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# THE GLEBE SOCIETY INC.

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Conserving our heritage ... Encouraging a sense of community ... Working for Glebe's future

The Manager  
Major Projects Assessment  
Department of Planning  
GPO Box 39  
SYDNEY, NSW 2001

By email: [plan\\_comment@planning.nsw.gov.au](mailto:plan_comment@planning.nsw.gov.au)

4<sup>th</sup> March 2011

Dear Sir,

**RE: Exhibition of Redevelopment of Sydney Super Yacht Marina, Rozelle Bay (MP 09\_0165)**

I write on behalf of the Glebe Society Inc. (TGSI) enclosing our submission.

Anthony Larkum

For the Bays & Foreshore Sub-Committee

# The Glebe Society, Inc., Submission over the Super Yachts Marina – Land-Based Environmental Development Application (MP 09\_0165)

## Preamble

This site was intended for a temporary marina for large cruisers during the Sydney Olympics in 2000, and the State Government promised it would be removed. Instead, it has been made permanent on the basis of a DA in 2008, which did not have proper public consultation. The original temporary arrangement, the annual extensions, and the DA in 2008 all referred to a water-based facility with a minimal land base. Any justification for an extension to the land base can only be made on the basis of the relevant wording in the Rozelle Bay Master Plan 2000, which stated, in relation to a boating facility “Preferred Land Uses. Food and retail outlet, ancillary to main use”. Thus the Glebe Society regards this DA as an ambit claim for an entertainment centre, with no real justification and quite out of context with the Government’s aim for “Working Harbour” facilities to be built in this area.

Lack of public consultation is also true of the current proposal. Such consultation as has taken place has been at the insistence of nearby residents. The proposal should be readvertised and widespread public consultation should take place.

## Objections

The Glebe Society’s specific objections to this proposal are the following:

1. Ill-defined use of the site. The present proposal for a major land-based facility with little connection to the operation of the marina is seen as an ambit claim by the developers to build an entertainment centre. Apart from an office for the Marina and a Ships Chandler, the facilities have little connection with the operation of the Super Yacht Marina, nor those of the Government’s stated plan for “Working Harbour” facilities on the waterfront in this Bay. There seems to be a general lack of compliance with previous guidelines set out in the Rozelle Bay Masterplan (2000), Sydney Regional Environmental Plan (Sydney Harbour Catchment, 2004) and Sydney Harbour Foreshore and Waterways Development Control Plan (2006)[some of the specific recommendations are set out in Appendix 1].

2. Musical Noise. The Glebe Society is strongly of the opinion that there should be no amplified musical entertainment outdoors on the site.

In fact the proposal incorporates plans for two spaces for out-door musical bands performing up to 10 pm at night. The noise modelling performed for the assessment shows an expected breaching of the standard allowances for parts of Glebe. Glebe has the closest residences to be noise affected. The residents of Glebe have previous experience of the nuisance occasioned by live music from the operation of “Liquidity” on the same site and from the White Bay Hotel on Victoria Road. In both these instance the music came from indoor facilities where the balconies or windows were open, and identify a real concern for the proper screening of indoor noise from any proposed buildings (see below).

3. Noise from the multi-use nature of the proposed project. This issue interacts with the musical noise problem. It is the potentially large number and range of non-maritime activities that might occur that could lead to the noise problems. Noise from indoor bands, from noisy parties, from balconies and from cars at closing time are a real concern. Provision should be made to contain indoor noise by the proper use of baffles, etc, and preventing open access to balconies, where live music is played indoors.

5. Over-development. The needs for the management of the Marina can be accommodated in a single building, which with attendant servicing needs (Ships Chandlers, etc) could be housed in a single one-storey building. The current EA is therefore an ambit claim to erect an entertainment centre. This proposal should merely serve the needs of the marina and should in no way aim at becoming a mini Darling Harbour. It has no legitimacy on land that is dedicated to waterfront activity according to the Working Harbour principles of the State Government.

6. Traffic management. The Glebe Society is concerned at the increase in traffic that this development will place on traffic on James Craig Drive and beyond. With the increased traffic already implied by the passenger terminal at White Bay and the planned Dry Boat Storage Facility, traffic is likely to

reach very high levels, with attendant problems of noise, air pollution and traffic hindrance to the Western Link. The increased traffic attendant on the development of the nearby Harold Park should also be taken into consideration. The Roads and Traffic Authority needs to carry out a careful study of all these impacts and make some rational decisions on the capacity of the whole area when fully developed.

