

11681

18 November 2011

Mr Sam Haddad
Director-General
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2000

Attention: John Phillpott

Dear Mr Haddad

**MODIFICATION TO MAJOR PROJECT MP 06_0210
TEMPORARY HARDSTAND BOAT STORAGE, ADDITIONAL TEMPORARY AT-GRADE CAR
PARKING AND RESTAGING OF CONSTRUCTION**

We refer to the abovementioned Project Application for the Rozelle Bay Maritime Centre at Lots 29 and 30, James Craig Road, Rozelle.

On behalf of Rozelle Bay Pty Ltd, we write to request the Minister (or his delegate) modify the Project Approval MP06_0210 under the Transitional Arrangements for Part 3A projects, which continue the application of Section 75W of the *Environmental Planning and Assessment Act 1979*. The modification relates to the temporary use of the site for hardstand boat storage and associated temporary car parking. In addition, the Section 75W seeks to amend the phasing of the construction of Stage 1 of the Rozelle Bay Marine Centre.

It is considered that the proposed modification is within the purview of Section 75W for the following reasons, which have been confirmed by the Department of Planning and Infrastructure:

- The Part 3A approval provides for the staged construction of the buildings;
- The proposed at grade temporary storage is to occur during the staged construction periods;
- The proposed at grade storage is limited to less than 80 boats, significantly less than the 670 boats that can be stored on the site;
- The Part 3A consent (as modified) allows for temporary uses on the site;
- The temporary use is within the scope and intent of the original application i.e. a boat storage facility; and
- The environmental impacts of the proposal would be minimal and generally within the scope of impacts considered with the original application.

This modification application is supported by architectural drawings prepared by Micheal Fountain Architects Pty Ltd (**Attachment A**).

In accordance with Section 245k of the *Environmental Planning and Assessment Regulation 2000*, please find enclosed the fee of \$850 for the assessment of the request.

1.0 BACKGROUND

The Rozelle Bay Marine Centre (RMBC) was approved by the Minister for Planning under MP06_0210 on 27 May 2007. This project sought consent for the construction of a 670 vessel dry boat storage facility, with an associated commercial building, marina and multi storey car park.

A section75W modification (Mod 1) was sought and approved on 31 March 2010 for the extension of the time period of approval from 3 years to 4 years.

On 16 September 2010 the Minister granted consent to a further section 75W modification (Mod 2) to allow for minor design variations and for additional staged construction of the approved project, as described below:

- Phase 1 – Stage 1 – construction of floating boat brokerage, layover berths and a single storey temporary office building;
- Phase 2 – Stage 2 – construction of Western Boat Store and Commercial Maritime Building; and
- Stage 2 – construction of Eastern Boat Store and multi storey car park.

The final development of the site approved under MP06_0210 and subsequent modifications is shown in **Figure 1**.

