulator (NRAR) has reviewed documents

Regulator	for the above development application and considers that, for the purposes of the Water Management Act 2000 (WMAAct), the proposed works are exempt from the need to obtain a controlled activity approval and no further assessment by this agency is necessary.
NSW Environmental Protection Agency (EPA)	<p>Following the Applicants submission of additional information the EPA issued General Terms of Approval.</p> <p>An acoustic assessment is provided in Part 10.6. A contamination assessment is provided in Part 9.2 & 10.5.</p>
Department Planning Industry & Environment	<p>The Department has reviewed the submissions received by the City of Canada Bay (Council) to date. The Department notes a significant number of submissions were received, including submissions from John Sidoti MP, Anthony Roberts MP, Mayor Angelo Tsirekas, local businesses, local community groups and the general public during the exhibition period.</p> <p>The Department recommends Council and the SECPP ensure these concerns are carefully considered and addressed before a decision is made on the proposal.</p>
Department of Primary Industries (Fisheries)	DPI Fisheries reviewed the proposal and has no objections, subject to the proponent meeting the supplied General Terms of Approval.
Transport for NSW – Maritime (Operations Sydney Harbour)	<p>Questions were raised with the following response provided:</p> <ul style="list-style-type: none"> - Part 3.2.1 of the submitted Environmental Impact Statement states that in consultation with RMS the Applicant has agreed to relinquish 29 moorings and to open up the navigation channel by up to 28m. Relinquishment of 29 moorings is correct. Opening up the navigation channel by 28m will need to be confirmed with the applicant - The berths on the northern outside edge of the arm would encroach into the area identifies for the increased 28m navigation channel. Berths along the northern side of the northern arm would reduce the width of the existing channel adjacent to the marina. <p>The applicant should identify where the additional 28m width would be achieved from the proposal.</p> <ul style="list-style-type: none"> - The Applicant has not clearly identified which swing moorings will be removed and/or relocated. <p>Should the application be approved, TfNSW Maritime will work with the applicant to determine the 29 moorings to be relinquished and the 15 sites to remain.</p> <ul style="list-style-type: none"> - The marina may restrict access and navigation to the private wharf and boat pens of the foreshore properties. <p>This was not identified during the Navigation Assessment conducted at the Permission to Lodge stage.</p>

	<p>- The marina may restrict access and navigation to the private swing moorings to south adjoining the foreshore.</p> <p>This was not identified during the Navigation Assessment conducted at the Permission to Lodge stage. If the application is approved and the proposal constructed and a mooring licensee identifies access issues TfNSW Maritime will work with the licensee to relocate the mooring to a more accessible location within the mooring field. This may be the case if a licensee applies to attach a larger vessel to the mooring in the future.</p> <p>- Would the marina affect ferry movements and commercial vessels.</p> <p>An effect on ferry or commercial vessel movements was not identified during the Navigation Assessment conducted at the Permission to Lodge stage. The only perceived effect would be when vessels associated with the marina were manoeuvring whilst accessing the facility.</p>
Heritage NSW - Department of Premier and Cabinet	No response has been received

9. Assessment of the Proposed Development

The matters to be considered in respect of the proposed development are guided by Section 4.15 of the Environmental Planning and Assessment Act 1979.

9.1. Assessment pursuant to State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP33)

Consideration has been given to SEPP 33 as it has been addressed by the Applicant, however, it may not apply having regard to the proposal not being an industry per se, nevertheless, the matters have been considered.

The Policy requires the consideration of whether the proposed development is defined as a ‘potentially hazardous industry’ or ‘potentially offensive industry’. To determine this the Policy provides a risk screening process that uses expected discharge requirements.

In this Policy—

potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment,

and includes a hazardous industry and a hazardous storage establishment.

potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for

example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

The Applicant submitted a Hazardous and Offensive Development Report (GHD, October 2019) which included a preliminary risk screening and hazard analysis to identify if SEPP33 applies, and therefore if a preliminary hazard analysis is required. Council agrees with the conclusion of this report which deemed that the proposal is not a 'potentially hazardous industry' and as such a preliminary hazard analysis is not required.

In regards to a 'potentially offensive industry' the submitted report identifies the relevant considerations in Part 3.4 Summary of emissions which states:

"An assessment of the air quality and odour, noise and vibration and visual impacts of the proposal has been completed through the EIS. The current and future operation meets the relevant amenity criteria. As a result, the proposal is not considered to be 'potentially offensive'."

Each identified assessment parameter has been considered as follows:

Consideration	Summary / assessment
Air quality and odour	Refer to Part 10.8.
Noise and vibration	Refer to Part 10.6.
Visual impacts	Refer to Part 10.1. Assessment concludes that the proposal would result in an unacceptable visual impact from the public domain and adjoining private properties.

The proposal would have a visual impact and would be a 'potentially offensive industry'.

9.2. Assessment Pursuant to State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55)

In Accordance with Clause 7(1) Council must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The Applicant has submitted technical reports which consider potential contamination in the soil on the site and sediment adjoining the slipway and Cove area. These reports have been reviewed by the NSW EPA who have issued EPA issued General Terms of Approval. A general contamination overview is provided below:

Soil contamination - Land based

The Contamination Investigation (Zoic Environmental Pty Ltd, 30 September 2019) included sampling on the site and within Howley Park (East). The sampling was tested and results

indicated that concentrations of contaminants were below the adopted human health criteria at all land based sample locations.

This report states that sediments beneath the slipway/hardstand require further assessment to confirm that the risk from potential contaminants under the slipway are acceptable for any future use of the land. The slipway is identified for use as a public kayak pontoon and as this testing is incomplete it cannot be established that the use of this portion of the site would be suitable for this use.

The site is sealed by concrete with no soil disturbance proposed for the ongoing marina use. With the exception of the slipway, the balance of the site is considered suitable in its current state for the continued marina use.

Ground water contamination – Land based

The Contamination Investigation (Zoic Environmental Pty Ltd, 30 September 2019) included ground water sampling in two borehole locations. This sampling identified levels of copper and zinc in one borehole and levels of chromium, copper and zinc in the second borehole which exceed the adopted ecological criteria. The reports concludes that at these levels there was a low risk of vapour intrusion / exposure, particularly as the site is covered by concrete hardstand.

Sediment contamination – Water based

The Contamination Investigation (Zoic Environmental Pty Ltd, 30 September 2019) sampling of sediments at the bottom of the slipway exceeded the ANZECC Guidance Values and the adopted Sediment Quality Guidelines at concentrations that may pose a potential for human health exposure risk. This report concludes that a remedial action plan is recommended to facilitate site redevelopment because the contaminant concentrations accumulated at the base of the slipway indicates potential for a human health risk should this area be used in the future.

The Ecology Assessment Report (Marine Pollution Research Pty Ltd, October 2019) included samplings of eight further inshore sediment locations in order to determine the potential impacts of propeller wash or grounding of vessels inshore. It also included further water sampling at the surface and bottom at 12 locations bounding the study area over three events to establish existing conditions to be used as a baseline for comparison with construction and operational monitoring periods. This report concluded that there is localised very high contamination of sediments in the immediate vicinity of the working slipway with some elevated residual contamination of sediments at the base of the old Halverson Slipway to the north, and slightly elevated contamination for remaining sediments around the sub-tidal shallows of the Gladesville Bridge Marina Cove.

A supplementary report on contamination investigation (Marine Pollution Research Pty Ltd, 06 December 2019) was submitted with regards to the ZOIC contamination Investigation conclusion requiring the a remedial action plan. This report concludes that the seabed sediments at the bottom of the slipway are contaminated with metals and organics including organotin which is used as a marina antifouling agent. It also concludes that these sediments are seabed sediments accumulated at the bottom of the slipway, continuous with the surrounding seabed, and there is not an isolated quantity of sediment lying on the slipway and that the contaminants are 'locked up' in the sediments and do not present any risk to

local marine biota provided they are left undisturbed. The report recommends that to ensure a low risk to human health access should be restricted minimising the opportunity for contact with the sediments.

Interim Audit Advice No. 1 (Ramboll, 08 May 2020) was submitted which concluded that based on the information reviewed that active remediation of the site and associated sediments is not required in association with the proposed redevelopment. The sediments at the lower slipway would be subject to passive management indefinitely.

The Applicant amended the proposal to provide a public kayak pontoon in the concrete slipway with the last 2m extending over sediment which is contaminated. This portion of the pontoon will only have a depth range of 300mm to 600mm at lowest astronomical tide which would still allow sediment to be resuspended through normal use.

The Applicant submitted the Marine Sediment Environmental Management Plan (Marine Pollution Research Pty Ltd, 27 August 2020) which provides management practices which would minimise slip and trips for the pontoon launching ramp, cleaning and signage (contaminated status and need to minimise disturbance).

Interim Audit Advice No. 2 (Ramboll, 09 April 2021) was submitted which reviewed the Marine Sediment Environmental Management Plan and they were of the opinion that the proposed management controls are reasonable for the ongoing management of sediments subject to further conditions.

The proposal was referred to Council's Environmental Health Team who have queried the pontoon clearance above the sediment at the end of slipway. At the lowest astronomical tide the pontoon will only have a depth range of 300mm to 600mm and people will need to stand in the contaminated sediment to access their watercraft. The environmental management plan cannot be practically implemented as the pontoon, pontoon cleaning and signage proposed do not adequately remove the risk associated with the general public who will be standing in this sediment without any direct supervision or management.

The public pontoon is not suitable in its contaminated state for this purpose. The requirements of SEPP 55 have not been satisfied.

9.3. Assessment Pursuant to Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREPSH)

The site falls within the map area shown edged heavy black and hence is affected by SREP (Sydney Harbour Catchment) 2005.

A commercial marina is a type of land/water interface development and in accordance with Clause 5(1) of the SREPSH Council is the consent authority. As the proposal is a land/water interface development the zoning of the land under the Canada Bay Local Environmental Plan 2013 and zoning of the water under the SREPSH need to be considered.

In accordance with Clause 18, the water based component of the proposed development, defined as a Commercial Marinas, is permissible with the consent of Council, within a W1 Maritime Waters zone under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The objectives of this zone are as follows:

- (a) to give preference to and protect waters required for the effective and efficient movement of commercial shipping, public water transport and maritime industrial operations generally,*
- (b) to allow development only where it is demonstrated that it is compatible with, and will not adversely affect the effective and efficient movement of, commercial shipping, public water transport and maritime industry operations,*
- (c) to promote equitable use of the waterway, including use by passive recreation craft.*

Part 3, Division 2, Clause 20(a) states that consent authorities must take into consideration the matters in Division 2 prior to the granting of consent. A detailed assessment of the proposal has been carried out below:

Clause	Assessment
21 Biodiversity, ecology and environment protection	<p>The Applicant has submitted an Ecology Assessment Report (Marine Pollution Research Pty Ltd, October 2019) which provide an assessment on the potential impacts of the proposed development on any critical habitats, protected species, threatened species, populations, endangered ecological communities or their habitats, and marine vegetation.</p> <p>The report finds that there are no threatened species of Endangered Ecological Communities within the locality of the Gladesville Bridge Marina and the site does not constitute specific habitat for other threatened aquatic species as listed in the Fisheries Management Act 1994, the Biodiversity Conservation Act 2016 and the Environment Protection and Biodiversity Conservation Act 1999.</p> <p>Any habitat that is lost will be offset by additional piles and pontoons for the expansion. There will be no direct shadow impact on aquatic flora.</p> <p>The proposal will have a neutral effect on the water quality entering Sydney harbour.</p> <p>Shading impact risk associated with the project is low.</p> <p>This report finds that the disturbance of contaminated sediments from vessel wash or propeller strike are negligible.</p> <p>The proposal would not unreasonably impact on the biodiversity, ecology and environmental protection, however, the disturbance of contaminated sediment at the base of the slipway is an issue that is discussed in SEPP 55 above.</p>
22 Public access to, and use of, foreshores and waterways	<p>The site is privately owned with no public access. The proposal includes the provision of a public pontoon in the slipway which would improve public access to and use of the foreshore.</p> <p>No mechanism to secure public access has been proposed and the use of</p>

	<p>the kayak pontoon will result in disturbance of contaminated sediment which is an issue that is discussed in SEPP 55 above. It is considered that the proposal would not maintain and improve public access and use of the foreshore and waterway.</p>
23 Maintenance of a working harbour	<p>The site currently operates as a marina with supporting working harbour functions including slipway rails, engineering workshop and shipwright workshop. The slipway is capable of accommodating vessels up to 60' (18m and 16' (5m) beam and non-flybridge power vessels up to 40' (13m) and provides services including antifouling, boat services and painting to the general public.</p> <p>This application seeks to remove the slipway and workshop buildings which has historically provided services to both the marina and general public.</p> <p>This is contrary to Clause 23(a) and (b) of SREP (Sydney Harbour Catchment) 2005:</p> <p><i>(a) foreshore sites should be retained so as to preserve the character and functions of a working harbour, in relation to both current and future demand,</i></p> <p>Comment: This site has historically contained a working function which has provided marine services to the general public in this central harbour location. The removal of these services would be contrary to the requirements of this clause which specifically requires retention of working harbour functions for both current and future demand. This also directly impact on the availability of these types of services for the public boating community as well as the site losing its historic working marine heritage and connection with Sydney Harbour.</p> <p>The use of the site as a commercial marina does not satisfy the requirements for a working harbour.</p> <p><i>(b) consideration should be given to integrating facilities for maritime activities in any development,</i></p> <p>Comment: No working harbour facilities have been integrated into the design of the redeveloped marina.</p> <p>The proposal would not satisfy the need to maintain a working harbour. This is considered to be a determinative matter and warrants refusal of the application.</p>
24 Interrelationship of waterway and foreshore uses	<p>Council relies upon the findings of the submitted reports and comments provided by TfNSW.</p> <p>The marina expansion will impact on navigation of boats to foreshore</p>

	<p>properties. The Applicant submitted a Navigation Assessment (Brett Moore, Undated) which does not specifically address this concern, however, this questions was put to TfNSW, as suitability qualified people, who advised that this was not identified during the Navigation Assessment conducted at the Permission to Lodge stage.</p> <p>It is considered that the marina expansion will not alter the relationship between the waterway and foreshore uses satisfying the requirements of this Clause.</p>
25 Foreshore and waterways scenic quality	<p>There is no change to the main building on the site with its presentation maintained. The demolition of the buildings at the rear of the slipway are obscure by the retained building and have no negative impact.</p> <p>In general terms the Cove extending up to Gladesville Bridge is visually occupied equally by the marina and swing moorings. Swing moorings provide a certain aesthetic and visual quality which is prevalent and characteristic along Parramatta River. The removal and replacement with a marina which presents as a large block of structure would have a negative impact on the visual quality of Sydney Harbour. The expansion has a direct cumulative impact which detracts from the character of the waterway.</p> <p>It is considered that the marina expansion does not satisfy the foreshore and waterway scenic quality. This is considered to be a determinative matter and warrants refusal of the application.</p>
26 Maintenance, protection and enhancement of views	<p>The visual impact and a visual loss assessment contained in Part 10.1 concludes that the proposed expansion does not maintain, protect and enhance views (including night views) to and from Sydney Harbour and directly impacts on views and vistas to and from public places, landmarks and heritage items. The marina expansion has a cumulative impact on these views.</p> <p>The proposal would not maintain, protection and enhancement of views. This is considered to be a determinative matter and warrants refusal of the application.</p>
27 Boat storage facilities	<p>The proposal would result in an increase in boat storage facilities.</p> <p>As discussed in this report, the proposed fixed berths would have an unacceptable visual impact.</p> <p>Contrary to Clause 27(f) the proposed expansion necessitates the removal of 5 public swing moorings which are located directly adjoining the foreshore of the Cove. These public moorings are licensed from TfNSW each 12 months. The loss of these moorings is regrettable as it reduces the equitable use of Sydney Harbour contrary to this Clause, however, the license is no guarantee of tenure and the Applicant has proposed to</p>

	relinquish 5 commercial swing moorings as an offset. It is also noted that there is no waitlist for swing moorings in this mooring field. This is a matter which will need to be resolved by TfNSW as the licensor.
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The proposal fails to satisfy the requirements of Clause 21, 22, 23, 25, 26 and 27 of SREPSH.

