

1. Introduction

The Glebe Society (TGS) does not oppose development, including maritime and commercial development, within the Bays Precinct. It does, however, place great value on the strategic importance of this part of Sydney Harbour and in particular on the potential to utilise 94 hectares of publicly owned foreshore land for the broad public good.

The wider Sydney community has a very intense interest in the use of and development of the Sydney Harbour waters and foreshores. In recent years- after over a decade of intense advocacy seeking improved consultation and an integrated and strategic approach to planning – the community has been able to express its views in relation to the Bays Precinct area of Sydney Harbour.¹

There is strong and consistent community consensus on a number of key issues:

- The urgent need to end one of *ad hoc* planning developments in the Bays Precinct and develop an integrated strategic plan for the whole of the Precinct
- Support for strong planning principles to guide development in the Bays Precinct (consistent with those in the Harbour SREP 26 and existing Master Plans for Rozelle Bay and Glebe Island –but stronger)

It is a source of considerable community frustration that notwithstanding its expression of these views in consultative processes, that it continues to be confronted with one off development proposals that breach key principles already contained in legal planning documents and totally ignore the community principles which, while not yet recognised by Government, have been in the public domain since March 2010.²

It is in this context, that we make these comments on the current proposal –as amended by the Director General's requirements – for the proposed Land-Based Development for the Super Yacht Marina (MP09_0165) and the DG's Environmental Assessment Report.

¹ As part of the stage 1 consultation process the NSW Government in June 2009 established the Sydney Harbour Bays Precinct Community Reference Group. A summary of its advice to Government was published. *Towards an Integrated Strategic Plan for the Bays Precinct Executive Summary March 2010 (CRG report)*. In May 2011 the Minister for Planning and Infrastructure reconvened the Bays Precinct Task Force and included a community representative . The Taskforce reported to Government in August 2012. The report has not yet been released by Government. The recommendations submitted to the Taskforce on behalf of the community are at <http://glebesociety.org.au/?cat=3t>.

² CRG report and also Sydney Harbour Foreshore Authority: Bays Precinct Report on Outcomes Stage 1 Consultation Process, February 2011 (Bays Precinct Report on Outcomes 2011)

2. Support for Glebe Residents Submission

The Glebe Society (TGS) wishes to put on record its strong support for the Joint Submission from Glebe Residents made to the Planning Advisory Committee (PAC) in relation to the proposed Land-Based Development for the Super Yacht Marina and the DG's Environmental Assessment Report.³

This submission was made after the public meeting that was held on 8th November with the Planning Advisory Committee and indicates the level of ongoing concern about aspects of this proposal.

We agree with the main objections put forward by these Glebe residents that:

1. *The proposal and the Environmental Assessment Report fail to take account of the very significant impact of the proposed development on the local residents and the multitude of people who use the parkland and bay walk opposite the proposed development.*
2. *The impact of noise from the proposed development is untenable but has not been adequately considered.*
3. *The consultation process has been inadequate, particularly during the development of the EA document.*
4. *The proposal and the design are not 'fit for purpose' and are not consistent with the Master Plan and the Sydney Regional Environmental Plan's (SREP No. 26) main criteria for commercial maritime usage.*

We note that considerable professional expertise underpins the conclusions relating to noise impact and the considerable ongoing concerns in this area. The general impact on the nearby residents and the users of the parklands will obviously be considerable and inappropriate.

3. Impact on Glebe Island Bridge

TGS is concerned that the proposed expansion of the Super Yacht facility will have consequences for the future of the heritage Glebe Island Bridge. The community as well as Leichhardt and City of Sydney Councils strongly support the preservation and reuse of the Glebe Island Bridge for pedestrian and cycle commuter traffic as a vital low level City crossing. It is expected the forthcoming Bays Precinct Task Force Report will contain relevant recommendations to Government on its future. No development should be approved on the assumption that the Glebe Island Bridge will be demolished or that it will not be put back into active use.

4. Impact on Passive Boating Activities

Rowing has been a recreational and sporting activity on Blackwattle and Rozelle Bays since the 1880s. There are now two active rowing clubs in Blackwattle Bay: The Glebe Rowing Club and the Sydney University Women's Rowing Club - as well as a rapidly growing dragon boat club. There are legitimate concerns that the expansion of the number of berths and therefore of super yachts using the Marina will create major problems for ongoing safe rowing activities in the Bays.

³ Joint Submission from Glebe Residents 12th November 2012 . Prepared by Dr Judy Cashmore AO, Mark Dent, Dr Martin Lawrence, Joyce Morgan, Rosie Turner, Ros Wheeler, Dr Andrew Wood.