7. Public access to the foreshore. As outlined in Appendix 1, three State regional Plans apply to the area (Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2004; Rozelle Bay Master Plan; and Sydney Harbour Foreshore and Waterways Development Control Plan. All these plans recommend public access to the foreshore and public walk ways around the foreshore in this area. The current EA should encourage public access to the foreshore and coordinate with plans for walk ways and parks in the whole Bays Precinct.

8. Impact on the Natural Communities of Rozelle Bay. Rozelle is a marine area adversely impacted by industrial activity and is in the process of being regenerated. The EA makes no concessions to this in terms of strict controls on run-off, accidental rubbish and other impacts, nor the regeneration of natural communities either on land or off-shore.

9. Lack of consultation with the local community. A meeting held on the 28<sup>th</sup> February was the first public opportunity for local residents to voice their opinions of the development. This was far too late. At that meeting of over 50 residents there was overwhelming agreement that there should be no outdoors amplified music on the site. The EA should be readvertised and a new final date set.

## **Conclusions**

- 1. In the Master Plan approved by the Department of Planning in September 2002, the only preferred use that relates to food and retail for this site is for one food and retail outlet ancillary to the main use. Therefore this proposal should not be allowed as it contravenes the intent of the Master Plan which is a legal document.**
- 2. In the event that the Department chooses to act outside the intent of the Master Plan, the following major concerns need to be addressed: outdoor amplified music, outdoor music in general and business mix.**
- 3. There should be no outdoor music. In addition, the number of balconies should be reduced There are nine large balconies on one of the two main buildings. Ideally all balconies should be enclosed and the Consent Provisions must require that balcony doors are closed when there is music being played inside. These provisions should also place restrictions on the use of balconies and decks in the evening after a certain time as noise, other than that from music, travels in the evening and especially over water.**
- 4. In relation to Business Mix, the Consent Provisions must specify strict requirements for the business mix which will result in this precinct being developed as a Maritime Precinct and not an Entertainment Precinct.**
- 5. Lack of public consultation should mean that the EA consent is suspended and a new round of public consultation held.**

## Compliance with the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2004

Part 2 Planning principles	Requirements	Comments
13 Sydney Harbour Catchment	The planning principles for land within the Sydney Harbour Catchment are as follows:	
	a) development is to protect, and where practicable, improve the hydrological, ecological and geomorphological processes on which the health of the catchment depends	Runoff to the detriment of the local ecology
	b) natural assets of the catchment are to be maintained and, where feasible, restored for their scenic and cultural values and their biodiversity and geodiversity	Development does nothing to restore natural biodiversity in the surrounding bays and will impact negatively on attempts to restore wetlands, mangroves and seagrasses
	c) decisions with respect to development of land are to take account of the cumulative environmental impact of development within the catchment	Development takes no account of other proposed developments in the surrounding bays and the impact of, for instance on more yachts on the accumulation of antifoulant chemicals.
	d) action is to be taken to achieve the targets set out in Water Quality and River Flow interim Environmental Objectives for Sydney Harbour and Parramatta River Catchment, such as to be consistent with guidelines set out in Australian Water Quality Guidelines for Fresh and Marine Water	Runoff is a problem. Also the stirring up of sediments with heavy metals and dioxins will also contravene these objectives.
14 Foreshores and Waterways Area	The planning principles for land within the Foreshores and Waterways are as follows	
	a) public access to and along the foreshores should be increased, maintained and improved	Public access to the foreshore is being denied. There is surely a way to allow limited access along the shoreline with restriction during the moving of boats and yachts
21 Biodiversity, ecology and environment protection	The matters to be taken into consideration in relation to biodiversity, ecology and environmental protection are as follows:	
	c) the need for development to avoid indirect impacts on aquatic vegetation such as changes to flow, current wave action and changes to water quality	This aspect has never been considered in past or present proposals.
	d) the need for development to protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation	Development does none of these things. Development will impact negatively on attempts to restore wetlands, mangroves seagrasses and algae to the local bays
22 Public access to foreshores and waterways	The matters to be taken into consideration in relation to public access to the foreshores and waterways are as follows:	
	a) the need for development to maintain and improve public access to and along the	Public access to the foreshore is being denied. There is surely a way to allow