Division 3 requires the proposal to be considered by the Foreshore and Waterways Planning and Development Committee. The applications was referred to the Committee, who invoiced and accepted payment from the applicant, however, did not provide a response.

The following special provisions of relevance to this application have been considered in the table below:

Clause	Assessment
33 Commercial marinas within Zone No W1 The consent authority must not grant development consent to development for the purpose of a commercial marina on land within Zone No W1 unless it is satisfied that access between the marina and the foreshore will not be provided on or across land within Zone No W2, W3, W7 or W8.	A southern portion of the marina requires access across a portion of the adjoining foreshore which is zoned W6. This satisfies the requirements of this Clause.
36 Development on land comprising acid sulfate soils	Council's Environmental Health team have reviewed the application and supporting documentation and advised that because soil is not going to be removed out of the water and therefore being oxidised, acid sulfate soils is unlikely to be an issue and can be controlled through recommended conditions of consent.

Part 5 contains Heritage provisions which in accordance with Clause 55(4) require the consent authority to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item concerned as identified under the SREP, with further assessment provided under separate heading for local heritage items under the CBLEP 2013.

There are two heritage items listed in the SREPSH located within the vicinity of the subject site:

- Item no. 21 – Canada Bay – Federation House boat shed – Drummoyne Avenue, Drummoyne
- Item no. 22 – Gladesville Bridge, including abutments

The heritage significance of Boatshed, 348 Victoria Place, as described on its heritage inventory sheet, is:

A fine timber boatshed retaining its early form.

The heritage significance of the Gladesville Bridge as described on its heritage inventory sheet is:

Gladesville Bridge has state heritage significance as the longest concrete arch span bridge in the world at the time of its completion in 1964 (1000 feet). One of only two of its type in NSW, Gladesville Bridge is considered to be a leading example of technical and engineering achievement on the international stage.

An innovative design that set new global standards for design and construction, Gladesville Bridge was one of the first bridges in the world (if not, the first) to utilise computer programming in its construction.

With particular social significance and an important association with a number of internationally acclaimed engineers and engineering firms (including G. Maunsell & Partners and Eugene Freyssinet), Gladesville Bridge is one of the landmark engineering achievements of the world.

In accordance with Clause 59 Development in the vicinity of heritage items, 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. Clause 59(2) states that this 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.*

The proposal would have an adverse impact on the setting (and amenity) of these items because the proposed marina would be located very close to the headland at the end of Victoria Place (Howley Park). The very large boats proposed to be moored very close to shore would destroy the visual relationship between the abutments of the original bridge and the later Gladesville Bridge for users of Howley Park. This is contrary to Clause 59 of the SREPSH which requires considerations to be given to the impact of development on the setting of a heritage item, including views to and from those items. The views to Gladesville Bridge will be adversely affected.

The scenic quality of the foreshore would be adversely affected by the visual intrusion of the marina. This is contrary to the performance criteria for Landscape Character Type 16 which states that views of natural landscape features are to be maintained, as the proposed marina would result in the loss of views to the eastern foreshore of the headland park at the end of Victoria Place. The impact of the proposed marina on the views to the foreshore is also contrary to part 4.7 of Sydney Harbour Foreshores & Waterways Area Development Control Plan for Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 which requires natural and other attractive foreshore features to not be obscured.

The proposal would have an adverse impact on the setting (and amenity) of these items for the reasons discussed above. The scenic quality of the foreshore would be adversely affected by the visual intrusion of the marina. The proposal fails to satisfy the requirements of Clause 55(4) and Clause 59 of SREPSH.

9.4. Assessment Pursuant to Sydney Harbour Foreshore and Waterways Area Development Control Plan 2005 (SHDCP)

The SHDCP provides detailed design provisions for consideration during the assessment of applications for development in and adjoining Sydney Harbour. An assessment is provided against the relevant standards below.

Ecological Assessment

The site identified on the mapping as mudflats which has a medium conservation area.

Aquatic Ecological Community	Assessment
Shading - To minimise impacts on communities from shading.	The submitted an Ecology Assessment Report (Marine Pollution Research Pty Ltd, October 2019) demonstrates that the shading impact risk associated with the project is low.
Reclamation - To minimise the effects from reclamation where it provides the optimum environmental outcome.	No reclamation is proposed.
Urban Run-off - To minimise the effects from urban run-off.	No change to urban run-off.
Dredging - To minimise the effects from dredging.	No dredging proposed.

Landscape Assessment

The site identified on the mapping as Landscape Character Type 16.

Performance Criteria	Assessment
Remaining natural elements along the foreshore are preserved.	The applicant has submitted a Foreshore Geomorphology Report (Royal Haskoning DHV, 22 October 2019) which demonstrates that the foreshore is heavily modified with the proposal only having a minor impact.
Public wharves and jetties are retained to enable continued maritime activities.	n/a
Visual continuity of elements such as beaches is maintained and generally not broken by development.	The proposal would obscure views north to the Huntelys Point foreshore and south towards the Gladesville Bridge foreshore which would disrupt the visual continuity of the foreshore and cove, considered in the visual impact assessment contained in Part 10.1
Design and mitigation measures are provided between potentially conflicting land uses to minimise noise and amenity impacts.	The proposal would result in view loss from the adjoining residential properties. This is considered in the visual impact assessment contained in Part 10.1 No unreasonable noise and light spill impact with assessment contained in Part 10.6 and Part 10.7.
Landscaped areas should be provided and incorporated with open space linkages where	The marina works are located in Sydney Harbour with no impact on any landscaped areas.

possible to minimise the contrast between built elements.	The proposed demolition, parking and neighbourhood shop are sited on previously developed areas of the site with no impact on any existing landscaped areas.
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Design Guidelines for Water-Based and Land / Water Interface Developments

Part 4.7 of the SHDCP provides specific objectives and guiding principles for Commercial marinas.

Objectives / Guiding Principles	Assessment
Location	
Marinas (where permissible) are to be located where they can be used by as many people as possible and are easily accessed from land and water;	<p><u>Pedestrian Access</u> Pedestrian access from Victoria Place is available using stairs through Howley Park (East). Equitable access is not provided to the marina, assessment in Part 10.13.</p> <p><u>Vehicular Access</u> The traffic and parking assessment contained in Part 10.2 concludes that there is insufficient onsite parking and no accessible parking spaces.</p> <p>The site constraints prevent suitable pedestrian and vehicular access by land.</p> <p><u>Water Access</u> The fixed marina berths are accessible from the foreshore and swing moorings by tender from the marina. There is no access issue from the water.</p>
Marinas are to be located where there is adequate water depth or where minimal dredging of soft material will achieve an adequate water depth;	Adequate depth with no dredging proposed.
Marinas are to be located away from areas subjected to exposed wave environments;	The wave impact and flushing of the marina have been satisfactorily addressed in Part 10.9.
Marinas are preferably to be located away from wetlands or the wetlands protection area or where they or the vessels using them will physically damage or overshadow estuarine vegetation of high value.	No adjoining wetlands impacted by the proposal.
Marinas are not to reduce the number of publicly available single (swing) moorings, jeopardise safe navigation or adversely impact other water users including small craft;	<p>5 public swing mooring relocated, refer to Part 9.3.</p> <p>Navigation has been satisfactorily addressed in Part 10.10.</p>
Waterside structures are to minimise impacts on public water activities	The marina expansion has been designed to minimise impact on public water activities.
Design and Layout	
Buildings and other facilities are to be designed and sited so that natural or other	There is no change to the main building on the site with its presentation maintained. The demolition of the

attractive features are not obscured	buildings at the rear of the slipway are obscure by the retained building and have not negative impact.
Buildings are to be designed so that their dimensions are not excessive and can reasonably meet the functional requirements of the proposed uses	As above.
Marinas are to enhance public access to and along the shore and, where relevant, the inter tidal zone	The site is privately owned with no public access. The proposal includes the provision of a public pontoon in the slipway which would improve public access to and use of the foreshore. No mechanism to secure public access has been proposed and the use of the kayak pontoon will result in disturbance of contaminated sediment.
Secure storage is to be provided in a controlled environment	Noted.
Marinas are to be in the form of a series of interlinked pontoons which shall be restrained and held in position by a minimum number of piles or mooring lines to anchor points in the seabed	Capable of compliance.
Design of marina restraints shall take into account the flexibility and performance of the pontoon systems under environmental loads	Capable of compliance.
The colours, appearance and form of any associated buildings shall be compatible with the surrounding environment	No change to building finishes.
Shiny or reflective materials are not to be used	No change to building finishes.
The depth and width of berths and fairways of commercial marinas shall accommodate either a yacht or motor vessel. Restricted berths are to be nominated only where this will lead to an optimal environmental outcome	Restriction would be required for certain berths.
Commercial marinas are to provide a point of access to boats for disabled people where possible	Details demonstrating compliance have not been provided.
Marinas are to be designed to minimise the impact of vessels when in use on the environment including on air and water quality, marine habitat and bank stability	Considered under separate heading in Part 10.8, 10.12 & 10.15.
Marina layouts are to be designed in accordance with the following publications: <ul style="list-style-type: none"> • Department of Environment and Conservation (NSW) "Environmental Information for Marinas, Boatsheds and Slipways" (November 1998). • NSW Maritime Authority 	Capable of compliance.

<p>"Engineering Standards and Guidelines for Maritime Structures"</p> <ul style="list-style-type: none"> • NSW Fisheries Department's "Aquatic Habitat Management and Fish Conservation—Policy and Guidelines", 1998 • NSW Department of Primary Industries – Fisheries "Policy and Guidelines – Aquatic Management and Fish Conservation (1999)". • NSW Department of Primary Industries – Fisheries "Habitat Protection Plan No. 2: Seagrasses"; and • NSW Department of Primary Industries – Fisheries "Habitat Protection Plan No. 1: General". 	
Facilities and Services	
Commercial marinas are to provide boating service facilities such as fuel, water, toilet facilities or sewage pumpout where practicable and where such facilities are not yet locally available	Marina will provide supporting services, however, loss of slipway services is not supported.
Commercial marinas are to provide a mix and choice of boat storage facilities based on established demand as well as a range of marine services to the boating public	Mix of berthing types proposed.
Commercial marinas are to provide benefits to both the general and boating public	Loss of services through removal of slipway services. No mechanism to secure public access has been proposed and the use of the kayak pontoon will result in disturbance of contaminated sediment.
Vessels at the marina are not to be used as a permanent residence. A covenant shall be included on the lease to enforce this requirement	Capable of compliance.
Visual Impact	
The visual contrast (derived from an analysis of form, line, colour and texture) between the marina and the existing or planned future character of its setting is to be minimised	Unreasonable visual impact and view loss. This is considered in the visual impact assessment contained in Part 10.1.
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;	As above.
Any visual analysis shall consider the impact of the largest motor vessel(s) capable of	As above.

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;	As above.
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	As above.
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	No change to existing buildings.
The visual impact of car parking from the waterway is to be minimised	Parking not visible from waterway.
All signage is to be located on dry land below the roofline (or parapet) of buildings. Advertising signs are not to detract from the visual quality or amenity of the foreshores and waterways when viewed from the waterways	No change to signage.
Environmental Management	
Pollution and waste: <ul style="list-style-type: none"> • potential pollutant sources from the site must be controlled and meet established performance standards • appropriate controls are to be in place and managed to prevent any pollutants entering the environment • marinas for nine or more vessels are to provide adequate and readily accessible facilities for the collection and disposal of wastes from vessels • marinas for nine or more vessels are to provide adequate and readily accessible facilities for the collection and disposal of wastes from vessels • facilities for pumping out sewage holding tanks are to be provided onshore; 	Environmental assessment in Part 10.15.
Traffic and Parking: <ul style="list-style-type: none"> • land-based impacts including traffic volumes and parking demand meet established performance standards; • adequate car and trailer parking (based on the number and type of berths, associated activities and 	Traffic and parking assessment in Part 10.2.

<p>number of employees) is to be available on-site. Off-site parking is acceptable only where it will not reduce community amenity or generate adverse traffic impacts; and</p> <ul style="list-style-type: none"> the adverse impacts of traffic and parking generated by boat storage facilities in terms of congestion, safety, air quality and noise are to be minimised. 	
<p>Noise:</p> <ul style="list-style-type: none"> the adverse impacts of noise (considering hours of operation, existing background noise, expected departure/arrival times for vessels, noise level of marina patrons, noise level from repair and testing of vessels and motors) are to be minimised through appropriate design and management measures; and land-based impacts including noise emissions meet established performance standards. 	Acoustic assessment in Part 10.6.
<p>Lighting:</p> <ul style="list-style-type: none"> the adverse impacts of lighting on night navigation and neighbours are to be minimised through appropriate design and management measures. 	Light spill assessment in Part 10.7.
Health and Safety	
Marinas are to be a safe place to work and adequate environmental safety and emergency response plans are in place.	Capable of compliance.

9.5. Assessment Pursuant to State Environmental Planning Policy (Coastal Management) 2018 (SEPPCM)

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area.

The site is located in a 'Costal Environmental Area' and 'Coastal Use Area', however, in accordance with subclause Clause 13(3) and 14(3) the SEPPCM does not apply to land within the Foreshore and Waterways Area within the meaning of SREPSHC.

9.6. Assessment Pursuant to Canada Bay Local Environmental Plan 2013 (CBLEP)

A commercial marina is a type of land/water interface development and in accordance with Clause 5(1) of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Council is the consent authority. As the proposal is a land/water interface development the zoning of the land under the Canada Bay Local Environmental Plan 2008 and zoning of the water under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 need to be considered.

The land based component of the proposed development is defined as a marina and neighbourhood shop. The site is zoned R3 Medium Density Residential and a marina is permissible in accordance with Clause 2.5 Additional permitted uses for particular land which at Schedule 1(10) identifies that the site can be used for the following additional permitted use:

10 Use of certain land at 380 Victoria Place, Drummoyne

- (1) This clause applies to land at 380 Victoria Place, Drummoyne, being Lot 1, DP 430123, Lot B, DP 401843 and Lot 1, DP 549352.*
- (2) Development for the purpose of marinas is permitted with development consent.*

A neighbourhood shop is listed as a permissible use in the land use table.

The objectives of the Medium Density R3 zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is consistent with the objectives of this zone with the first floor residential component retained and the provision of the marina and neighbourhood shop providing facilities and services.