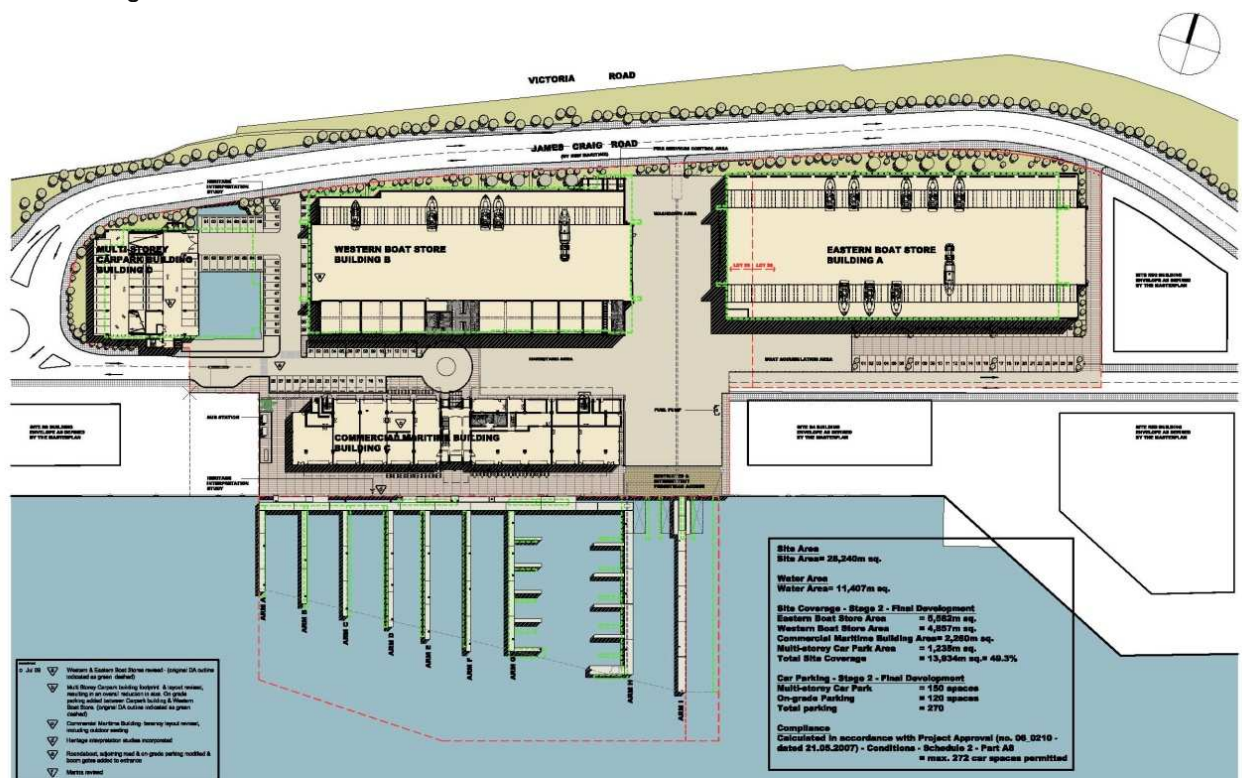


Figure 1 – Rozelle Bay Marine Centre approved under MP06_0210 at Stage 2 completion

2.0 PROPOSED MODIFICATION

The modifications include:

- Inclusion of Phase 3 of Stage 1;
- Interim hardstand storage of up to 78 vessels;
- Interim car parking for 66 private vehicles during Phase 1 of Stage 1;
- Interim car parking for 135 private vehicles during Phase 2 of Stage 1;
- Car parking for 181 private vehicles during operation of Phase 3 of Stage 1; and
- Temporary mobile crane.

Site Plan drawings prepared by Micheal Fountain Architects Pty Ltd are attached at **Attachment A**.

This modification proposes interim dry boat storage of 78 vessels on trailers, at-grade on the existing site surface during Phases 1 and 2 of Stage 1. Interim dry boat storage of 45 boats on Lot 30 is also proposed for Phase 3 of Stage 1, as illustrated in the drawings provided in **Attachment A**. The temporary storage of boats is proposed to be for a period of up to three years. Temporary car parking spaces will be provided at grade during Stage 1 of the project to meet the parking requirements of this use in accordance with the original project approval. The vessels will be placed in and lifted from the water using a forklift truck (as approved) and temporary mobile crane located at the south west edge of the site. The mobile crane will be positioned on the waterfront while in use and stored away from the water when not in use. Images of the mobile crane are shown at **Figures 6 and 7**.



Figure 2 – Mobile crane



Figure 3 – Mobile crane

2.1 Boat Storage

This modification seeks consent for the at-grade storage of a maximum of 78 boats on trailers and hardstands on the existing site surface at any one time whilst the approved Rozelle Bay Marine Centre facility is undergoing the final tender and design development and during Stage 1 phases of construction.