	foreshore	limited access along the shoreline with restriction during the moving of boats and yachts
Part 6 Wetlands protection		
61 Objectives	The objective of this plan in relation to wetlands are:	
	a) to preserve, protect and encourage the restoration and rehabilitation of wetlands, and	Runoff is likely to be detrimental these objectives. Pollution from antifouling agents on boat hulls is also a major consideration.
	b) to maintain and restore the health and viability of wetlands	The above comment applies
<b>Compliance with Rozelle Bay Master Plan 2000</b>		
Planning Principles	Requirements	Comments
Land Use	A pedestrian and cycle connection is to be included along the alignment of the internal access road for Rozelle Bay and along Pymont Bridge Road in Blackwattle Bay	Public access to the foreshore is being denied. There is surely a way to allow limited access for pedestrians and cyclists along the shoreline with restriction during the moving of boats and yachts
2.4 Ecologically sustainable development principles		
Environmental management plan	An Environmental Management Plan (EMP) must accompany development applications for each of the Rozelle and Blackwattle Bay Sites. The EMP is to address ESD principles, stormwater management, water quality, noise management, retention and recycling of buildings, contamination, management during demolition, removal and construction phases, waste management and waste minimisation	An EMP is not presented as such but is incorporated within the DA. It is possible that it is for this reason that the DA ignores problems of chemicals from hulls and over-crowding of the Bays
Marinas and boat repair facilities	Development applications should address the Environmental Protection Authority's Environmental guidelines for Best Management practices for Marinas & Boat Repair Facilities (1999) with particular reference to liquid waste, solid wastes, spray operations, TBT paint avoidance, solvents and cleaning agent odours, stormwater, excessive noise, sewage, grey water and bilge water requirements	Development generates potential for runoff into sensitive marine foreshore areas. Development will generate unacceptable noise levels for surrounding residential areas. Anti-fouling agents on boat hulls poses a problem for sensitive marine life in the Bay
Pedestrian and cycle links	Pedestrian and cycling links are to be provided through the precinct and integrated into adjoining areas	Public access to the foreshore is being denied on safety grounds. There is surely a way to allow limited access for pedestrians and cyclists along the shoreline with restriction during the moving of boats and yachts
	Pedestrian links should recognize safety and security issues associated with commercial working waterfront and maritime activities	Agreed, but see comment above
Waterfront access	Working waterfront access for the public should be provided to the foreshore on the	Public access to the foreshore is being denied. There is surely a way to allow

	limited basis during business hours subject to restrictions for safety or security reasons associated with ongoing maritime operations. Measures for maintaining such access into the future need to be introduced	limited access for pedestrians and cyclists along the shoreline with restriction during the moving of boats and yachts
	Access to the waterfront should be provided	Public access to the waterfront is being denied.

## Compliance with Sydney Harbour Foreshore and Waterways Development Control Plan

Planning principles	Requirement	Comments
General requirement	Public access to waterways and public land is maintained and enhanced	Public access to the foreshore is being denied. There is surely a way to allow limited access for pedestrians and cyclists along the shoreline with restriction during the moving of boats and yachts
	Congestion of waterway and foreshore is minimised	Development will generate significant increase in water traffic to detriment of recreational boating and sporting activities on the Bays. This development has to be taken into consideration alongside other potential proposals for Rozelle and Blackwattle Bays, such as the Dry Boat surge facility, which will undoubtedly see greatly increased number of boats and yachts
	Conflicts on the waterway and foreshore are avoided	Development will conflict with both. For waterway, see above. For foreshore see comments on access to waterfront
	The development does not interfere with navigation, swimming or other recreational activities	Development will interfere with navigation, recreational and sporting activities
Foreshore access	Foreshore access is to be encouraged and promoted. Wherever possible, public access to and along the foreshore should be secured or improved	Public access to the foreshore is being denied. There is surely a way to allow limited access for pedestrians and cyclists along the shoreline with restriction during the moving of boats and yachts
Environmental management	Potential pollutant sources from the site must be controlled and meet established performance standards	Runoff poses a problem to sensitive foreshore communities.
	Appropriate controls are to be in place and managed to prevent any pollutants entering the environment	Proper controls should be instituted and monitored
	The adverse impacts of noise (considering hours of operation, existing background noise, expected departure/arrival times of vessels, noise level of marine patrons, noise level repair and testing of vessels and motors) are to be minimised through appropriate design and management measures.	Development will generate unacceptable noise levels for local residential areas through night-time activities, e.g outdoor musical entertainment.
Foreshore access	Foreshore access is to be encouraged and wherever possible, public access to and along the foreshore should be secured or improved	Public access to the foreshore is being denied. There is surely a way to allow limited access for pedestrians and cyclists along the shoreline with

Appendix 2.