The following table provides assessment against the relevant provisions of the CBLEP:

Requirement	Proposed	Compliance
CI 4.3 - Building Height		
Maximum height applicable to site – 8.5m	The proposal will not alter the height of the existing building with the demolition and alterations works located below the maximum building height.	✓
CI 4.4 - Floor Space Ratio (FSR)		
The site is located in Area D of the FSR Map which prescribes a floor space ratio of 0.5:1.	The demolition of the mezzanine structure results in an overall reduction in the floor space ratio.	✓
CI 5.4 – Controls relating to miscellaneous permissible uses		

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres	The neighbourhood shop will be 30sqm < the maximum 80sqm allowable under this clause.	✓
CI 5.7 – Development below mean high water mark		
<p>The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.</p> <p>Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).</p>	Site is subject to tidal waters, with environmental assessment in Part 10.9 & 10.15.	✓
CI 5.10 – Heritage Conservation		
The consent authority must, in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	The assessment provided below this table concludes that the proposal would have an unacceptable impact on the heritage significance of surrounding heritage listed sites.	X
CI 6.1 - Acid Sulfate Soils		
<p>The subject site is mapped as class 5 Acid Sulfate Soils.</p> <p>Require an acid sulfate soils management plan or a preliminary assessment indicating that an acid sulfate soils management plan is not required.</p>	<p>The proposed land based works will not disturb soil.</p> <p>Although not subject to the CBLEP, the marina pile removal will bring minimal soil to the surface and pile construction will not expose seabed sediments to air with no opportunity to become acid sulfate soils. The proposal was reviewed by Council's Environmental Health Team who are satisfied that this clause had been satisfied and recommended suitable conditions.</p>	✓
CI 6.3 – Environmentally sensitive land		
<p>The site is mapped as 'Environmentally Sensitive Land'.</p> <p>Requires consideration of any impact on flora and fauna, native habitat, biodiversity structure and habitat elements connecting to land.</p>	The marina expansion is located in Sydney Harbour with the impact on land based flora and fauna, native habitat, biodiversity structure and habitat elements limited and acceptable.	✓
CI 6.4 – Limited Development on Foreshore Area		
<p>The foreshore building line is measured the following distance:</p> <p>- 18.3m and 24.4m from Victoria Place.</p>	The works on the land based element are internal or ancillary to the existing	✓

	marina with no impact on the amenity or aesthetic appearance of the foreshore.	
Cl 6.13 – Development in areas subject to aircraft noise		
The site is mapped as 'ANEF 20'.	Does not apply to development for the purposes of a marina because it is not a noise sensitive building.	n/a
Minimising the impact of aircraft noise from the airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive building		

Clause 5.10 – Heritage Conservation

The site is not a heritage item or located in a Heritage Conservation Area. The site is located within the immediate vicinity of the following local heritage items, refer to Figure 4:

- CBLEP Item no. I472 – Boatshed, 348 Victoria Place (also listed as a heritage item under SREPSH Item no. 21 – Federation House Boatshed)
- CBLEP Item no. I473 – House, 352 Victoria Place
- CBLEP Item no. I474 – Gladesville Bridge abutments
- CBLEP Item no. I475 – Howley Park, Five Dock Point
- CBLEP Item no. I178 – House, “Tobique”, 44 Drummoyne Avenue

And the following state heritage items:

- State Heritage Register no. 01935 - Gladesville Bridge (also listed as a heritage item under SREPSH Item no. 22 – Gladesville Bridge, including abutments)

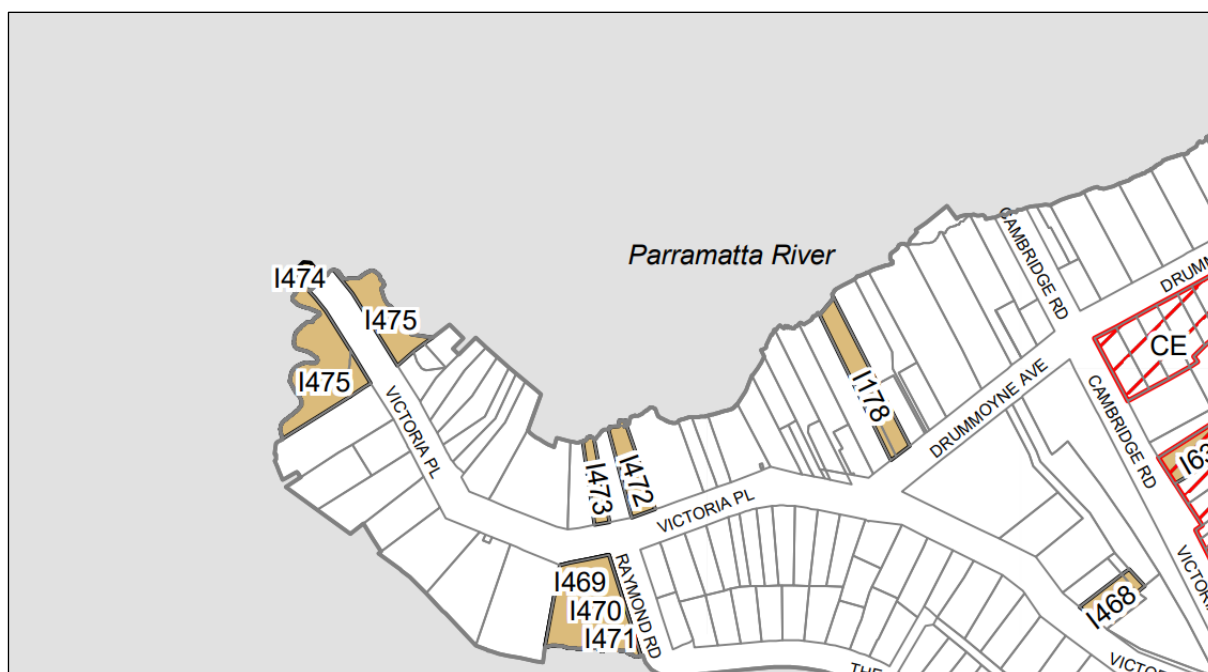


Figure 4 – Heritage Map Extract (Source: CBLEP)

Heritage Significance

The heritage significance of the heritage items located within the vicinity of the site, as set out on their respective inventory sheets, is set out below. It should be noted that the

The heritage significance of Boatshed, 348 Victoria Place, as described on its heritage inventory sheet, is:

A fine timber boatshed retaining its early form.

The heritage significance of House, 352 Victoria Place, as described on its heritage inventory sheet, is:

An excellent surviving waterfront Federation house retaining much of its detail and character in a good garden setting that typifies waterfront development from the early years of the century.

The heritage significance of the Gladesville Bridge abutments as described on its heritage inventory sheet is:

An important historical area relating to the naming of Five Dock which retains early foreshore formations and sandstone edge adjacent to the first Gladesville Bridge.

The heritage significance of the Howley Park as described on its heritage inventory sheet is:

An important historical area relating to the naming of Five Dock which retains early foreshore formations and sandstone edge adjacent to the first Gladesville Bridge.

The heritage significance of House, "Tobique", 44 Drummoyne Avenue as described on its heritage inventory sheet is:

One of a few grand, surviving Federation mansions built on the foreshore. Special local historical interest. Associated with a noted marine engineer Harry P. Young for whom the house was built and whose family lived in the house until the late twentieth century.

An outstanding example of a better quality Federation style suburban house which, because it is completely unchanged in both form and detail, internally and externally, is extremely rare. It stands in an early twentieth century garden in a fine position overlooking the Parramatta River.

The heritage significance of the Gladesville Bridge as described on its heritage inventory sheet is:

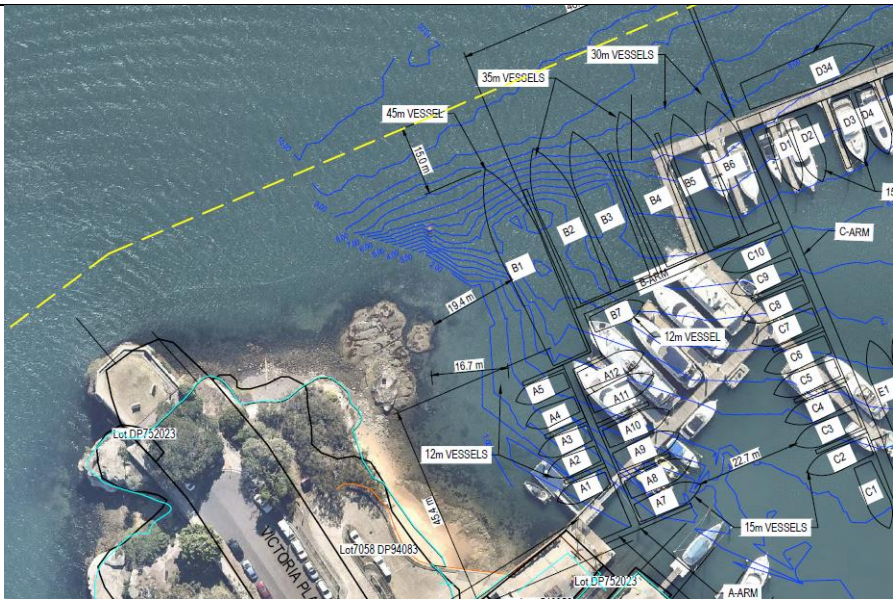
Gladesville Bridge has state heritage significance as the longest concrete arch span bridge in the world at the time of its completion in 1964 (1000 feet). One of only two of its type in NSW, Gladesville Bridge is considered to be a leading example of technical and engineering achievement on the international stage.

An innovative design that set new global standards for design and construction, Gladesville Bridge was one of the first bridges in the world (if not, the first) to utilise computer programming in its construction.

With particular social significance and an important association with a number of internationally acclaimed engineers and engineering firms (including G. Maunsell & Partners and Eugene Freyssinet), Gladesville Bridge is one of the landmark engineering achievements of the world.

The proposal was referred to Council's Heritage Advisor who has provided the following assessment against Part D3 development of in the vicinity of heritage in the CBDP.

Heritage Item	Comment
Howley Park	<p data-bbox="459 259 1410 488">It is proposed to berth very large boats (“super yachts”) close to the foreshore of Howley Park in addition to numerous smaller boats. The larger boats will be much closer to shore than the boats of the existing marina. The scale of the large boats proposed close to shore would disturb the relationship between the original Gladesville bridge and the later bridge as the boats would interrupt and dominate the view.</p> <p data-bbox="459 551 1410 813">The relationship between the foreshore and the Parramatta River would be adversely affected as rather than the shoreline fronting the open waters of the river, large boats would crowd close to the shoreline, blocking views from the headland and shore. This would have a dramatic impact on the park. While the existing marina has some impact, this is not a good reason to increase the visual impact of the marina.</p> <p data-bbox="459 875 1410 1061">The view to the rocky shoreline of the eastern edge of Howley Park would be blocked by the proposed extension to the marina. The existing marina has been set back so as to retain the views. While the existing views to the foreshore are impacted somewhat by the existing marina, this is not a reason to further reduce views to the foreshore.</p> <p data-bbox="459 1124 1410 1310">The setting of the natural foreshore would be adversely affected by the proposal to extend the marina towards the foreshore due to the closeness of the proposed boats. While the existing setting of the foreshore is impacted somewhat by the existing marina, this is not a reason to further adversely affect the setting of the foreshore.</p> <p data-bbox="459 1330 1410 1435">It is noted that as water vehicles can moor near the shoreline and headland, the views to this area will be much more than the 9 seconds mentioned in the Urbis letter.</p>

	
House, 352 Victoria Place	The house is a marine villa that has been designed to overlook the water. There will be some adverse impact on the setting of the house due to the some loss of views to open water as a result of the enlargement of the marina.
Boatshed, 348 Victoria Place	The impact on the heritage values of the boatshed will be minimal as the relationship between the water and the boatshed will remain.
House, "Tobrique", 44 Drummoyne Avenue	<p>The house is a marine villa that has been designed to overlook the water. There will be some adverse impact on the setting of the house due to the some loss of views to open water as a result of the enlargement of the marina – the marina is proposed to extend across the existing area of open water in front of the house. The proposed marina would be closer to shore than the existing marina – thereby having a greater visual impact than does the existing marina on the heritage items at nos. 352 and 348 Victoria Place.</p> <p>The proposal will also interrupt views to "Tobrique" from the water.</p>
Abutments of the former Gladesville Bridge	The heritage values of the abutments of the former Gladesville Bridge will be adversely affected as there will be a loss of ability to interpret the relationship between the old and new Gladesville Bridges due to the visual intrusion of very large boats close to shore.
Gladesville Bridge	<p>The proposal will have some impact on the setting of the Gladesville Bridge. The bridge will remain a landmark, however it's visual relationship with the abutments of the former Gladesville Bridge will be adversely affected.</p> <p>The setting of the bridge, when viewed from Drummoyne Avenue and the park under the bridge, will be affected as boats would occupy an area that is currently open water.</p>

Heritage conclusion

There are a number of concerns with regard to the impact of the proposal on the setting of heritage items in the vicinity of the proposal.

The proposal in its current form is not acceptable with regard to its heritage impacts and does not satisfy the relevant provisions of Canada Bay Local Environmental Plan 2013 and Canada Bay Development Control Plan 2018.

9.7. Assessment Pursuant to any Draft Environmental Planning Instruments

There are no draft environmental planning instruments applicable to the subject site or the proposed development.

9.8. Assessment Pursuant to Canada Bay Development Control Plan 2013 (CBDCP)

Requirement	Proposed	Compliance
Part C – General Controls		
C3.1 Vehicle Parking		
<u>Commercial</u> C14. The provision of parking for different types of development should be in accordance with Table C-C. Marina <i>If a survey of a similar existing development has not been undertaken, the following figures may serve as a general rule:</i> <ul style="list-style-type: none">• 0.6 spaces per wet berth• 0.2 spaces per dry storage berth• 0.2 spaces per swing mooring• 0.5 spaces per marina employee Shops 1 space per 40sqm GLFA	Insufficient parking provided for marina, commercial uses, neighbourhood shop and staff, see assessment in Part 10.2.	X
<u>Accessible Parking</u> C24. Parking provision should be in accordance with Table C-E 1 space for every 100 car parking spaces or part thereof	None proposed, see assessment in Part 10.2.	X
C4 Waste Management		
C1. On site storage for waste and recycling facilities must be provided in designated areas for all new developments.	Suitable waste storage area proposed	✓
C7. Plans and drawings of the proposed development that highlight the location of and space allocated to the waste management facilities and the nominated waste collection point must be included in the Waste Management Plan.	The bins will be presented to Victoria Place, however, the applicant has not obtained owners consent from Crown Lands to tow bins through Howley Park (East) and failed to demonstrate compliance with the maximum SafeWork	X

	NSW gradients, see assessment in Part 10.14.	
C8 Contaminated Land		
<p>C2. Proposals for the development of contaminated land or potentially contaminated land will need to determine:</p> <p>a) The extent to which land is contaminated (including both soil and groundwater contamination) and;</p> <p>b) Whether the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out, and;</p> <p>c) Whether the land requires remediation to make the land suitable for the intended use prior to that development being carried out, and;</p> <p>d) If the land has been previously investigated or remediated, development cannot be carried out until Council has considered the nature, distribution and levels of residues remaining on the land and Council has determined that the land is suitable for the intended use.</p>	<p>The use of the public pontoon would result in contaminated sediments being disturbed that are a risk to human health. The land is not suitable in its contaminated state for the purpose for which the development is proposed to be carried out. See assessment in Part 9.2 & 10.5.</p>	X

9.9. Assessment Pursuant to NSW Sydney Harbour Boat Storage Strategy (TfNSW) 2013

The Strategy uses trends in vessel registration figures to estimate demand for boat storage in Sydney Harbour to 2021. The Strategy then provides a stocktake of current boat storage facilities in and around Sydney Harbour to identify the likely increase in capacity that will be required to keep pace with demand. The Strategy identified the following growth targets for Sydney Harbour:

- 1000-1200 new spaces in dry-stack storage facilities;
- 600-800 new commercial marina berths;
- 300 new mooring spaces; and
- 150-250 new berths at private marinas and domestic facilities.

The Applicant has submitted a Marina Berth Demand Strategy (Australian Marina Management, September 2019) which concludes that there is an unfulfilled demand for marina berths and other on-water storage in Sydney Harbour.

9.10. Assessment Pursuant to City of Canada Bay Section 7.12 Fixed Levy Contribution Plan

A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage of the proposed cost of carrying out the development. In accordance with this plan a 1% levy is applied to the cost of works which is \$7,753,154. A condition can be imposed requiring the payment of \$77,531.54 prior to the issue of a Construction Certificate.

10. Likely Impacts

The likely impact associated with the proposal have been considered under separate headings below.

10.1. Visual Impact & View Loss

The proposal seeks to increase the size of the boats in the area occupied by the existing wet berths and then extend the length of the marina towards Gladesville Bridge by approximately 103metres. The increase in boat size and overall size of the marina will have a visual impact and result in view loss from both the public domain and adjoining private properties.