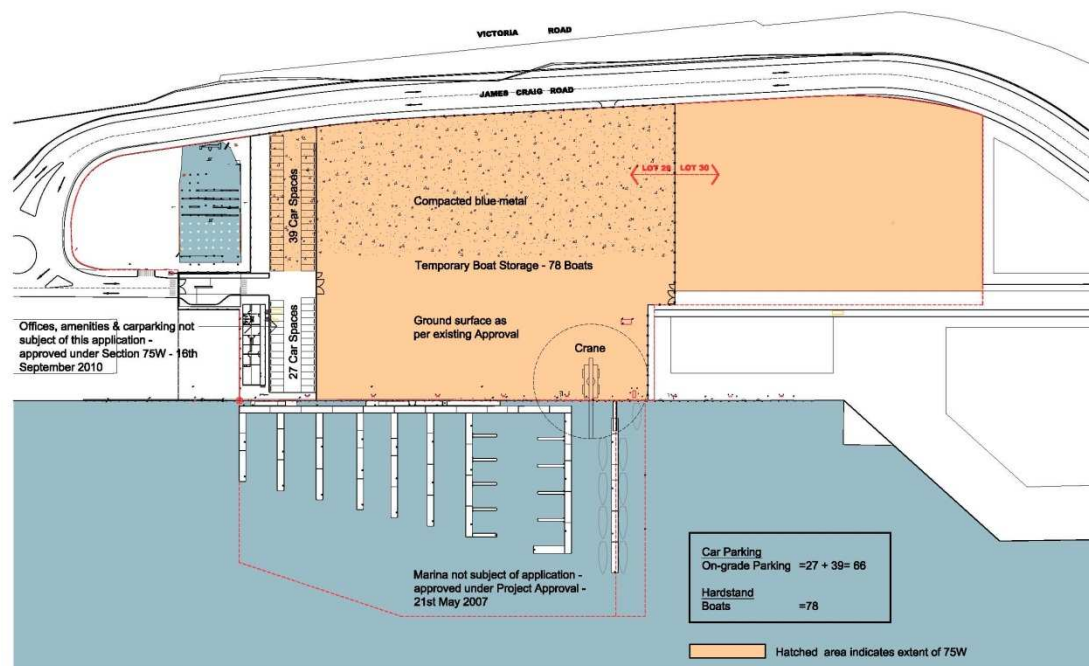


Figure 4 – Phase 1 of Stage 1 of the proposed interim boat storage and car parking

During Phase 1 of Stage 1 78 boats will be stored on Lot 29 and 30 (**Figure 5**). When construction of the Western Boat Store commences (Phase 2 of Stage 1) 45 boats will be moved onto Lot 30, with 33 boats remaining at the front of Lot 29.

Once the construction of the Western Boat Store is complete, the vessels temporarily stored on Lot 29 will be moved into the completed storage facility in order to allow for the commencement of works on the Commercial Maritime Building (Phase 3 of Stage 1), the eastern dry boat store and multi-storey car park (Stage 2). Temporary storage of 45 boats will continue on Lot 30 until the commencement of Stage 2 construction.