Two independent Assessments have been made of the Noise Report at Appendix 'L'. The Assessments have been done by Dr Martin Lawrence and Dr Fergus Frick, both being people with credible qualifications in acoustics.

A.

**Comments on noise evaluation of the proposed facilities associated with the Sydney Super Yacht Marina**

By Dr Fergus Fricke

The "Environmental Noise Impact Assessment Urban Perspectives Proposed Superyacht Marina Rozelle Bay, NSW" report, prepared by Benbow Environmental, is deficient in a number of ways. The following comments are pertinent to that report which was submitted as part of the Sydney Super Yacht Marina development application.

1. The report relies on background noise level measurements carried out by another consultant in 2003 even though, in the present report, the measurements are stated as having been carried out in 2007. Given that in the meantime commercial shipping has ceased to use the Glebe Island and White Bay terminals there is likely to have been a significant reduction in ship noise, associated dock operations noise and vehicular transport noise such as that from car transporters using James Craig Road, and hence a significant reduction in background noise.

It is not sufficient to state that, "It is not anticipated that the local ambient noise environment has undergone significant variation." Under the circumstances, at the very least, some checks on the previous background noise levels should have been made.

2. In section 3.1 it is stated that, "Industrial noise sources and traffic were noted as being prominent." It is not stated where the industrial noise was coming from and it is surprising that the industrial noise includes, "vessel engines, fans, generators ..... cranes, fork lifts, trucks etc (generally associated with cargo unloading)".

3. The inclusion of a scale map showing where the measurements were taken would have been useful, if not essential. It is notable that the 2003 background measurements presented do not include measurements made at the nearest residences (at Glebe Point/Federal Road) to the proposed development even though later in the report it is clear that the Glebe Point residences are the ones that will be most affected by the noise emanating from the marina facilities.

4. Live bands (amplified music) are identified as potentially being the major noise source. A simulation was carried out to predict noise levels at surrounding residences. The simulation required a number of assumptions, some of which have been justified and others which haven't. The sound power level of a band is assumed to be 105 dB(A). Bands can and are often considerably in excess of this sound power level and 10 bands would be 10 dB higher in total. Also, the spectrum of the sound has not been specified. This is particularly significant given that the criterion used may not be that used for the assessment of noise from licensed premises (see point 5 below). The assessment carried out does not appear to have considered the possibility of a temperature inversion occurring or the effect of "horn" shape of the restaurant structure which would result a better acoustic impedance match and hence higher resulting noise levels from a given noise source.

5. The criterion used in the report for the assessment of the "live band" noise is that contained in the Industrial Noise Policy. As the restaurants will be licensed and the nearest residences are in the Sydney City Council municipality it is suggested that the relevant criterion is that used by the SCC. In its simplest form this states that the noise from licensed premises, when measured (LAeq), should not be greater than 5dB above the background (LA90) from 7am until midnight and should not be greater than the background level between midnight and 7am. These conditions can only be met if the noise from the premises alone is about the same level as the background level alone and at night is at least 10 dB below the background level. The SCC has also used such assessments based on any 1/3 octave band sound levels between 31.5 Hz and 12.5 kHz not exceeding the limits above. This condition is inevitably much more difficult to comply with.

Even with fewer bands playing the report acknowledges that the assessment undertaken shows that some Glebe residences will experience unacceptable noise levels. If the issues raised above were addressed it is highly likely that it would show more residents will experience more unacceptable noise more of the time. It is suggested that unless the restaurant balconies are enclosed there should be no amplified music allowed at any time.

Dr Fergus Fricke  
Honorary Associate Professor  
Faculty of Architecture Design and Planning  
University of Sydney

B.  
Sydney Superyacht Marina  
By Martin Lawrence, PhD.

I have prepared the following notes to assist in consideration of the noise aspects of the proposed Sydney Superyacht Marina on the Glebe area. I have extensive experience in the field of sound propagation, having been an advisor in this field to the United Nations, the Australian Government, and private industry. I am also a resident of Glebe.

I have examined the Environmental Assessment documentation for the proposed Sydney Superyacht Marina. I perceive that noise impact should be the biggest concern for nearby residents. I have focussed on the detailed noise report by Benbow Environmental Appendix L: Noise Impact Assessment. This report is the basis for Section 4.3 "Noise" of the Environmental Assessment, Volume II.