The Applicant submitted a visual impact assessment (VIA) (ARPL, 08 December 2020) which Council has had peer reviewed (Clouston Associates, 08 February 2021). The Council assessment below is based on the assessment and conclusion of this peer review. The following deficiencies have been identified by the peer review:

- The visual impacts of proposed night lighting, those of the construction phase and those of day-to-day operations of the extended marina are also not addressed. While these would appear to be notable omissions from an evaluation of the full impacts of the proposal
- The VIA does not include details of camera metadata for images and the survey information on all images is not provided in accordance with the guideline requirements of the NSW Land and Environment Court/DPIE.
- Absence of any explanation for how rating criteria have been applied to the five step Rose Bay Marina derived Land and Environment Court Principles or *Tenacity* criteria leaves the reader uncertain as to the basis on which a high or low rating has been achieved.
- The VIA addresses each of the five steps for each view in a written text form. While much of the analysis may be sound enough, the absence of any form of relativity of analysis on each Principle between each view simply leads to a single 'Low' rating, when even the most cursory view of the photomontages show this not to be the case.
- Omission of any views from the Huntley's Point Ferry Wharf and access paths
- Issues with the photography at Location 5 - Betts Park, Location 6 - Huntleys Point Road and Location 7 - Huntleys Point.
- No assessment of city bound ferry which passes within 70metres of the proposed larger vessels on the outer 'D' Arm.

Visual Impact and View Loss Principles and Controls

The scope of a visual impact assessment has been well established through controls and court principles. In NSW the following guidelines are typically applied to visual impacts for developments on or beside waterways and include one methodology specifically focused on the visual impacts of marina developments:

The NSW Land and Environment Court's Planning Principles prepared by the Court's Commissioners and drawn from case judgments in two specific cases - *Tenacity v Warringah Council in 2004* (often referred to as 'Tenacity') and *Rose Bay Marina v Woollahra Municipal Council in 2013*.

Tenacity v Warringah Council in 2004 – Views – General Principles

26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Rose Bay Marina v Woollahra Municipal 2013 – Impact on Public Domain Views

44 The first step of this stage is to identify the nature and scope of the existing views from the public domain. This identification should encompass (but is not limited to):

- the nature and extent of any existing obstruction of the view;
- relevant compositional elements of the view (such as is it static or dynamic and, if dynamic, the nature and frequency of changes to the view);
- what might not be in the view - such as the absence of human structures in the outlook across a natural area (such as the view from Kanangra Walls);
- is the change permanent or temporary; or
- what might be the curtilages of important elements within the view.

45 The second step is to identify the locations in the public domain from which the potentially interrupted view is enjoyed.

46 The third step is to identify the extent of the obstruction at each relevant location.

- Unlike Tenacity (which adopts the proposition that sitting views are more difficult to protect than standing views), the impact on appreciation of a public domain view should not be subject to any eye height constraint. A public domain view is one that is for the enjoyment of the whole population, old or young and whether able-bodied or less mobile. It is not appropriate to adopt some statistically derived normative eye height for the assessment of such views (such as the conventionally adopted 1.6m eye height for the assessment of overlooking privacy impacts). Indeed, some views (such as that from Mrs Macquarie's Chair toward the Opera House and Harbour Bridge) may well be ones likely to be enjoyed frequently from a seated position.

47 The fourth step is to identify the intensity of public use of those locations where that enjoyment will be obscured, in whole or in part, by the proposed private development.

48 The final step to be identified is whether or not there is any document that identifies the importance of the view to be assessed.

- This will encompass specific acknowledgment of the importance of a view (for example, by international, national, state or local heritage recognition) or where the relevant planning regime promotes or specifically requires the retention or protection of public domain views.

49 However, the absence of such provisions does not exclude a broad public interest consideration of impacts on public domain views.

The most relevant planning controls and guidelines are the SHREP and SHDCP which includes a visual impact rating methodology for marinas in Appendix D.

SHREP Clause 2(1) includes the following aim:

- (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,

Clause 25 – Foreshore and waterways scenic quality, provides that the following matters be taken into consideration:

- (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.*

Clause 26 – Maintenance, protection and enhancement of views, provides that the following matters be taken into consideration:

- (a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,*
- (b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,*
- (c) the cumulative impact of development on views should be minimised.*

Part 3.1 of the SHDCP contains provision requiring a consent authority to consider the visual impact of development from the waterway and foreshores. The visual impact of a development will vary depending on:

- *the nature of the proposal—its height, width, siting, scale, colour, reflectivity and function;*
- *the landscape setting in which it is proposed;*
- *the degree of change created—whether it will be minimal or not; and*
- *the ability of the proposal to integrate with the landscape character.*

To assist in considering the landscape characteristics where a development is proposed, the area has been divided into a number of different landscape character types. Performance criteria have been devised for each area.

Clause 3.2 – General aims, provides:

All development should aim to:

- *minimise any significant impact on views and vistas from and to:*
 - public places,*
 - landmarks identified on the maps accompanying the DCP, and*
 - heritage items;*
- *protect the integrity of foreshores with rock outcrops, dramatic topography or distinctive visual features;*
- *provide a high quality of built and landscape design; and*
- *contribute to the diverse character of the landscape.*

Clause 3.4 – Performance criteria, categorises the site as landscape character type 16. Under the Statement of Character and intent it provides:

These areas have a high degree of built form with waterside commercial, residential, and industrial development dominating the foreshore. The mix of uses provides a distinctive urban character which should be maintained.

The intent for these areas is to encourage appropriate waterfront development while protecting the character and amenity of developed areas, foreshores and the shoreline.

The Performance criteria for landscape character type 16 is:

Any development within these areas is to satisfy the following criteria.

- *remaining natural elements along the foreshore are preserved;*
- *public wharves and jetties are retained to enable continued maritime activities;*
- *visual continuity of elements such as beaches is maintained and generally not broken by development;*
- *design and mitigation measures are provided between potentially conflicting land uses to minimise noise and amenity impacts; and*
- *landscaped areas should be provided and incorporated with open space linkages where possible to minimise the contrast between built elements.*

Part 4 of the SHDCP – Design guidelines for water-based and land/water interface developments, includes at cl.4.2 – General requirements, objectives and requirements that must be considered for land/water interface developments. In relation to visual considerations it includes:

- *Development does not dominate its landscape setting*

Clause 4.7 – Marinas (commercial and private) sets out objectives and principles which must be considered where marinas are permissible and are to be provided. In relation to visual impact the objectives and guiding principles 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.*

Appendix D – How to undertake a visual impact assessment for marinas starts with known characteristics of various types of boat storage facilities. These are key findings of a study undertaken by URS consulting engineers of 60 existing boat storage facilities within Sydney Harbour. These key findings are summarised in Figure D1. Indicative potential visual impact of various development scenarios see Figure 5 below:

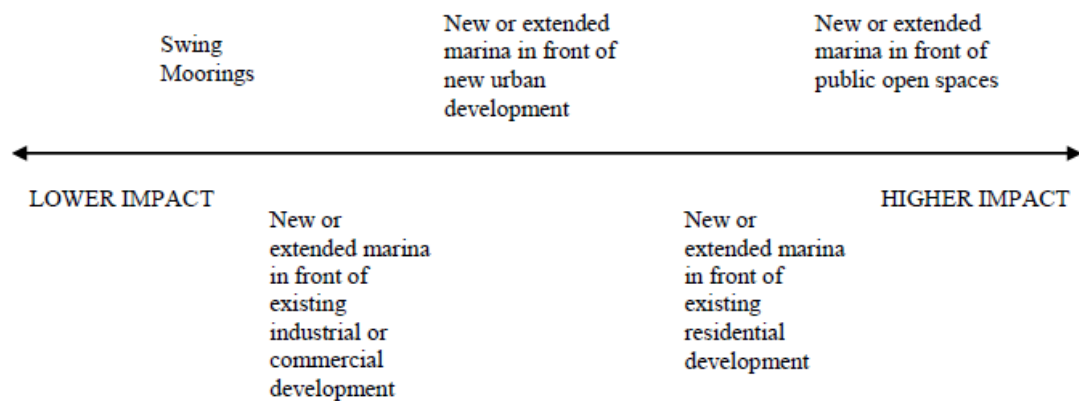


Figure 5: Indicative Potential Visual Impact of Various Development Scenarios (Source: SHDCP)

The information contained in the following documents is relevant to assessing the visual impact of this proposal:

- Visual impact assessment (VIA) prepared by APRL
- Peer review of VIA prepared by Clouston Associates

Visual Impact and View Loss – Public Domain

The Applicant identified the visual catchment for the marina and selected the eight public domain viewpoints shown in Figure 6. The selected view locations are identified alphabetically, but the VIA lists the same viewpoints numerically. For consistency this report lists each view location numerically i.e. (a) is identified as location 1 etc.



Figure 6 – Public view locations (Source: ARLP visual impact assessment)

The findings of the VIA have been summarised by the Applicants EIS in Table 1 below.

Table 1 – VIA public view visual impact assessment summary

Location	Score and Rating against SHDCP	Planning Principles
Location 1 - Five Dock Point	1.7 – below medium	Low Impact upon existing views from Five Dock Point
Location 2 - Victoria Place	1.7 – below medium	Low Impact upon views from Victoria Place (potential improved view through the centre of the marina site).
Location 3 - Cambridge Park (South Pylon)	1.8 – below medium	Low Impact upon views from Cambridge Park reserve
Location 4 - North Pylon Reserve	1.7 – below medium	Low impact upon views from the reserve at the North Pylon of the bridge.
Location 5 - Betts Park	1.7 – below medium	Low Impact upon views available from Betts Park
Location 6 - Huntleys Point Road	1.5 – below medium	Low Impact upon the view available from Huntleys Point Road
Location 7 - Huntleys Point	1.5 – below medium	Low Impact upon the panoramic view from Huntleys Point
Location 8 - Ferry	1.5 – below medium	Low Impact upon aspects from the Rivercat

The peer review has not provided a summary of the score and rating against the SHDCP but noted the following:

“A brief review of the scoring would suggest that the average scores for Views 1 and 2 would be higher, as the VIA appears to underscore the Distance of View, making View 1 a score of 2.0 (Medium) and View 2 a score of 1.9 . That said, none of the scores on the basis of a straight application of the methodology exceed a Medium average score.

The DCP does not provide any commentary on the implications of a High, Medium or Low score, but the VIA’s conclusion that because all scores are ‘Below Medium’ (see caveat above re Views 1 and 2) the development, as proposed, is ‘satisfactory in terms of view impact’ is not substantiated.

A Medium or even Medium/Low score does not of itself imply that the proposal is satisfactory; such scores reasonably suggest that mitigating measures, such as through redesign of the proposal, to reduce the impact further can still be warranted. Generally speaking, a Low or Negligible score could be deemed as not likely to warrant a change to the proposal.”

The peer review then adopts the Land and Environment Court Planning Principle Methodology with the concluding analysis and overall rating score provided in Table 2.

Table 2 – Peer Review visual impact assessment Planning Principles

Location	Summary of assessment	Visual Impact
Location 1 - Five Dock Point	<p>Interpretive sign on the north east corner of the viewpoint focuses on the construction of the heritage listed Gladesville Bridge. Hence, views to the east are clearly deemed important and in this context the location and visibility of the proposal is highly relevant.</p> <p>Hard to see how the statement that ‘the view to the bridge is unaffected’, with the likely presence of a very large vessel in the foreground completely changing the scale and impact of the marina from this view.</p>	Moderate/High and arguably High
Location 2 - Victoria Place	<p>The VIA states that ‘the change will be generally indiscernible’ (para C) as the proposed arrangements of Arms A, B and C are similar to those of the existing marina. Further, it states that the proposal ‘improves the view from the roadway’ and that ‘there is a net benefit to this view from this change’ by virtue of the less ‘cluttered’ arrangement of the vessels in the proposal.</p> <p>On the basis of the photomontage it is hard to see how any of these statements can be reasonably justified, when the very evident change to the scale of the marina, as is visible from the greatly increased massing and volume of vessels from the foreground to the mid-ground, substantially alters the context of the view to the river and the bridge.</p>	At least Moderate/High and arguably High.
Location 3 - Cambridge Park (South Pylon)	<p>While this view is from a space zoned as public open space, also offering elevated views to the river, there are few if any park facilities and thus this space is likely to have relatively low levels of use as a park destination as such. It is however also a street view from Drummoyne Avenue, viewed daily by local residents passing in cars and on foot.</p> <p>On the basis of the photomontage it is evident that there is in fact a reasonably significant loss of view to the water in the foreground part of the water view, by virtue of the much extended marina arms in the proposal. Again, as with</p>	At least Moderate

		Location (b), the VIA says nothing of the change in scale of the marina and the much increased massing of vessels.	
Location 4 - North Pylon Reserve		<p>Much as for the open space at the south pylon this park offers no specific facilities and would not generally be a park destination in its own right (nor is there a foreshore path link) and in that respect the principal views would probably be for vehicles and pedestrians on Huntleys Point Road. That said the photomontage is from an image shot within the park with a clear view to the marina.</p> <p>no significant loss of view of the water body itself from the outside arm of the marina but the water that can presently be seen reaching the southern bank between the existing marina and the bridge will be lost. Most notably, the larger vessels on the outside arm significantly change the scale of the marina when compared with the existing situation from this view. Again the Analysis focuses principally on the quantity of water lost or retained in the view and not the increased impact of the larger vessels and the significantly increased massing of the vessels in combination.</p> <p>The photomontage appears to flatten the perspective, such that the large vessels on the outside arm appear to be seen more in elevation than perspective when the photomontage is compared to the existing photo, given the elevated viewpoint. If this is the case, this would reduce the visible impact somewhat. It would be worthwhile verifying that this photomontage is indeed accurately conveyed.</p>	Moderate / Low or potentially Moderate
Location 5 - Betts Park		<p>The caption for Image 32 indicates that it is a 'Before and After representation'. Given that this is a stitched panorama at a small scale it is hard to discern what part of the image is the After component. It is also not clear whether this stitched panorama comprises photos taken at 50mm focal lengths.</p> <p>There appears to be a white line on the image that presumably conveys the existing / proposed marina extent, but it's not possible at the scale of the image to discern whether the vessels for the marina extension have been added.</p>	Issue with photograph – Cannot provide rating

	<p>The Analysis concludes that the visual impact is Low. This view is at some 400 metres distance from the proposal, so the visual impact is likely to be lower than that for Location 4 at the North Pylon Reserve, but without verifying the focal lengths of the stitched images it is hard to say what the impact rating would be.</p> <p>It is noteworthy that the Image 33 photomontage for Location 6 Huntleys Point Road is from a viewpoint that is 450m distant from the proposal, yet the vessels appear to be significantly more visible in that photomontage than those in Image 32, which is 50 metres closer.</p>	
Location 6 - Huntleys Point Road	<p>The Before and After photos of Image 33 would appear to be different photographs taken from slightly different locations, with the Before image seemingly taken at a shorter focal length (wider lens angle) and also of a different exposure. It is not clear why this is the case, as the comparison between the images is consequently less reliable.</p> <p>With those reservations in mind, the After image shows that the extent of the larger vessels make the marina more visible.</p>	Issue with photograph - Probably Low.
Location 7 - Huntleys Point	<p>Image 34 comprises a stitched panorama (the Before image is presumably on page 29 of the VIA). It is not clear why a panorama only is selected for this view nor at what focal length the photograph is taken; but the net effect of the stitched panorama at this scale on an A4 page is to render the marina itself or any change barely discernible.</p> <p>A single photograph taken from a similar location (shot at 28mm focal length to illustrate that, like the former bridge's south abutment, this is a public lookout facing directly across to the marina) shows that in reality the marina is far more visible to the naked eye even at a 28mm f/l) than the panorama in Image 34 conveys.</p>	Without a correct photograph and analysis it is hard to say what the visual impact rating might be from this location, but potentially Moderate/Low.
Location 8 - Ferry	Issue with photograph – Angle and distance (approximately <200m). City bound ferry passes closer (approximately 70m).	Overall impact - Moderate/Low or even Low

	City-bound Rivercat ferry would pass within less than 70ms of the proposed larger vessels on the outer D Arm, resulting in a significant visible presence to the ferry passenger.	City bound – Likely Moderate/High or High visual impact rating
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The peer review provides the following general discussion and conclusions:

“In the summary of the analysis and visual impact ratings of the eight public domain locations the VIA conclusions include:

- Only minor loss of visible water*
- The DCP Appendix D ratings are considered ‘Below Medium’ and that this therefore does not warrant further mitigation of visual impact*
- Visual impacts are considered negligible or minor.*

Based on my analysis above and the photographic and photomontage evidence in the VIA itself I find all of these conclusions unsupportable:

- Loss of view of the water body itself cannot be considered separately from the associated impacts of the scale and massing of vessels, which are very evident in the proposal images and yet which appear to get little to no mention in the VIA*
- The DCP methodology is recognised as tending to average and flatten scores. Nonetheless a ‘Below Medium’ (ie Medium/Low) average score does not of itself imply that the resultant impact is either acceptable or that mitigation through design need not be pursued*
- None of the impact ratings in the VIA result in a Negligible score, thus the use of the word ‘negligible’ seems inappropriate in describing the overall impact, as does ‘minor’ given my commentary and observations above.*

While I recognise that the visual impacts of some of the more distant and oblique views of the proposal (eg from Locations 5, 6 and 7) are potentially in the Low to Moderate range, I believe that those closer views (Locations 1-4) generally lie in the Moderate to High range of impacts.