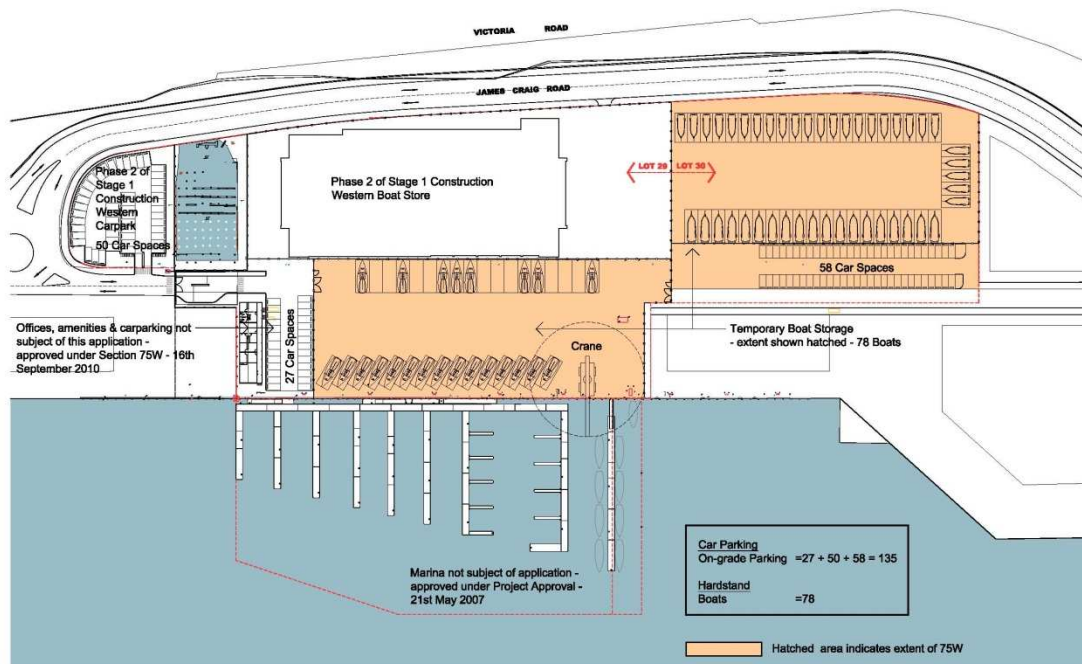


Figure 5 – Phase 2 of Stage 1 of the proposed interim boat storage

2.2 Phase 3 of Stage 1

The inclusion of an additional phase in Stage 1 is being sought in this modification. Phase 3 of Stage 1 will consist of the construction of the Commercial Maritime Building, temporary at-grade storage of 45 boats and temporary at-grade parking of 181 spaces as indicated in **Figure 6** and drawing MP -017-75W. This will involve removing the construction of the Commercial Maritime Building from Phase 2 of Stage 1. The modification to staging will allow for a more flexible construction program.