The noise generated is broken down into two considerations, one for Operational use of the facility and the other for noise during Construction.

I have focused on the noise from Operational use, since the Operational noise will be ongoing, while the Construction noise will be temporary.

My comments are intended to clarify and simplify the technical conclusions of the report, point out discrepancies in the methodology of the report and their implications, and focus on the impact at Glebe.

Noise Report:

The Noise Report establishes standards to which operational noise should comply. Specifically, Project-Specific Noise Levels are set for the two Glebe sites (R5 at Federal Road and R6 at Oxley Street). These levels (the same for both sites) are 58, 50, and 45 dB(A) for day, evening, and night times. (Page 17)

The Noise Report makes predictions of operational noise levels for three different scenarios, based either on 0, 2, or 9 simultaneous music bands playing on the balconies of the development. Also, two different wind speeds, 0 & 3 m/s are considered. (Section 6.3)

The Noise Report finds that without controls on external amplified music, the Glebe sites will exceed the Project-Specific Noise Level. For various reductions in external amplified music the time window in which the limits are not breached can be widened.

The sound levels with no outdoor amplified music are found to comply with the Project-Specific Noise Levels.

Separately, a post-construction noise assessment of operational noise is recommended by the noise consultant in order to validate the noise levels predicted (Page 1).

Glebe Situation:

Glebe contains the closest residential sites to the proposed Superyacht Marina.

The recommended Project-Specific Noise Levels are higher at the Glebe sites than at any other sites (due to the higher background noise already existing, presumably from the traffic on Anzac Bridge and Victoria Road).

The Noise Report underestimates the effect on Glebe:

Notwithstanding the strong case for noise controls based on the Noise Report, there are reasons to believe that situation is even worse than described, due to the following issues.

Noise that is Tonal, Impulsive or Intermittent in Character:

Adjustments downwards of the recommended noise levels are allowed for each modifying factor that is tonal, impulsive or intermittent in character. The noise report assumes that no adjustment is needed in this case. This is incorrect if outdoor amplified music allowed. In this case the maximum allowable correction of 10 dB(A) should be applied. (With no outdoor amplified music, the Noise Report assumption on noise character is appropriate.) (Page 12)

Wind Enhancement of Noise:

The Noise Report has taken insufficient enhancement of noise by wind. The modelling has included two wind speeds, 0 and 3 m/s. However the average wind speed shown in the Wind Rose plots is 4.35 m/s. (Table 0-1)

Local topography affects wind speed and direction to a significant extent. Just walking from Rozelle Bay to Blackwattle Bay shows a quite different wind climate. The wind climate at Fort Denison is used in the Report, as it is the closest available.

It would be appropriate to use a higher wind speed in the modelling. A higher wind speed will lead to higher noise levels in a downwind direction.

Water Reflection:

Water is a perfect reflector for atmospheric sound. It is not clear whether this has been taken into account in the modelling used in the Report. (There is no mention of this in the Report). Reflection leads to a doubling of the acoustic power transmitted across a water body.

Distance to Nearest Residence:

The closest point used in the analysis in the Noise Report is R5 on Federal Road at 250 m. In fact the closest residence is at only 230 m, the apartment block at 501 Glebe Point Road. That is, there are people living closer than the closest analysis point. Clearly, there will be increased noise levels at this closer location.

Experience:

Up until 2008, the restaurant "Liquidity" was at times used for functions with "outside music". The music was outside in that the wall facing Rozelle Bay would be opened while amplified music was played inside. The noise from this one venue was found to be very annoying by many Glebe residents and resulted in quite a number of complaints from residents over quite a large area. This experience seems to confirm the fact that the estimated noise levels in the Noise Report are low.

Summary:

The Noise Report finds that outdoor amplified music will exceed the recommended noise levels at Glebe during the evening (6pm to 10pm) and night (post 10pm) periods. Reducing the number of bands reduces the noise.

However, consideration of the above discussion indicates that the noise level at Glebe resulting from the proposed Superyacht Marina is underestimated in the Noise Report. Any outdoor amplified music during the evening or night periods would substantially exceed the recommended levels, while during the daytime it would also potentially exceed the recommended levels.

Proposed Mitigation / Contingency Measures:

The Environmental Assessment Volume II sets out mitigation / contingency measures proposed by the developer. This includes a number of desirable measures. But there is also one contentious one:

Provision for two simultaneous music bands up until 10pm.

**Recommendation:**

There should be a control prohibiting any outdoor amplified music.