On that basis I do not believe that it can credibly be stated that the overall public domain visual impacts of the proposal can be considered ‘negligible or minor’.”

Assessment of Public Visual Impact

An assessment and summary of the impacts from the applicants identified public view points is provided below.

Location	Assessment	View Impact
Location 1 - Five Dock Point	<p>The proposal will block the view towards the southern Gladesville Bridge abutment and both foreground and background water view.</p> <p>The heritage assessment contained within Part 9.3, 9.6 & 10.4 has concluded that the marina will have an unacceptable impact on the heritage significance of Gladesville Bridge because the</p>	Moderate/High to High

	<p>largest boats within the marina will be berthed parallel to the foreshore which obscures and completely changing the scale and impact of the marina from Five Dock Point. The proposal would disturb the relationship between the original Gladesville Bridge and the current bridge as the boats would interrupt and dominate the view.</p> <p>This is considered to make the proposal unacceptable given the importance of the views.</p> <p>The VIA did not include the foreshore. It is considered that the relationship between the foreshore and the Parramatta River would be adversely affected as rather than the shoreline fronting the open waters of the river, large boats would crowd close to the shoreline, blocking views from the headland and shore. The loss of this visual connect would compromised the visual qualities and public recreation in this area of Howley Park.</p> <p>This additional disruption to this visual connection, as proposed, is considered to be unacceptable.</p>	
Location 2 - Victoria Place	<p>The proposal will reduce the view towards the northern and southern bridge abutments and both foreground and background water view.</p> <p>As highlighted in Location 1 the proposal will have an unacceptable impact on the heritage significance of Gladesville Bridge because the largest boats within the marina will be berthed parallel to the foreshore which obscures and completely changing the scale and impact of the marina from Victoria Place.</p> <p>This is considered to make the proposal unacceptable given the importance of the views.</p> <p>The VIA did not include any assessment of the impact from the foreshore in this location. It is considered that the relationship between the foreshore and the Parramatta River would be adversely affected as rather than the shoreline fronting the open waters of the river, large boats would crowd close to the shoreline, blocking views from the headland and shore. The loss of this visual connect would compromised the visual</p>	Moderate/High to High

	qualities and public recreation in this area of Howley Park.	
Location 3 - Cambridge Park (South Pylon)	<p>The proposal will reduce the water views in a north-westerly direction with a greater impact as you move down the slope to the foreshore. This results in a moderate loss of the foreground water view from the high point in the park and the foreground and background water view including land water interface of the Huntleys Point foreshore when standing at the water's edge.</p> <p>The marina will block the majority of the water view west of the Gladesville Bridge and occupy the entire cove. This is considered to make the proposal unacceptable given the importance of the views.</p>	Moderate
Location 4 - North Pylon Reserve	<p>No significant loss of view of the water body itself from the outside arm of the marina. The proposal will result in the background waterview and water land water interface with the Drummoyne foreshore being lost. The impact is greater as you move down the slope towards the foreshore.</p> <p>The visual impact is amplified by large vessels on the outside arm running perpendicular to the foreshore with a significant change the scale of the marina when compared with the existing situation from this view.</p> <p>The submitted imagery and montages have been taken in a location which does not show the original Gladesville Bridge abutments or Howley Park. A site inspection revealed that from this location the large boats on the western end of the marina would block the land water interface of the local heritage listed Gladesville Bridge abutment and the rocky Howley Park foreshore. The heritage assessment contained within Part 9.3, 9.6 & 10.4 has concluded that the relationship between the foreshore and the Parramatta River would be adversely affected as rather than the shoreline fronting the open waters of the river, large boats would crowd close to the shoreline, blocking views from the headland and foreshore.</p> <p>The marina will visually occupy the majority of the water west of the Gladesville Bridge and the entire cove. This is considered to make the proposal</p>	Moderate / Low to Moderate

	unacceptable given the importance of the views.	
Location 5 - Betts Park	<p>A stitched panorama (VIA image 32) at a small scale has been submitted with an unknown focal length. This does not allow for an accurate assessment of the visual impact. The VIA does not include details of camera metadata for images and the survey information on all images is not provided.</p> <p>A site inspection revealed that from this location the large boats on the western end of the marina would block the land water interface of the local heritage listed Gladesville Bridge abutment and the rocky Howley Park foreshore. The heritage assessment contained within Part 9.3, 9.6 & 10.4 has concluded that the relationship between the foreshore and the Parramatta River would be adversely affected as rather than the shoreline fronting the open waters of the river, large boats would crowd close to the shoreline, blocking views from the headland and foreshore.</p> <p>The marina will visually occupy the majority of the water west of the Gladesville Bridge and the entire cove. This is considered to make the proposal unacceptable given the importance of the views.</p>	Issue with photograph – Cannot provide rating
Location 6 - Huntleys Point Road	<p>The before and after photographs (VIA Image 33) are taken from different locations with different focal lengths and exposure. This cannot be confirmed as the VIA does not include details of camera metadata for images and the survey information on all images is not provided.</p> <p>Generally from this location the larger vessels make the marina more visible. It is expected that the impact on the Gladesville Bridge abutment and the rocky Howley Park foreshore would be similar to Location 5.</p> <p>The marina would visually occupy the majority of the water view west of the Gladesville Bridge and the entire cove.</p>	Issue with photograph – Cannot provide rating
Location 7 - Huntleys Point	A stitched panorama (VIA image 34) at a small scale has been submitted with an unknown focal length. This does not allow for an accurate assessment of the visual impact. The VIA does not	Issue with photograph – Cannot provide rating

	<p>include details of camera metadata for images and the survey information on all images is not provided.</p> <p>A site inspection revealed that from this location the large boats on the western end of the marina would block the land water interface of the local heritage listed Gladesville Bridge abutment and the rocky Howley Park foreshore. The heritage assessment contained within Part 9.3, 9.6 & 10.4 has concluded that the relationship between the foreshore and the Parramatta River would be adversely affected as rather than the shoreline fronting the open waters of the river, large boats would crowd close to the shoreline, blocking views from the headland and foreshore.</p> <p>This is considered to make the proposal unacceptable given the importance of the views.</p> <p>No visual impact assessment has been provided by the Applicant from the public and heavily utilised Huntelys Point Ferry Wharf. At the water level it is expected that the proposal would have a higher visual impact.</p>	
Location 8 - Ferry	<p>The photograph has been taken on the eastern side of the Gladesville Bridge, however, Figure 6 shows the location on the western side of the bridge. The VIA does not include details of camera metadata for images and the survey information on all images is not provided.</p> <p>Generally the location is not representative of the likely visual impact due to the location and distance of the photograph.</p> <p>Cannot provide accurate assessment of the impact.</p>	<p>Issue with photograph – Cannot provide rating</p>

In summary the visual impact and view loss from the public view points on the southern side of Sydney Harbour including Five Dock Point, Victoria Place and Cambridge Park (South Pylon) would range from the Moderate to High level and is not supported. The impact from the Northern side at the North Pylon Reserve is Moderate / Low to Moderate, with issues raised regarding the accuracy of the information for the remaining sites.

In general terms the Cove extending up to Gladesville Bridge is visually occupied equally by the marina and swing moorings. Swing moorings provide a certain aesthetic and visual

quality which is prevalent and characteristic along Parramatta River. The removal and replacement with a marina which presents as a large block of structure would have a negative impact on the visual quality of Sydney Harbour. The expansion has a direct cumulative impact which detracts from the character of the waterway.

Clauses 25 and 26 of the SHREP are matters to be taken into consideration in the assessment of scenic quality and views. The proposed development does not maintain views to and from the Harbour from the northern and southern side of the Harbour. The proposal will also result in an unacceptable cumulative impact on views to and from the harbour. The proposed development is therefore considered to be contrary to Clause 25(b) & (c) and Clause 26 (a), (b) & (c).

Clauses 3.2 and 3.3 of the SHDCP set out criteria for protecting and enhancing identified landscape characteristics. Part 4 of the SHDCP contains guidelines for the visual impact of marinas and Appendix D sets out a specific methodology for gauging that visual impact and which includes the preparation of a visual assessment matrix.

The proposed development is considered to create unacceptable impacts on the visual amenity of these public areas and would therefore be contrary to:

Part 3.2 - the 1st and 2nd dot points:

- *Minimise any significant impact on views and vistas from and to:*
 - *Public places*
 - *Landmarks identified on the maps accompanying the DCP, and*
 - *Heritage items*
- *Ensure it complements the scenic character of the area*

- *Part 4.2 - the 8th dot point*
 - *Development does not dominate its landscape setting*

Part 4.7 - Marinas (Private and Commercial), Visual Impact - 2nd and 5th dot points

- *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;*
- *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 proposed marina expansion would have an adverse visual impact on these public spaces.

Visual Impact and View Loss – Private Properties

The visual impact and potential view loss was an issues that was in a number of submissions objecting to the proposal. To provide context, the directly adjoining foreshore properties which objected have been highlighted in Figure 7.



Figure 7 – Directly adjoining objecting properties (Source: Intramaps with emphasis added by author)

In contravention of the SEARs the Applicant failed to submit with this Development Application a view loss assessment from the adjoining private properties. Following notification Council contacted the above objecting properties and access was granted to the properties identified in Figure 8, which provide the basis for the VIA and Council's assessment.

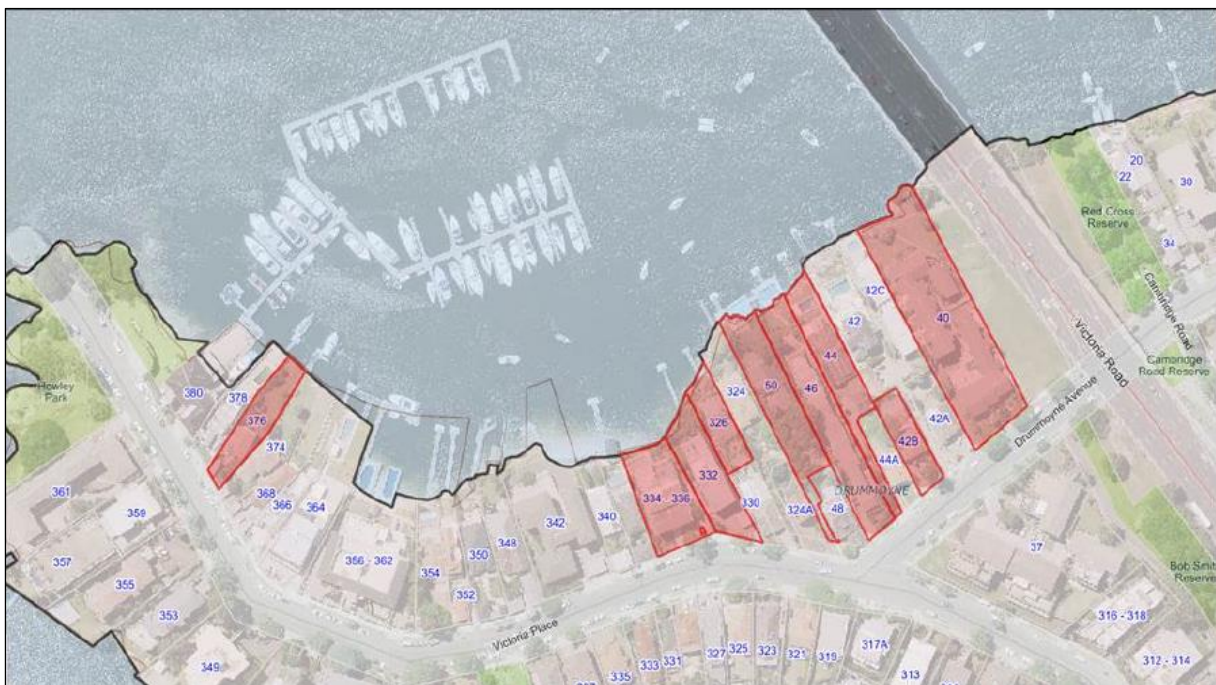


Figure 8 – Properties inspected (Source: Intramaps with emphasis added by author)

The enlargement of boats in the existing portion of the marina and extension of the marina east towards Gladesville Bridge will result in view loss from all of the properties who objected and are included in the VIA.

The VIA has provided a view impact rating using the Tenacity Land and Environment Court Planning Principle Methodology. This has been peer reviewed and a summary of the ratings provided in Table 3.

Table 3 – View Loss – Applicant and Peer Review Summary

Site and Location		Submitted VIA Rating	Peer Review Rating
11/40 Drummoyne Avenue	Photomontage – Living room balcony	Minor	Moderate / High
	Overall	Minor	Moderate
13/40 Drummoyne Avenue	Photomontage – Living Room balcony	Minor	Moderate / Minor
	Overall	Negligible	Moderate / Minor
42B Drummoyne Avenue	Photomontage – n/a	No montage prepared	No montage prepared
	Overall	Negligible	Negligible / Minor
44 Drummoyne Avenue	Photomontage – Mid-level terrace	Moderate	Severe
	Overall	Moderate	Severe
1/46 Drummoyne Avenue	Photomontage – Courtyard	East & Centre – Severe West – Moderate	Severe
	Overall	Moderate	Moderate / Severe
2/46 Drummoyne Avenue	Photomontage – n/a	No montage prepared	No montage prepared
	Overall	Minor / Moderate	Moderate / Severe to Severe
3/46 Drummoyne Avenue	Photomontage – Living room terrace	Rear – Moderate Front – Minor	Moderate / Severe
	Overall	Minor	Moderate to Moderate / Severe

50 Drummoyne Avenue	Photomontage Foreshore pool	–	Severe	Severe
	Overall		Moderate	Access was not granted so no photographs to provide rating
326 Victoria Place	Photomontage Garden Terrace	–	Moderate	Severe
	Overall		Moderate	Moderate / Severe
10/332 Victoria Place	Photomontage n/a	–	No montage prepared	No montage prepared
	Overall		Minor	Minor to Moderate / Minor
1/334 Victoria Place	Photomontage Living Room	–	Moderate	Severe
	Overall		Moderate	Severe
8/334 Victoria Place	Photomontage Living Room	–	Moderate	Severe
	Overall		Moderate	Severe
376 Victoria Place	Photomontage Living Room	–	Moderate / Severe	Severe
	Overall		Moderate	Moderate / Severe

Assessment of Private Property View Loss

The assessment provided below is based on inspections by the assessing officer of these properties and both the VIA and peer review. This assessment partially relies on the VIA, however, concerns are raised that details of the camera metadata for images and the survey information on all images is not provided in accordance with the guideline requirements of the NSW Land and Environment Court/DPIE. The lack of levels makes it difficult to extrapolate the likely impact on properties that were not inspected or included in the VIA.

In general terms the Cove extending up to Gladesville Bridge is visually occupied equally by the marina and swing moorings. The existing marina accommodates 39 floating berths (8 x 15m, 8 x 17m and 23 x 18m) and connected to the foreshore by a pontoons which provide 10 temporary berths and 3 temporary pump out berths.