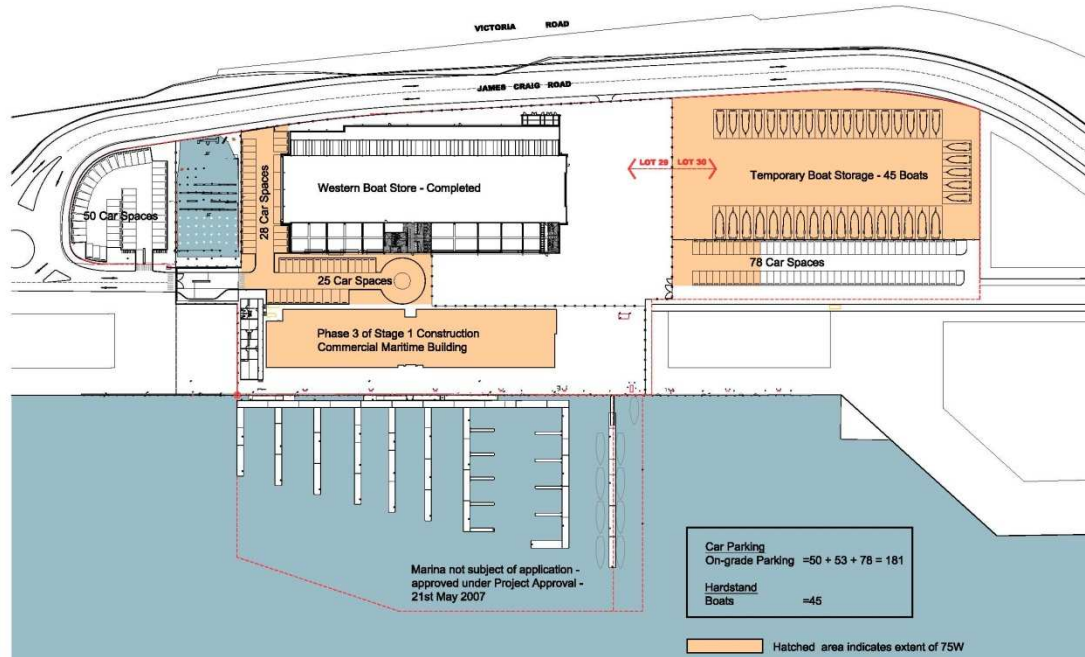


Figure 6 – Phase 3 of Stage 1

2.3 Parking and Access

Initially 66 on-grade car parking spaces will be provided on Lot 29 as indicated in **Figure 4** and **Attachment A**. Located on the western side of the proposed temporary boat storage area will be 39 temporary parking spaces. Vehicle and pedestrian access to both the car parking and boat storage areas will be via the western site access road during this phase.

When the interim boat storage is moved onto Lot 30, 50 on-grade car parking spaces will be provided at the western end of Lot 29 as well as the approved temporary 27 spaces provided in the western vicinity of the future Commercial Maritime Building on Lot 29. An additional 58 spaces will be provided on Lot 30, bringing the total amount of car parking spaces to 135 for Phase 2 of Stage 1. The arrangement of the parking spaces is indicated in **Figure 5** and **Attachment A**. Vehicular access to the western car park will be via the western site access road and east via the eastern access road.

Once the Western Boat Store is completed, 181 on-grade parking spaces will be provided on the western end of Lot 29 and also on the southern border of Lot 30 as indicated on **Figure 6** and **Attachment A** consistent with Condition A9 of the approval. 53 spaces will be provided around the completed Western Boat Store and 20 temporary spaces will be added to Lot 30. These temporary spaces will remain until the completion of Phase 3 of Stage 1.

2.4 Site Management

The interim use of the site for dry boat storage will be managed from the approved temporary single storey offices.

Boats will generally be moved by vehicle to the waterfront, where they will be placed into the water using a mobile crane. The mobile crane will be located on the waterfront when in operation, and stored elsewhere on site when not in use.

Perimeter fencing and gates will be alarmed and some CCTV monitoring will be utilised in order to ensure the security of the facility.

2.5 Hours of Operation

The proposed boat storage operations will operate within the hours approved for the Rozelle Bay Marine Centre under MP06_0210. These hours are as follows:

Standard Hours

The standard operating hours are shown in **Table 1** below.

Table 1 – Standard operating hours

Activity	Day	Time
Boat Handling Activities including loading and unloading of vessels	Monday-Friday	1 May to 31 August 7:00am to 6:00pm 1 September to 30 April 7:00am to 7:00pm
Boat Departures (including boats that may be loaded into the water on a prior day)	All days	1 February to 30 September 7:00am to 5:30pm 1 October to 31 January No restriction

In addition to the above the existing consent for the Rozelle Bay Marine Centre provides for a maximum of 10 Special Event Days per calendar year, on which days 24-hour operations for Boat Handling Activities and Boat Departures as identified above are permitted.

3.0 AMENDMENT TO CONSENT

It is proposed to modify Schedule 2 of the Conditions of Approval by amending and inserting new conditions in Part A of the consent, as set out below.

Words proposed to be inserted are shown in ***bold italics*** and words proposed to be deleted are shown in ~~***bold strike through***~~.

Insert new condition A9(f)

The temporary use of the site for hardstand storage of 78 boats is permitted during Phase 1 and Phase 2 of Stage 1 and 45 boats during operation of Phase 3 of Stage 1 of the construction of the Rozelle Bay Marine Centre located at James Craig Road, Rozelle Bay.

The temporary storage of boats will be permitted for a period of no more than three years from the date of this modification approval.

Insert new condition A9 (g) – Limits on Approval

Notwithstanding (a) above, temporary at-grade car parking of 39 spaces on Lot 29 as illustrated on Drawing MP -015-75W is permitted until the completion of Phase 1 of Stage 1.

Insert new condition A9 (h) – Limits on Approval

Notwithstanding (a) above, at-grade car parking of 58 spaces on Lot 30 as illustrated on Drawing MP -016-75W is permitted until the completion of Phase 2 of Stage 1.