Furthermore, in an intelligently integrated planning scenario, the impact of the Marina on rowing should be assessed in the context of any plans Ports or Maritime agencies may have for increasing the number of boat moorings in the Bays. The combined impact, if not constrained, could bring about a major and unwelcome change in the character and uses of the Bays –without discussion.

5. Strategic Considerations

Our strongest objection relates to the inappropriate and non-strategic aspects of the proposal for valuable and publicly owned harbour foreshore lands in Rozelle Bay.

i. Breach of Sydney Harbour/Bays Precinct Principles

We draw attention to a few central principles that appear to be breached by this proposal –even with the requirements imposed by the DG.

ii. Prioritise land uses based on their need for waterfront proximity.⁴

The proposal in its original form included gross breaches of this principle. The DGs prescribed amendments do not fully remedy these breaches.

Even though the numbers and the longevity of the proposed development for a Super Yacht Marina has morphed well beyond the pre-2000 promised maximum number and temporary status until the Olympic games – the community and the Glebe Society is willing to accept an ongoing Super Yacht Marina. We do not however consider the ‘ancillary’ entertainment uses to be in any way high priority activities requiring waterfront proximity. Such uses constitute a squandering for private gain of valuable and strategic harbour foreshores. We share the concerns of the residents that the revised proposal does not exclude these activities and may be more a rebadging than anything else.

iii. The Rozelle Bay Master Plan Designation of the Bay as a commercial maritime precinct

The entertainment aspects of the proposal –including the constraints of the DG’s requirements- are not consistent with this zoning. They should not be approved. The residents’ submission covers this breach including their concerns that the amendments to the proposal are a sham and that much of the initial proposal will surface under different labels. We agree with the residents’ observation that:

‘It is surprising then that the revised plan retains the same floor space with very extensive balconies and a significant amount of the space is now labelled as a ‘yacht club’. This is arguably a ruse to make the proposed development appear to comply with the requirement for maritime uses. It is in fact licensed premises masquerading as a yacht club. There is a strong case that the proposed development is in reality a commercial licensed premises rather than a yacht club’.⁵

iv. Priority of the Public Good Principle

⁴ Bays Precinct –Report on Outcomes 2011 p2

⁵ Residents’ submission 12th November 2012, p12

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 includes clear and strong principles in relation to the priority of the public good for developments within Sydney Harbour:

- (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,*

This is an important statement of principle which was hard fought for and highly valued by the community. It is not meant to and has not in practice deterred appropriate development including fully commercial developments. It does however provide a legal, conceptual framework to ensure a proper balance between private benefit and public good in the development of such valued and strategic resource.

Not surprisingly, the community in all relevant forums has strenuously advocated the maintenance of this public good priority principle. Thus the Community Reference Group Bays Precinct Report included as its first planning principle:

*Establish public good, not private benefit as the overriding driver for future planning decisions for the Bays Precinct*⁶

The broadly supported submission made by the community representative to the Government's 2011/12 Bays Precinct Task Force reiterated the strategic importance of this principle. It is expected the Government will confirm that the public good will continue as a core planning principle for the strategic public resource of Sydney Harbour and its foreshores when it releases the report.

In its original form, and also in its form as amended to conform with the DG's requirements, TGSi considers the Super Yachts proposal including its land based elements constitutes a significant breach of this highly strategic principle.

The development is likely to undermine the safety and viability of traditional rowing activity, create significant discomfort for nearby residents, threaten the future conservation and re-adaptation of the Glebe Island Bridge, change the character of Rozelle Bay, and weaken the substance of the 'commercial maritime precinct' zoning category. The benefits from this development will largely be to the private benefit of a small group.

5. Conclusion and Recommendation

The Glebe Society for the above reasons supports the recommendation of the Joint Submission from Glebe Residents:

Given the various criticisms of this report, we urge considerable changes in design and conditions:

- *to take account of the social impact on the large number of local residents and visitors who use the area for recreation;*
- *to bring this project into compliance with the Master Plan and the Sydney Regional Environmental Plan and its zoning for waterfront use and maritime services by:*
 - a. *restricting the floor space and modifying the design by reducing or eliminating balconies*

⁶ CRG Report March 2010, p2.

for ancillary services and requiring the facility to operate as a true yacht club
b. disallowing any amplified music or sound system and requiring that noise be kept within WHO guidelines
c. requiring genuine community consultation and engagement including systematic research and canvassing of local residents and visitors to the area (we are happy to assist here, and have a survey that could be used);
d. requiring proper monitoring, controls on noise, and a robust and transparent complaints mechanisms through construction and beyond.

Yours truly

John Gray

President