Generally the foreshore properties each obtain views in a north to northwest direction between the headland and existing marina, through the swing moorings in a north to northeast direction and depending on height over the existing marina.

The view loss impact has been broken up between the properties which directly adjoin the marina arm expansion and those that adjoin the existing marina.

Directly adjoin the marina arm expansion

Swing moorings are located directly north of the properties located at No. 332 to 324 Victoria Place and No. 40 to 50 Drummoyne Avenue and then to the northeast of the properties which extend from No.332 Victoria Place to the east.

There are 10 swing moorings in this location which are spaced to accommodate the moored vessels as well as permitting vessels to navigate into and out of the marina. The extension of the marina expansion will remove the swing moorings as it extends in an easterly direction directly in front of the properties identified above. There will be 47 vessels (lengths of 12 x 10m, 9 x 15m, 8 x 17m, 6 x 18m, 11 x 20m, 2 x 25m and 1 x 30m) in this location that are moored to fixed pontoons and orientated both perpendicular and parallel to the foreshore.

Generally the proposed expansion will have a significant impact on the water views from foreshore private open space areas and communal open spaces areas and lower storeys of dwellings and residential flat buildings. From the foreshore there will be a significant loss of water view including the active portion of the Parramatta River and the land / water interface of Huntleys Point. This view loss has been qualitatively assessed in accordance with the Tenacity Planning Principles in Table 3 as a Severe impact from principle living areas and private open space areas. This is generally demonstrated in the photomontage taken from the foreshore pool of No. 50 Drummoyne Avenue Figure 9 and the first floor apartment living area of No. 1/334 Victoria Place Figure 10.

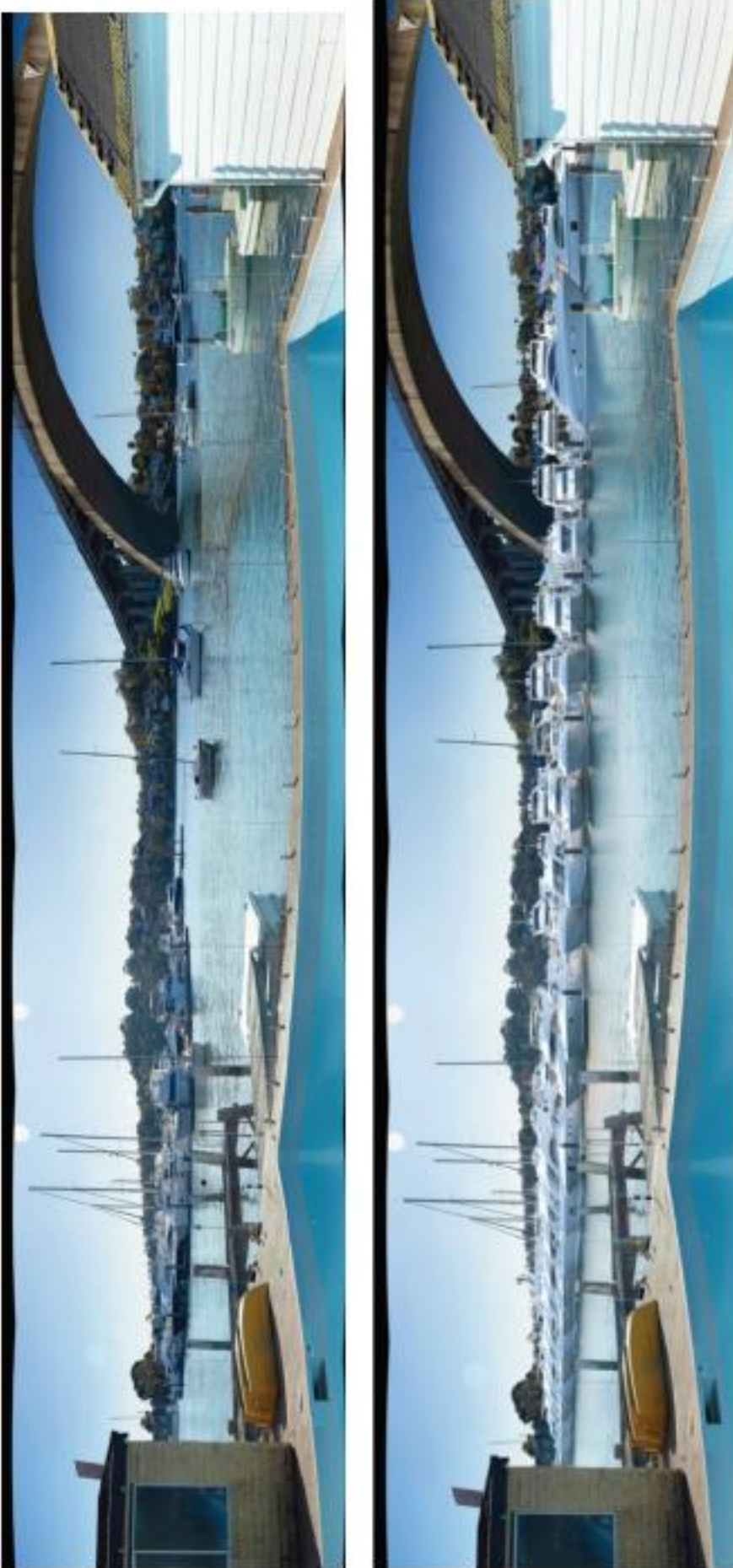


Figure 9 – Photomontage Foreshore pool No. 50 Drummoyne Avenue (Source: VIA)



Figure 10 – Photomontage Living room No. 1/334 Victoria Place (Source: VIA)

As you move higher in elevation and storeys partially obstructed views become available over the vessels to the land / water interface of Huntleys Point and the northern edge of the active portion of the Parramatta River. The best case scenario for the adjoining properties is provided in the photomontage taken from the top floor apartment terrace (4th storey) No. 3/46 Drummoyne Avenue Figure 11 and top floor apartment living room (elevated 4th storey) No. 8/334 Victoria Place in Figure 12. The view loss has been qualitatively assessed in accordance with the Tenacity Planning Principles in Table 3 as a Moderate / Severe and Severe impact.

Adopting the planning principles process the affected views will vary from property to property, however, there is a moderate to severe impact on whole water views from the rear living and open space areas of the adjoining properties from a standing position. This includes an impact on the setting of the local heritage item at No. 44 Drummoyne Avenue “Tobrique”, Boatshed at No. 348 Victoria Place (also listed as a heritage item under SREPSH Item no. 21 – Federation House Boatshed) and No. 352 Victoria Place all which are designed to overlook the water.



Figure 11 – Photomontage Foreshore pool No. 3/46 Drummoyne Avenue (Source:VIA)



Figure 12 – Photomontage Living room No. 8/334 Victoria Place (Source:VIA)

Adjoining the existing marina

The properties at No. 338 to 376 Victoria Place currently obtain views in a north to northwest direction between the headland and existing marina and depending on height over the existing marina. The impact on views in a northeast direction through the swing moorings is considered in the part above.

This application will enlarge the original portion of the existing marina to provide 63 berths (5 x 10m, 7 x 12m, 11 x 15m, 7 x 17m, 24 x 20m, 5 x 30m 2 x 35m and 1 x 45m, including infilling the area between the marina and the Howley Park headland (Arm A, B & C).

The infilling with Arm A, B & C blocks water views to the active portion of the Parramatta River and the land / water interface of Huntleys Point. The increased vessel length and therefore height of vessels will also block water views of the active portion of the Parramatta River and the land / water interface of Huntleys Point. The view loss is demonstrated in the VIA photomontage taken from the first floor living area of No. 376 Victoria Place Figure 13 with vessels occupying the full width of the midground river view and totally obscuring any background or land / water interface view. This view loss has been qualitatively assessed in accordance with the Tenacity Planning Principles in Table 3 as a Severe with a similar or greater impact likely on the ground and at the foreshore of this property.

Adopting the planning principles process the affected views will vary from property to property, however, a greater weight needs to be placed on any further view loss because of the view loss already attributed to the existing marina. With this in mind there is a moderate to severe impact with the views currently obtained around and over the existing marina impacts. This impact is generally a water views from the rear living and open space areas of the adjoining properties from a standing position.



Figure 13 – Photomontage living area first floor No. 376 Victoria Place (Source:VIA)

Conclusion

In terms of the 'reasonableness' the proposal does not satisfies this test as fundamentally the proposal seeks to expand the marina in an easterly direction, away from the existing land based component, and in front of numerous properties that are orientated north to Sydney Harbour. The level of view loss in most cases is severe with no mitigating factors, noting vessels are proposed to be moored perpendicular to the foreshore removing even the slightest opportunity for views between vessels, even if deleted this would not negate the above.

In regards to the properties which adjoin the existing marina, the existing view loss caused by the existing marina is considered to be significant. The enlargement of the marina and vessel sizes seeks to remove the remaining view which is considered to be unreasonable.

Further, the reliance in the VIA on the retention of a portion of foreground water does not offset or serve to mitigate the impact, noting most properties have whole views and the impact is of an attractive active portion of the Parramatta River channel and the land / water interface of the adjoining foreshore. The fact that this marina is permissible does not make the view loss reasonable in this instance.

In regards to the planning controls, the proposal is not considered to be compliant. Clauses 25 and 26 of the SHREP are matters to be taken into consideration in the assessment of scenic quality and views. The proposed development does not maintain views to and from the Harbour from the northern and southern side of the Harbour. The proposal will also result in an unacceptable cumulative impact on views to and from the harbour. The proposed development is therefore considered to be contrary to Clause 25(b) & (c) and Clause 26 (a), (b) & (c).

The proposed development is considered to create unacceptable impacts on the visual amenity of these public areas and would therefore be contrary to:

Part 3.2 - the 1st and 2nd dot points:

- *Minimise any significant impact on views and vistas from and to:*
 - *Public places*
 - *Landmarks identified on the maps accompanying the DCP, and*
 - *Heritage items*
- *Ensure it complements the scenic character of the area*

Summary of Visual Impact and View Loss

The peer review has drawn the following findings with respect to the content, analysis and conclusions of the VIA and states as is relevant as follows:

- *“The VIA has been prepared by an author that evidently has significant experience in and knowledge of this discipline*
- *The VIA describes the proposal and its planning context quite comprehensively*
- *The written analysis of the visual catchment is reasonable, but would perhaps have benefited from inclusion of a visual catchment map, based at minimum on topography*
- *The overview and selection of relevant VIA methodologies, while reasonable from a planning perspective, seems to focus principally on quantum of view loss (especially of water) and gives minimal attention to visual impact (vessel sizes and collective massing are rarely assessed)*
- *The VIA does not include any assessment of the visual impacts of the construction stages nor assessment of lighting impacts nor impacts of regular operations of the marina once functioning. These are typically standard requirements of VIAs*
- *The VIA states that all photographs and photomontages have been shot and produced in accordance with NSW Land Environment Court guidelines. No metadata or survey information is provided but in the absence of that information, some images used for photomontages seem to be shot at different focal lengths*

- *There is little consistency in the use of photos and photomontages across the VIA with some used as single images and some as panoramas, the latter often of a size in the document that makes any assessment of the impact hard to evaluate*
- *The VIA provides a strong critique of the SHFWA DCP methodology for VIAs for marinas. Much of the critique is not unreasonable, but the author appears to question the process and conclusions rather than to contextualise the methodology and use their evident expertise to tune the process to the proposal's particularities, as the Land and Environment Court typically encourages experts to do*
- *The selection of the Tenacity principles to private views in the VIA tends to skew the assessment towards view loss, while visual impact (bulk, scale, massing and character changes of the proposal's core elements) is rarely referred to or evaluated*
- *The selection of public domain views for assessment seem generally reasonable, although views from the Huntley's Point ferry wharf access path, ramps and pontoons seem an obvious omission, given their high level of daily use and the visibility of the proposal from these locations*
- *The selection of private sector views for assessment seem reasonable and generally representative of best and worst case scenarios, particularly given some owner access restrictions*
- *The visual impact ratings of public views seem significantly understated. Notably, the VIA has suggested a uniform Low impact from all views; a field visit and the photomontages in the VIA itself (in particular from the nearer views of the proposal) demonstrably show to the lay person and expert alike that this is not the case*
- *While the VIA recognises that some view impacts are Severe, the visual impact ratings of some views based on photomontages seem understated. Impacts from other rooms where photomontages were not undertaken also seem understated, as do most of the overall property impact ratings*
- *The VIA's conclusions that any impact rating under Medium or Moderate is inherently acceptable and thus not requiring mitigation is not supported by any such implication in the adopted methodologies; nor is this supported by any evidence supplied in the VIA to suggest that such ratings could not be further lowered through amendments to scale, layout or design of the proposal*
- *The VIA's conclusions that the overall impact ratings for public views is 'negligible or minor' and those impacts on private views are 'reasonable and acceptable' do not appear to withstand scrutiny from in-field evaluation or from the images within the VIA itself.*

In conclusion, it is my opinion that the VIA has significantly understated the visual impacts of the proposal from both public and private views.

Consequently, the VIA has not made a clear or convincing case on visual impact grounds as to why amendments to the proposal's scale, layout and/or design should not be pursued, in order to mitigate the significant visual impacts that the current proposal implies for views from both the public and private domain."

This is considered to be a determinative matter and warrants refusal of the application.

10.2. Car Parking and Vehicular Traffic

During the notification and re-notification period car parking and vehicular traffic was the most frequently raised issue. A comprehensive traffic and parking assessment is provided below:

Existing parking and vehicular access

Vehicular access to the marina is via a formed concrete and retaining wall switchback accessway through Howley Park (East), which is Crown Land. The accessway is legally defined as Lot 7058 in DP 94083. The accessway is located entirely in Howley Park and its use is licensed from Crown Lands.

The southern portion of the accessway contains line marking for 6 car spaces with a further loading area for servicing and deliveries located adjoining the foreshore on land owned and leased from Transport for NSW. The Applicant relies on this access and parking as part of this application, however, has clarified that because no works are proposed on this Crown Land, the consent of Crown Lands is not required.

From the information available, Council is reasonably satisfied that the six (6) car parking spaces in Howley Park (East) do not have development consent and as such cannot be taken into consideration as part of this assessment nor formalised as part of this application. Further, the wording of the license at Clause 22 and 59 states:

22. No Exclusive Possession

The Holder acknowledges that this license does not confer exclusive Possession of the Premises upon the holder. (6.023A)

59. Entry by the Public

The Holder will allow the public to have right of access over that part of the Premises specified in Column 2 of Item 65 Schedule 1 and any such part of the Premises as shall be suitably signposted. Otherwise the Holder may prohibit unauthorised entry to the remainder of the Premises. If required by the Minister plans showing the areas where public access is authorised and unauthorised will be displayed in a prominent location at the entrance to the Premises.(6.188)

The above clauses state that the public benefit for access to the whole of the premises and that the holder does not have exclusive possession of the premises i.e. the car spaces.

The subject site currently contains five (5) car parking spaces along the south western boundary configured as three tandem spaces and two tandem spaces.

Proposed parking

The proposal includes retention of 3 car parking spaces along the south western boundary and then provision of an additional 8 spaces in the covered south eastern portion of the site, facilitated by the removal of the shipwright services. The proposed car parking is configured in both a stacked and tandem layout and will be managed by a valet service, however, insufficient information has been submitted demonstrating how the valet service would operate, noting it cannot utilise Howley Park (East).