Insert new condition A9 (i) – Limits on Approval

Notwithstanding (a) above, temporary at-grade car parking of 20 spaces on Lot 30 as illustrated on Drawing MP -017-75W is permitted until the completion of Phase 3 of Stage 1.

Amend condition A19 Staged Construction

For the purposes of this consent, construction of the development may be staged.

- (i) Phase 1 of Stage 1 includes site works, construction of the floating boat brokerage and layover berths, ***temporary hardstand storage of boats***, temporary at grade car parking and temporary office and associated works as illustrated on ~~Drawing MP-011-DA-MP-015-75W~~.
- (ii) Phase 2 of Stage 1 includes construction of ~~the Commercial Maritime Building~~, the Western Boat Store, ***temporary hard stand storage of boats and*** at grade car parking as illustrated on ~~Drawing MP-012-DA MP-016-75W~~ and associated infrastructure and landscaping works.
- (iii) ***Phase 3 of Stage 1 includes the construction of the Commercial Maritime Building, temporary hard stand storage of boats and at grade car parking on Lot 29 and temporary at grade parking on Lot 30 as illustrated on Drawing MP-017-75W.***
- (iv) Stage 2 includes construction of Eastern Boat Store and Multi-Level Car Park as illustrated on Drawing MP-001-DA.

4.0 ENVIRONMENTAL PLANNING INSTRUMENTS

The following legislation, strategies and planning instruments relevant to the proposed development are:

- State Environmental Planning Policy (Major Development) 2005;
- Sydney Regional Environmental Plan No 26 - City West;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and
- Rozelle and Blackwattle Bays Master Plan.

The modifications consistency and compliance with the relevant strategic and statutory plans and policies is detailed in **Table 2** below. Variations to, and non-compliance with, the key standards and guidelines highlighted in the table are discussed in detail in the following sections of this environmental assessment.

Table 2 – Summary of consistency with key strategic and statutory plans and policies

Instrument/Strategy		Comments
Strategic Plans		
Draft Inner West Subregional Strategy	This modification is consistent with the Strategy in that it continues in the working harbour direction for the Bays Precinct. In particular, the strategy states that: <i>Rozelle Bay has become a key commercial maritime precinct for harbour contractors, charter vessel operators, vessel repairs and dry boat storage.</i>	
Rozelle and Blackwattle Bays Master Plan	Refer Section 4.5 of this letter.	
State Planning Instruments and Controls		
SEPP (Major Development)	Rozelle Bay was a specified site under the Major Development SEPP and the Minister of Planning is the consent authority.	
SREP Sydney Harbour Catchment	The subject site is identified as being within the Foreshores & Waterways Area. Refer to Section 4.4 of this letter.	
SREP 26 - City West	Clause 20B Waterfront Use Zone	Permissible with consent
Sydney Harbour Foreshores & Waterways Area Development Control Plan 2005	Refer Section 4.6 of this letter.	

4.1 State Environmental Planning Policy (Major Development) 2005

Prior to the amendment of the Major Development SEPP Rozelle Bay was a specified site and the project approved by the Minister of Planning is the consent authority under the previous Part 3A provisions of the EP&A Act.

4.2 Sydney Regional Environmental Plan No 26- City West

The subject site is zoned 'Waterfront Use' under the *Sydney Regional Environmental Plan No 26- City West* (SREP 26) and as such is subject to the following land use controls under Clause 20B of this instrument:

Only uses which the consent authority is satisfied are generally consistent with one or more of the zone objectives are permissible within this zone.