Parking Controls

In accordance with Part C3.1, C14 of the Canada Bay Development Control Plan 2018, the provision of parking for different types of development should be in accordance with Table C-C. This table lists marinas and states:

If a survey of a similar existing development has not been undertaken, the following figures may serve as a general rule:

- 0.6 spaces per wet berth
- 0.2 spaces per dry storage berth
- 0.2 spaces per swing mooring
- 0.5 spaces per marina employee

These rates also reflect the parking rates in the RMS 'Guide to Traffic Generating Developments'. The new Australian Standard for Marina Design AS3962:2020 provides the following:

A traffic and planning study should be used to determine boat storage parking. The following car parking guidelines may be used for boat storage only in the absence of traffic and parking studies:

(a) Car parking for marina activities, as follows:

- (i) 0.25 spaces per wet berth designed for vessels.*
- (ii) 0.25 spaces per dry berth*
- (iii) 0.25 spaces per swing mooring*
- (iv) 0.25 spaces per employee*

In addition to the above, the application also includes the provision of a neighbourhood shop and a public pontoon. No detailed information has been provided regarding the fit out, use or operation of the neighbourhood shop, however, a parking rate of 1/40sqm has been applied, requiring one (1) car space.

The application includes a kayak pontoon in the existing slipway. The application states that this kayak would be publically accessible, however, no details on how access will be provided or managed, including any kayak loading / unloading or associated parking requirement have been supplied by the applicant.

Applying the numeric controls above as a guide, the marina would be required to provide 77 spaces under the CBDP and 36 spaces under AS3962:2020. The lower parking rates identified in AS3962:2020 have been developed following marina parking demand studies.

Additional parking and loading / unloading would be required to service the kayak pontoon.

Marina parking assessment

In accordance with the CBDP car parking control the most suitable assessment of the parking demand for the marina is by completion of a survey of the existing demand for parking on the site.

The applicant has submitted the following reports:

- Traffic and Transport Study, prepared by Colston Budd Rogers & Kafes, Ref: 11113, Dated October 2019
- Supplementary Report, prepared by Colston Budd Rogers & Kafes, Ref: JH/11113/jj, dated 24 September 2020

The submitted traffic reports includes an available onsite and kerb side parking study (within approximately 285m radius or 401m by foot) undertaken on the 19 & 20 January 2019 and the 08 & 10 June 2019.

This assessment is insufficient as it fails to comply with the requirements of this control i.e. a survey of the actual parking demand for the existing marina. These submitted reports do not provide any survey information which would assist in understanding the actual existing demand for parking, including:

- Number of staffing, how staff travelled to the site, where staff who drove to the site parked, arrival and departure time.
- Number of customer accessing boats (differentiate between wet berth and swing mooring), how customers travelled to the site, where customers who drove parked, arrival and departure time, weather conditions (i.e. people use boats on sunny days).
- Crew and wait staff for superyachts.
- Contractors completing maintenance, repair and cleaning of yachts.
- Existing delivery, loading and service requirements.
- First floor commercial use parking demands

A study of available parking within a certain distance of the site is completely different to a survey of the existing demand for parking by an established operating marina. In addition the distance selected for the parking study is excessive, noting the sites location and context within a residential area, approximately 285m radius or 401m by foot from the marina pontoon access.

The submit reports draw on Australian Standard AS 3962-2001 and AS3962:2020, however, these rates are not relevant as they do not reflects the community's expectation for parking that is contained within the adopted planning framework that is specific to the Canada Bay LGA. It is also noted that Council's numeric parking controls only apply when a survey of a similar existing development has not been undertaken.

The submitted reports identify that the neighbourhood shop would require 1 car space. No details on the actual use of this shop. A neighbourhood shop is defined as follows:

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises.

By definition the shop could be used as a café or restaurant which would have significant implication regarding onsite parking and traffic conditions within the area.

Council's Traffic Engineer has reviewed the submitted information and has provided the following response:

- *The revised stacked parking is still not considered feasible. For example, it appears at least 4 vehicles would need to be moved for a car parked in space no.17 to exit. A stacked parking arrangement is generally only supported for a maximum of 2 vehicles i.e. a maximum of one vehicle needs to move for any vehicle to exit. Any stacked parking spaces must be also designed in such way that moving of stacked vehicles must occur wholly within the property.*
- *The response by Colston Budd Rogers & Kafes Pty Ltd dated 24 September 2020 indicates that the calculation of a peak parking demand rate is based on the parking surveys for same marina. The parking demand for this existing marina cannot be determined where it appears that some customers may already be parking on street due to the complexity of existing stacked parking configuration.*

The Traffic and Transport study indicates that 11 parking spaces are currently provided including six spaces within the crown lease and five spaces within the existing site. However this is not consistent with the supply of car spaces (14 spaces as indicated in the report) that was used when calculating a peak demand rate for the marina.

The parking survey included in the traffic report dated October 2019 indicates the peak parking demand of 12 vehicles. This exceeds 11 parking spaces currently provided indicating that the parking demand already exceeds supply.

Noting this, the demand of the proposed marina cannot be based on the submitted survey for existing Gladesville Bridge Marina. The proposed development shall use the Council's DCP as a general guide. Council's DCP - General Controls requires 0.6 spaces per berth, 0.2 spaces per swing mooring and 0.5 spaces per marina employee.

With 27 additional boat spaces, the parking requirement for the proposed extension is 16 spaces including an accessible parking space. In addition to this, a parking space is required for the neighbourhood shop.

It is noted that previously proposed accessible parking space is removed from updated plan. This development is required to provide an accessible parking space as per Council's DCP requirements.

- *The submitted swept path diagram by Colston Budd Rogers & Kafes Pty Ltd indicated that the 300mm turn manoeuvre clearance is not maintained near retaining wall. The difficulty in utilizing this space appears to be reflected in the submitted aerial images where parking does not occur on parking spaces no.6-no.11 at the same time.*

The 'Save the Gladesville Waterway Inc' engaged The Transport Planning Partnership (TTPP) to complete an independent peer review of the submitted traffic and transport study. The TTPP report was reviewed by Council's Traffic Engineer who agreed with the following summarised findings of this report:

- The marina currently relies heavily on off-site parking within an estimated overflow of 25-54 vehicles
- AS3962 requires staff parking at a rate of 0.5 spaces per employee. No onsite parking provided for staff.
- Stacked parking discourages visitor parking within the site an increase on-street parking demands
- Parking demand should not be calculated based on net change but the total berths
- Applicants report assumes a linear increase of parking demands for additional vessel spaces with a consistent parking rate for vessels of all sizes. This may not reflect the future car parking demands for larger vessels.
- Larger vessels generate a demand for more crew and accommodate more passengers.
- Insufficient information for traffic management during construction.

Summary of parking and traffic issues

- No consent has been granted for the parking in Howley Park (East) and these spaces area not available for the exclusive use of the marina.
- Survey on use of existing marina not provided.
- In lieu of a survey, seventy seven (77) car spaces required under the CBDP and 36 spaces under AS3962:2020 with eleven (11) proposed.
- 1 accessible space required, none proposed.
- Stacked arrangement not functional.
- Stacked parking spaces must be designed so any movement of stacked vehicles occurs wholly within the property boundary, N.B. Crown Lands has not provided owners consent.
- No details on function of valet service or areas for vehicle drop off or collection. Must occur wholly within the property boundary, N.B. Crown Lands has not provided owners consent.
- No consideration of the traffic and parking demand for the neighbourhood shop, first floor commercial uses or kayak pontoon.
- No details for any deliveries or servicing
- No onsite parking is provided for the 13 staff for the marina, 1 staff for neighbourhood shop or first floor commercial tenancies.
- Insufficient information for traffic management during construction.

This is considered to be a determinative matter and warrants refusal of the application.

10.3. Loss or Working Harbour

The site currently operates as a marina with supporting working harbour functions including slipway rails, engineering workshop and shipwright workshop. The slipway is capable of accommodating vessels up to 60' (18m and 16' (5m) beam and non-flybridge power vessels up to 40' (13m) and provides services including antifouling, boat services and painting to the general public.

This application seeks to remove the slipway and workshop buildings which has historically provided services to both the marina and general public.

This is contrary to Clause 23(a) and (b) of SREP Sydney Harbour Catchment) 2005:

(a) foreshore sites should be retained so as to preserve the character and functions of a working harbour, in relation to both current and future demand,

Comment: This site has historically contained a working function which has provided marine services to the general public in this central harbour location. The removal of these services would be contrary to the requirements of this clause which specifically requires retention of working harbour functions for both current and future demand. This also directly impact on the availability of these types of services for the public boating community as well as the site losing its historic working marine heritage and connection with Sydney Harbour.

The use of the site as a commercial marina does not satisfy the requirements for a working harbour.

(b) consideration should be given to integrating facilities for maritime activities in any development,

Comment: No working harbour facilities have been integrated into the design of the marina.

10.4. Heritage Conservation

The site is not a heritage item or located in a Heritage Conservation Area. The site is located within the immediate vicinity of the following heritage items:

- State Heritage Register no. 01935 - Gladesville Bridge (also listed as a heritage item under SREPSH Item no. 22 – Gladesville Bridge, including abutments)
- SREPSH Item no. 22 – Gladesville Bridge, including abutments
- CBLEP Item no. 1472 – Boatshed, 348 Victoria Place (also listed as a heritage item under SREPSH Item no. 21 – Federation House Boatshed)
- CBLEP Item no. 1473 – House, 352 Victoria Place
- CBLEP Item no. 1474 – Gladesville Bridge abutments
- CBLEP Item no. 1475 – Howley Park, Five Dock Point
- CBLEP Item no. 1178 – House, “Tobique”, 44 Drummoyne Avenue

The proposal was reviewed by Council’s Heritage Advisor and a detailed assessment is contained within Part 9.3 & 9.6. The assessment concluded that the proposal would have an unacceptable impact on these heritage items. This is considered to be a determinative matter and warrants refusal of the application.

10.5. Contamination

An assessment of soil contamination - Land based, ground water contamination – land based and sediment contamination – water based is contained in the SEPP55 assessment in Part 8.1. In summary the issues were identified with the use of the slipway/hardstand as a public pontoon, summarised as follows:

- The sediments beneath the slipway/hardstand require further assessment to confirm that the risk from potential contaminants under the slipway are acceptable for any future use of the land. As this testing is incomplete it cannot be established that the use of this portion of the site would be suitable for this use.

- The use of the public pontoon would result in contaminated sediment being resuspended which presents an unacceptable risk to human health. The public pontoon is not suitable in its contaminated state for this proposed use.

The proposal would not satisfy the requirements of SEPP 55. This is considered to be a determinative matter and warrants refusal of the application.

10.6. Acoustic Impact & Vibration Impact

The Applicant submitted a Noise Impact Assessment Report and Amended Report (Pulse Acoustic, 15 October 2019 & 12 May 2020) which was reviewed by the NSW EPA and Council's Environmental Health Team. The NSW EPA issued General Terms of Approval and Council's Environmental Health Team raised the following issues:

- Acoustic report does not consider the cumulative impact of a group of patrons staying on a boat and a group of patrons on the foreshore
- No plan of management provided
- No details on staffing after hours
- Is this Marina manned at all hours
- How are loiters going to be minimised in the parking lot
- Is there processes or procedures for people gathering in large groups particularly late at night
- Can people stay/live on the boat whilst being docked - is this allowed will this be permitted as part of this DA
- How is music been played in the carpark managed, in particular late at night

Operational Noise Assessment

The report provides predictive noise modelling for five noise generating scenarios which at worst case locations. This assessment demonstrated compliance with the applicable noise criteria.

Construction Noise Assessment

The report provides predictive modelling for two noise generating construction scenarios at worst case locations. In both scenarios there were some exceedance with the Noise Management Levels, however, all construction activities were below the 'highly noise affected' levels. To mitigate the construction exceedance noise and vibration measures were recommended. Subject to compliance with these measures, the temporary construction noise exceedance is acceptable.

Road Noise Assessment

The report demonstrates that any road noise from additional vehicular movements associated with the expansion would be within the required standards.

Vibration

The report demonstrates that the operation noise sources do not contain any significant sources of vibration with the proposal achieving compliance with the required standards.

Conclusion

Although the required technical operation standards have been satisfied in the submitted reports, the operation noise issues raised by Council's Environmental Health Team remain.

These were not raised with the Applicant, however, stem from the lack of any plan of management and clarity around the ongoing operation which could result in unacceptable acoustic impacts.

This is considered to be a determinative matter and warrants refusal of the application.

10.7. Light Spill

The effect of light spill is addressed in Australian Standard: AS 4282-1997 Control of the Obtrusive Effect of Outdoor Lighting. When designing outdoor lighting the effects on the following four areas should be taken into account:

- Impacts on residents.
- Impacts on road users (eg motorists, cyclists, pedestrians).
- Impacts on transport signalling systems (eg air, rail, water).
- Impacts on areas where astronomical observations are made.

The Applicant submitted a Light Spill Assessment (SLR, October 2019) which included light spill modelling for the proposal. The report included recommendations that subject to implementation would ensure any potential light spill from the proposal complies with the relevant requirements.

10.8. Air Quality & Green House Gas

The Applicant submitted an Air Quality Assessment Report (GHD, October 2019) which conclude the following:

Operational air quality impacts associated with dust and combustion by-products were modelled and assessed for existing and future operating conditions in the CALPUFF modelling system. The predicted operational results indicate compliance with the air quality criteria for all pollutants of interest for both the existing and future operating scenarios.

Air quality impacts associated with the construction of the project were not deemed to be significant. The project is also not associated with existing or future sources of odour.

Overall, the project complies with the relevant air quality criteria and the residual air quality risks associated with the project are considered minor.

The Applicant submitted a Greenhouse Gas Assessment (GHD, October 2019) which concluded the following:

The quantity of emissions estimated to occur during construction are estimated as approximately 87 tCO₂-e during the entire construction period,

The quantity of additional emissions estimated to occur during operations as a result of the marina upgrade is estimated as approximately 225 tCO₂-e per annum, which is negligible. Annual emissions from the project would account for approximately 0.0002% of Australia's annual emissions and 0.001% of NSW's annual emissions, which is insignificant.

Measures will be implemented to minimise and reduce greenhouse gas emissions and energy.

The air quality and green house gas impacts have been satisfactorily addressed.

10.9. Wave Impact

The Applicant submitted a Wave Climate Report (MetOcean, October 2019) which reviews potential climate change impact, wave impact, hydrodynamic circulation and flushing conditions. Council does not have expertise in this area and relies on the findings of this report, summarised below:

- The flushing of the marina is expected to present similar flushing characteristics to the existing marina.
- The proposal is not expected to affect the local wave conditions besides providing some wave sheltering to the shoreline directly behind the proposed extension.

The wave impact and flushing of the marina have been satisfactorily addressed.

10.10. Navigation

Navigation is a matter which was considered by TfNSW at the permission to lodge stage. TfNSW have specifically reviewed issues including navigation to the private wharf and boat pens of foreshore properties, navigation to the private swing moorings to the south adjoining the foreshore and the affect ferry movements and commercial vessels prior to issuing their permission to lodge.

The Applicant submitted a Navigation Assessment (Brett Moore, undated) and a subsequent review of a public submission from Tonkin Marine Engineering (Brett Moore, 19.02.20). These reports and the referral response from TfNSW have been relied upon, with a brief summary assessment provided below.

Navigation within marina

The marina is capable of compliance with AS3962-2020 for Marinas. It is noted that operationally berths will need to be allocated based on the vessel type i.e. not just length but deep draft (measured from the surface of the water to the deepest part of the hull below the surface) and air draft (distance from the top of a vessel's highest point to its waterline).

Navigation from marina into channel

There is a navigational holding area under Gladesville Bridge which allows vessels to orientate perpendicular to the channel before exiting into the channel in an easterly or westerly direction.

Channel width

The proposal includes removal of private swing moorings which will result in a widening of the channel on the northern side of Gladesville Bridge. The marina expansion will result in a narrowing of the channel south of the Gladesville Bridge with boats moored parallel to the outside edge of the arm, where none currently exist. This narrowing is not acceptable as it would impact on the operation of the channel in this narrow portion of Sydney Harbour.

Construction

A preliminary Marine Traffic Management Plan has been submitted which provides practical management practices to minimise the impacts on water users during construction.

Conclusion

Navigation associated with the marina is acceptable with the exception of the narrowing of the channel associated with the mooring of boats on the outside edge of the marina. This directly impacts on the public and commercial function of vessels using the portion of Sydney Harbour and is not supported.

This is considered to be a determinative matter and warrants refusal of the application.