The objectives of this zone are:

- *to provide for development of water-based commercial and recreational activities, including facilities for the servicing, mooring, launching and storage of boats, and*
- *to allow a range of commercial maritime facilities (such as boating industry facilities, marinas, waterfront service operations, waterfront commercial and tourism facilities and uses associated with the servicing, temporary mooring, launching and storage of boats and uses ancillary to these), which will take advantage of the harbour location, and*
- *to provide public access within and across the zone and to facilitate the extension of the Ultimo-Pymont foreshore promenade from Blackwattle Bay to Rozelle Bay and link with public access networks surrounding the precinct, and*
- *to create, retain and enhance views and links between Wentworth Park and the foreshores of Blackwattle Bay.*

Uses such as hotels, hotel apartments and tourist resort development will not be permitted.

The proposed interim storage use is consistent with the relevant objectives of the zone, and as such is permissible with consent.

4.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Under Part 3, Clauses 20-27, the Sydney Harbour Catchment REP outlines the matters to be taken into consideration for development within the Foreshores and Waterways Area, which applies to this site. The consistency of the proposed development with these clauses is detailed in **Table 3** below.

Table 3 – Matters for Consideration under Division 2 of the Sydney Harbour Catchment REP

Sydney Harbour REP Clause		Comments	Complies?
21	Biodiversity, ecology and environment protection	The subject site is currently cleared of all native vegetation, and the use of this site for temporary boat storage will not result in any adverse impacts on the local natural environment.	Y
22	Public access to, and use of, foreshores and waterways	The proposed use is temporary in nature and public access to the foreshore will be provided at the completion of the Rozelle Bay Marine Centre.	Y
23	Maintenance of a working harbour	The proposed maritime use is consistent with the ongoing operations of the working harbour.	Y
24	Interrelationship of waterway and foreshore uses	This proposal is for a water-dependent use and will not result in any adverse impacts upon the use of the waterway by other uses.	Y

Sydney Harbour REP Clause		Comments	Complies?
25	Foreshore and waterways scenic quality	The proposed interim usage is consistent with the working harbour character of the subject site, is temporary in nature, and no structures are proposed under this Section 75W apart from the temporary mobile crane. As such the proposal will not result in any adverse impacts on scenic quality of the locality.	Y
26	Maintenance, protection and enhancement of views	The proposed development does not include any permanent structures and is consistent with the working harbour character of Rozelle Bay. The proposal will not have any adverse impacts and existing views will be generally maintained.	Y
27	Boat storage facilities	This proposal is for temporary boat storage prior to the development of the Rozelle Bay Marine Centre dry boat storage facility.	Y

4.4 Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 provides further guidelines and development controls for land to which *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* applies, and outlines the ecological, landscape and design principles for development within these areas. Whilst there are no controls or guidelines within the DCP specifically apply to this type of development, the relevant common controls are addressed below.

Under the DCP the subject site is not identified as possessing any ecological communities that are of conservation value which may be affected by the proposed development.

The landscape of the subject site and its surrounds is characterised as a commercial maritime waterfront with low levels of land-based development supporting boat repair, servicing, sales and related uses. To the east of the subject site the waterfront is occupied by the Sydney Superyacht Marina, and to the west is the Sydney Harbour Heritage Fleet facilities, and it is considered that the temporary boat storage is consistent with the visual character of the area. The Sydney Harbour DCP does not define a landscape for Rozelle Bay. It is considered that the proposed temporary use is consistent with the visual character of both the existing land use and area approved future use of the site.

Clause 5.7 of the DCP outlines the aims of the plan in regards to 'maritime activities', which states:

Maritime and boating industries are important uses of waterfront land. They tend to be focal points for waterway activity.

This plan aims to:

- *encourage the retention of existing maritime and boat repair facilities; and*
- *ensure that these activities make a positive contribution to the landscape when viewed from the waterway.*

It is considered that the proposed interim boat storage is consistent with the existing and future maritime use of the subject site and the relevant aims of the Sydney Harbour DCP.

4.5 Boat Storage

The proposed interim boat storage will not impede construction of the dry boat storage facility. Ample access will also be provided across the site, allowing construction activities to be unimpeded whilst the boats are stored. No adverse impacts will arise as a result of the temporary storage of the boats on the site.