10.11. Stormwater management

There is not change to land-based infrastructure from a stormwater perspective with the existing drainage paths maintained in the existing conditions. The Applicant has submitted a Stormwater Management Report (Royal Haskoning DHC, 22.10.19) which recommends the use of installation and use of rainwater tanks.

No rainwater tanks have been incorporated into the proposal, however, this is not a determinative matter and could be resolved through a condition. Stormwater management has been satisfactorily addressed.

10.12. Water Quality & Sediment Management

The Applicant has submitted a Water Management Report (GHD, October 2019) which considers the potential impacts to water resources associated with the proposal, a Sediment Management Report (Royal Haskoning DHV, 22 October 2019) and a Preliminary Construction and Environmental Management Plan (SMC Marine, 21 October 2019).

Construction impact

The construction works will disturb sediments, however, the relative scale of sediment disturbance would be low. The sediment impacts can be mitigated by the adoption of the sediment management report criteria, including the use of silt curtains or other effective turbidity barriers.

Water quality

The marina is an accredited Clean Marina and as part of this accreditation process an Environmental Management System was required. This management system is required to be reviewed and implemented in order to minimise potential impacts.

Flooding

No impact on the tidal floodplain are expected. Stormwater and the effects of climate change considered separately.

These reports included construction and operational management measures that subject to implementation would mitigate any sediment and water quality impacts. These requirements would be supplementary to any requirements regards contamination.

Water quality has been satisfactorily addressed.

10.13. Equitable Access

Due to the extent of the proposed works, the provision of a neighbourhood shop and public pontoon access for people with a disability is required in accordance with the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992.

Pedestrian Access

Pedestrian access to the marina is via a set of stairs through Howley Park (East). Equitable pedestrian access is required from Victoria Place to the marina and has not been provided.

Vehicle Access and Parking

The traffic and parking assessment contained in Part 10.2 concludes that an accessible parking space is required. The amended proposal deleted the accessible car space. A supporting statement for accessible car space performance solution (Morris Goding Access Consultant, 23 September 2020) was submitted alluding to a performance solution and management plan, but, no performance solution or management plan was submitted for consideration. This letter does not consider how the individual access requirements of drivers and passengers would be accommodate on the site.

Accessible Facilities

An accessible toilet is identified on the south western ground floor of the building adjoining the vehicular access and parking area. An accessible path of travel has not been identified showing how people would access these facilities.

Boat access

Commercial marinas are to provide a point of access to boats for disabled people. Details demonstrating compliance have not been provided.

The proposal does not provide equitable access and compliance may not be possible.

This is considered to be a determinative matter and warrants refusal of the application.

10.14. Waste Management

The proposal incorporates a waste storage area adjoining the south eastern side of the building and slipway measuring 4 x 1.5m. The waste storage area would accommodate the 1 x 1,000L general waste bin, 1 x 240L Co-mingled waste and 1 x 240L Paper and cardboard. The bins will be towed to Victoria Place by the marina staff and serviced twice a week by a private waste contractor.

The waste storage area is adequate to accommodate the expected waste generation, noting additional capacity and servicing is possible.

The bins are required to be towed by staff through Howley Park (East) to the Victoria Avenue kerbside. The submitted waste management plan states the path for wheeling bins between the storage collection is to be level, free from steps, and all gradients compliant with SafeWork NSW. The applicant has not obtained owners consent from Crown Lands NSW to tow bins through Howley Park (East) and failed to demonstrate compliance with the maximum SafeWork NSW gradients.

Ordinarily waste management would not be a determinative matter as it could be resolved through conditions, however, in this case owners consent has not been provided and observationally the gradients in Howley Park (East) are steep so compliance may not be possible.

This is considered to be a determinative matter and warrants refusal of the application.

10.15. Ecological Impact

The Applicant has submitted an Ecology Assessment Report (Marine Pollution Research Pty Ltd, October 2019) which provide an assessment on the potential impacts of the proposed development on any critical habitats, protected species, threatened species, populations, endangered ecological communities or their habitats, and marine vegetation.

The report finds that there are no threatened species of Endangered Ecological Communities within the locality of the Gladesville Bridge Marina and the site does not constitute specific habitat for other threatened aquatic species as listed in the Fisheries Management Act 1994, the Biodiversity Conservation Act 2016 and the Environment Protection and Biodiversity Conservation Act 1999.

Any habitat that is lost will be offset by additional piles and pontoons for the expansion. There will be no direct shadow impact on aquatic flora.

The proposal will have a neutral effect on the water quality entering Sydney harbour.

Shading impact risk associated with the project is low.

This report finds that the disturbance of contaminated sediments from vessel wash or propeller strike are negligible.

The proposal would not unreasonably impact on the biodiversity, ecology and environmental protection, however, the disturbance of contaminated sediment at the base of the slipway is an issue that is discussed in SEPP 55 above.

The ecological impact of the marina has been satisfactorily addressed.

11. Suitability of the Site for the Development Proposed

The proposed development has been assessed in relation to its environmental consequences, against the relevant statutory and non-statutory standards.

The adjoining foreshore properties are characterised as residential with large detached residential dwelling houses, multi-dwelling housing and residential flat buildings. The proposed marina is commercial in nature and will extend into an open part of the cove blocking views to Sydney Harbour and adjacent land water interface. Given the impacts discussed within the body of this report, the further expansion of the marina within the harbour for a commercial marina is not supported as it is not considered suitable for the proposed development.

The use of the public pontoon would result in contaminated sediments being disturbed that are a risk to human health. In accordance with Clause 7(b) of State Environmental Planning

Policy No 55 - Remediation of Land, the land is not suitable in its contaminated state for the purpose for which the development is proposed to be carried out.

The proposal has not adequately demonstrated that the site is able to accommodate adequate marina facilities including car parking, equitable access and waste servicing requirements. The new onsite parking that is proposed to be provided will be at the loss of a working harbour function.

For the reasons outlined in this report the site is not suitable for the development proposed.

12. The Public Interest

This application seeks to utilise public land (the waterway) for commercial purposes and private gain. This is one of the key issues that was raised in the public submissions objecting to the proposal. Clause 2(2) of the SHSREP contains the following principles for the purposes of enabling the aims of this policy to be achieved:

- (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.*

The proposed development is not consistent with the above principles for the following reasons:

- The removal of the swing moorings and expansion of the marina remove the ability for the public to use the waterway between Howley Point and Gladesville Bridge.
- The expansion of the marina in a northerly direction will narrow the navigable channel with boats moored parallel to the outside edge of the arm.
- Removal of slipway and workshop buildings which has historically provided services to both the marina and general public.
- The proposed expansion necessitates the removal of 5 public swing moorings which are located directly adjoining the foreshore of the Cove.
- The public pontoon would result in contaminated sediments being disturbed that are a risk to human health. There is also no mechanism to secure public access or facilities i.e. loading and unloading areas and parking, to support its use.
- The visual impact and view loss from the public view points on the southern side of Sydney Harbour including Five Dock Point, Victoria Place and Cambridge Park (South Pylon) would range from the Moderate to High level. The impact from the Northern side at the North Pylon Reserve is Moderate / Low to Moderate.
- The proposal does not provide equitable access from Victoria Place to the marina and compliance may not be possible.

The proposed development is not consistent with the objectives of the Environmental Planning and Assessment Act in so far as it does not promotes the co-ordinated and orderly, and economic use and development of the land.

As a result Council is not satisfied that the development is consistent with the public interest.

13. Conclusion

The assessment in this report has identified that the proposal does not satisfy the relevant statutory and non-statutory standards and the development will result in unacceptable impacts. As such the proposal is unacceptable having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, for the reasons provided in the Recommendation in Part 14.

Prepared by:



Mr Stuart Ardlie
Coordinator
City of Canada Bay

Endorsed by:



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14. Recommendation

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 (as amended)

THAT the Sydney Planning Panel – Sydney Eastern City, as the determining authority, refuse development application DA2019/0380 for alterations and additions to the marina berth layout to provide overall storage of 126 vessels comprising 15 swing moorings and 111 floating berths. The works include; removal of 29 swing moorings, retaining 15 swing moorings, increasing the number of floating berth spaces from 50 to 111, cessation of slipway activities including the removal of slipway rails and the demolition of internal office mezzanine structure within the covered slipway area, and the provision of 8 valet car parking spaces within the existing slipway area on land at 380 Victoria Place, Drummoyne. The reasons for refusal being as follows:

1. Unacceptable Visual Impact and View Loss Public Domain – The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as the development will block views to and from Sydney Harbour from the public domain and waterway.
2. Unacceptable Visual Impact and View Loss Private Properties – The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as the development will block views from the adjoining foreshore properties of Sydney Harbour and Huntelys Point foreshore.
- 3.1. Unacceptable impact upon Heritage Conservation under the SHSREP and CBLEP – The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the development does not satisfactorily conserve the heritage significance of heritage items located within the vicinity of the site as required by Clause 55(4) Protection of Heritage Items of Sydney Regional Environmental Plan (Sydney Harbour Catchment)

2005 and Clause 5.10 Heritage Conservation of the Canada Bay Local Environmental Plan 2013.

- 3.2. Unacceptable impact upon Heritage Conservation under the CBDP – The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives and controls contained within Part D Heritage of the City of Canada Bay Development Control Plan 2017.
4. Unacceptable Traffic and Parking Impacts – The proposed development is unsatisfactory, pursuant to the provisions of Section 4.55(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives and controls contained within Part C of the City of Canada Bay Development Control Plan 2017 including C3.1 Vehicular Parking & Accessible Parking and C3.2 Bicycle Parking.
5. Unacceptable Contamination – The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the use of the public pontoon would result in contaminated sediments being disturbed that are a risk to human health and in accordance with Clause 7(b) of State Environmental Planning Policy No 55 - Remediation of Land the land is not suitable in its contaminated state for the purpose for which the development is proposed to be carried out.
6. Non-compliance with Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 – The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives and controls contained within Part 3, Division 2 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, including Clause 22 Public access to, and use of, foreshores and waterways, 23 Maintenance of a working harbour, 25 Foreshore and waterways scenic quality and 26 Maintenance, protection and enhancement of views.
7. Non-compliance with Sydney Harbour and Waterways Area Development Control Plan 2005 – The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives and controls contained within Part 3.2 General Aims (dot point 1 & 2) , Part 4.2 General Requirements (dot point 8), Part 4.7 Marinas (Commercial and Private) Visual Impact (dot points 2 & 5) of the Sydney Harbour and Waterways Area Development Control Plan 2005.
8. Unacceptable Equity of Access – The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as equitable access from Victoria Place to the marina for people with a disability has not been demonstrated in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992.

9. Insufficient provision for Waste Management – The proposed development is unsatisfactory, pursuant to the provisions of Section 4.55(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives and controls contained within Part C4 Waste management of the City of Canada Bay Development Control Plan 2017 as the applicant has not obtained owners consent from Crown Lands to tow bins through Howley Park (East) and failed to demonstrate compliance with the maximum SafeWork NSW gradients.
10. Unsuitability of the Site – Pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not suitable having regard to the nature and extent of the development proposed.
11. Not in Public Interest – Pursuant to the provisions of Section 4.15(1)(e) & 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal does not satisfy the planning principles in Clause 2(2) of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and as such the approval of the development application is not in the public interest for the reasons for refusal outlined above.

Appendix A – Documents considered in the assessment of the Development Application

The following documents have been considered in the assessment of this Development Application:

Submitted by Applicant

- Environmental Impact Statement Designated Development Application, Ethos Urban, 15586, 19.12.19
- Secretary's Environmental Assessment Requirements, Planning & Environment, EF18/46115 SEAR 1268, 15.11.18
- Architectural Drawing Set, GHD, Rev. A, 30.09.19
- Marina Drawing, GHD, Rev. G, 08.10.19
- Marina Berth Demand Assessment, Australian Marina Management, September 2019
- Strategic Review, Nine Squared, September 2019
- Navigation Assessment, Brett Moore OAM
- Contamination Investigation, ZOIC, 18166, 30.09.19
- Supplementary Report on Contamination Investigation, Marine Pollution Research, 09.12.19
- Geotechnical Report, GHD, October 2019
- Environmental Impact Statement: Ecology Assessment Report, Marine Pollution Research, MPR 1162 Ver.4, October 2019
- Wave Climate Report, MetOcean, Ver. 1.0, October 2019
- Foreshore Geomorphology Report, Royal Haskoning DHV, PA1891-RHD-ZZ-XX-RP-Z-0003, 22.10.19
- Stormwater Management Plan, Royal Haskoning DHV, PA1891-RHD-ZZ-XX-RP-Z-0002, 22.10.19
- Sediment Management Plan, Royal Haskoning DHV, PA1891-RHD-ZZ-XX-RP-Z-0001, 22.10.19
- Water Management Report, GHD, October 2019
- Noise Impact Assessment of Proposed Alterations and Additions, Pulse Acoustic Consultancy, 2019-07-09, Final 3, 15.10.19
- Air Quality Assessment Report, GHD, October 2019
- Greenhouse Gas Assessment, GHD, October 2019
- Preliminary Construction and Environmental Management Plan, SMC Marine, Rev 3, 21.10.19
- SEPP 33 Hazardous and Offensive Development Report, GHD, October 2019
- Traffic and Transport Study, Colston Budd Rogers & Kafes, 11113, October 2019
- Waste Management Plan, SLR, 310.18292-R01, V2.0, October 2019
- Visual Impact Assessment, ARPL, 17.12.2019
- Light Spill Assessment, SLR, 310.18292-R02, V1.2, October 2019
- Heritage Impact Assessment, NBRS Architecture, 16.12.19
- Social Impact Assessment, GHD, October 2019
- Consultation Report – Non-Statutory Consultation, GHD, December 2019
- Photomontages, Unknown

Applicant Amended Submission

- Response to Submissions Report, Ethos Urban, 15586, 23.09.2020
- Revised Marina Plan Set, GHD, Mixed revision and dates
- Revised Architectural Plan Set, GHD, Mixed revision and dates

- Neighbourhood Shop Plan, PSEC, SK-001, Rev. B, 22.09.2020
- Relevant Development Consents, Bundle provided by Ethos Urban
- Addendum Traffic and Parking Study, Colston Budd Rogers & Kafes, JH/11113/jj, 24.09.2020
- Interim Audit Advice No. 1, Ramboll, 318000976, 08.05.20
- Marine Sediment Environmental Management Plan, Marine Pollution Research, 27.08.2020
- Acid Sulfate Risk Assessment and Construction Management Plan, Marine Pollution Research, 27.08.2020
- Waste Management Plan, SLR, 610.18292-R01, Rev. 3.0, September 2020
- Working harbour Statement, Gladesville Bridge Marina, September 2020
- Noise Impact Assessment of Proposed Alterations and Additions, Pulse Acoustic Consultancy, 20092, 12.05.2020
- Heritage Response to Canada Bay Council's Request for Further Information, Urbis, 10.08.2020
- Public Realm Visual Impact Assessment Designated and integrated development application, IRIS Visual Planning + Design, 18.08.2020
- Social and Economic Benefits Statement, Ethos Urban, 15586, July 2020
- Report Brief on the Tonkin Marin Engineering Review Submission, Brett Moore OAM, 19.02.2020
- Supporting Statement for Accessible Car Space Performance Solution, Morris Goding Access Consulting, 23.09.2020
- Visual Impact Assessment, ARPL, 08.12.2020

Applicant Further Amended Submission

- Response to Submission Report, Ethos Urban, (amended but date not changed from 23.09.2020)
- Revised Marina Plan Set, GHD, Mixed revision and dates
- Interim Audit Advice No.2, Ramboll, 318000976, 09.04.2021
- GBM Expansion EIS – Council Query RE Fisheries' Recommendation, Marine Pollution Research, 16.04.2021

Council Engaged

- Peer Review of Visual Impact Assessment, Clouston Associates, S20-0086, Issue B, 02.06.2021

Submitter Engaged

- Peer Review of Traffic And Transport Study, ttp, 20015, 17.02.2020