4.6 Traffic

A Transport Report prepared by Colston Budd Hunt & Kafes Pty Ltd for the Major Project Application (MP06_0210) modelled the expected traffic from the Rozelle Bay Marine Centre development consisting of the storage of up to 670 boats, with associated car parking spaces. The approved project includes 272 car parking spaces, provided at a ratio of one parking space per three boats. The Transport Report found that the road network will be able to accommodate the additional traffic from the proposed development. The proposed interim use of the site for dry hardstand boat storage will operate at a scale significantly smaller than that which has been approved under MP06_0210, and will provide temporary parking at a higher ratio of parking spaces per boat than already approved. As such it is considered that the parking provision proposed for the interim boat storage is consistent with approved rate of parking provision across the site, and the proposed use of the site for temporary storage of boats will not result in any adverse impacts on the local road network.

4.7 Noise

A Noise and Vibration Assessment prepared by Wilkinson Murray Pty Ltd for the Major Project Application (MP06_0210) modelled the expected impacts generated by both the construction and operational aspects of the Rozelle Bay Marine Centre. The report found that on the basis of the worst-case operational assumptions at completion of the Rozelle Bay Marine Centre, and assuming that adverse meteorological conditions prevail at this site, based on the modelled predictions the development would not exceed the levels specified in DECCW's *NSW Industrial Noise Policy*. Given that the proposed interim boat storage will operate at a significantly smaller scale than the operations which this report modelled, it is considered that the proposed interim boat storage will not result in any adverse noise or vibration impacts on the local environment.

4.8 Visual Impacts

A Visual Assessment of the RBMC proposal was prepared by URS for the Major Project Application (MP06_0210). The visual assessment was a comprehensive evaluation of the RBMC and its potential visual impact on people living and working in, or travelling through the surrounding area.

The visibility of the site was assessed from 28 different locations, which comprised short, medium and long distance views. Consideration was also given to both static views (eg from a house) and dynamic views (eg from a moving vehicle or boat). The visual assessment also analysed the view corridors directed to Rozelle Bay that are identified in the Rozelle and Blackwattle Bays Master Plan. Views to the site from the residential properties and public domain areas across Rozelle Bay were rated short distance views with moderately to high visibility rating.

The visual assessment concluded that the RBMC would have a low to moderate impact on the visual character of the Rozelle Bay Maritime precinct due to:

- The location and extent of existing large scale structures around Rozelle Bay comparable to the scale, form and line of RBMC.
- The minimal disruption to the existing skyline views above the RBMC site from surrounding locations.

- The low to moderate number of residential properties with direct and short distance views to RBMC.
- The maintenance of existing view corridors to Rozelle Bay.

The boats, boat trailers and mobile crane are low scale structures and reflective of existing maritime waterfront uses which include boat storage, boat repair, servicing, and related uses. Views to the boats on the hardstand area will also be partially screened by boats moored on the floating pontoons of the RBMC and at the adjoining Super Yacht Marina. As the Western Boat Store is constructed, some of the boats temporarily stored on the hardstand area will be within the visual profile of the Western Boat Store. The restricted timeframe of the temporary storage of boats will ensure that any impact is limited.

The proposed temporary boat storage usage is consistent with the working harbour character of the site and the locality. The storage of boats of trailers will maintain the current landscape of the foreshore, continuing the use of the area as a working harbour.

The proposed development does not include any permanent structures and is consistent with the working harbour character of Rozelle Bay. Therefore it is considered that the proposed temporary boat storage will not result in any adverse visual impacts or result in additional impacts beyond those considered in the original assessment of the application.

5.0 CONCLUSION

The project as amended by this modification will be substantially the same as the approved project. The temporary at-grade storage and associated parking is consistent with the relevant planning instruments and policies and will have minimal environmental impact. The proposed amendment has no additional environmental impact beyond those issues considered and assessed in this modification application and in the approval of the original project.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or kosborne@jbaplaning.com.au.

Yours faithfully



Kirk Osborne
Principal Planner