



**MODIFICATION REQUEST  
DRY DOCK STORAGE AND MARINE  
FACILITY, ROZELLE BAY**

***MP 06\_0210 MOD 4 – Proposed Modifications  
to the Western Boat Store***



Director-General's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*

August 2012

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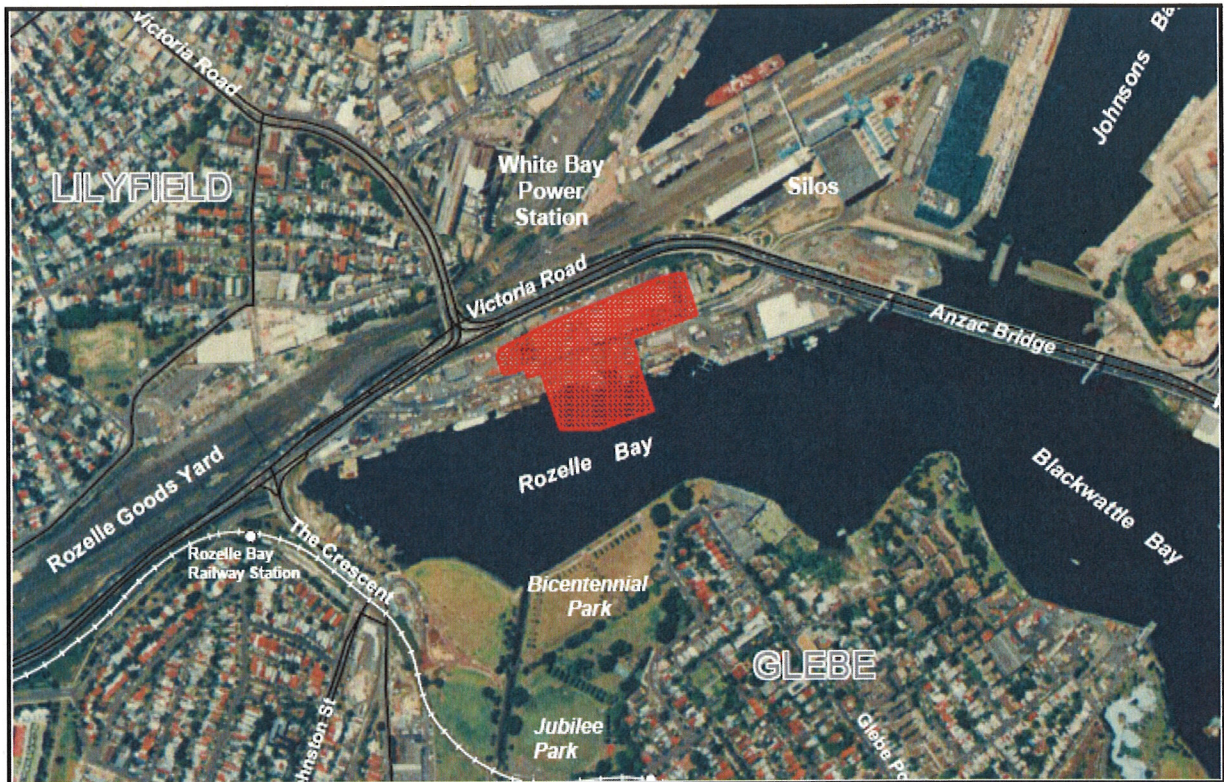
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# 1. BACKGROUND

## 1.1 The Site

This is a report on a section 75W application seeking to modify the project approval for MP 06\_0210 (MOD 4) for the Dry Dock Storage and Marine Facility, James Craig Road, Rozelle Bay.

The subject site is bounded by James Craig Road to the north, the Sydney Super Yacht Marina to the east and Rozelle Bay to the south (see **Figure 1**). The site is 28,240 m<sup>2</sup> and is located within the Leichhardt local government area.



**Figure 1: Site location**

## 1.2 Approval History

### MP 06\_0210

On 21 May 2007, the then Minister for Planning approved MP 06\_0210 for a dry boat storage and marine facility. The approved works comprise:

- Two boat storage buildings with a total capacity of 670 boats and 852 m<sup>2</sup> of commercial maritime and ancillary maritime floor space;
- A commercial maritime building with 3,024 m<sup>2</sup> of commercial maritime, maritime brokerage, maritime workshop and restaurant/café floor space;
- A multi storey car park and at-grade car parking for 272 vehicles;
- Underground fuel storage tanks;
- A marina comprising 36 layover berths and 24 brokerage berths;
- A boat in/out feed system to move boats between the dry boat stores and the water; and
- Signage, landscaping and rainwater tanks.

### MP 06\_0210 MOD 1

On 31 March 2010, the Director, Government Lands and Social Projects, approved under delegation, a section 75W application to extend the validity of the approval period from 3 to 4 years.

### MP 06 0210 MOD 2

On 16 September 2010, the A/Director, Government Lands and Social Projects, approved under delegation, a section 75W application (MP 06\_0210 MOD 2) permitting:

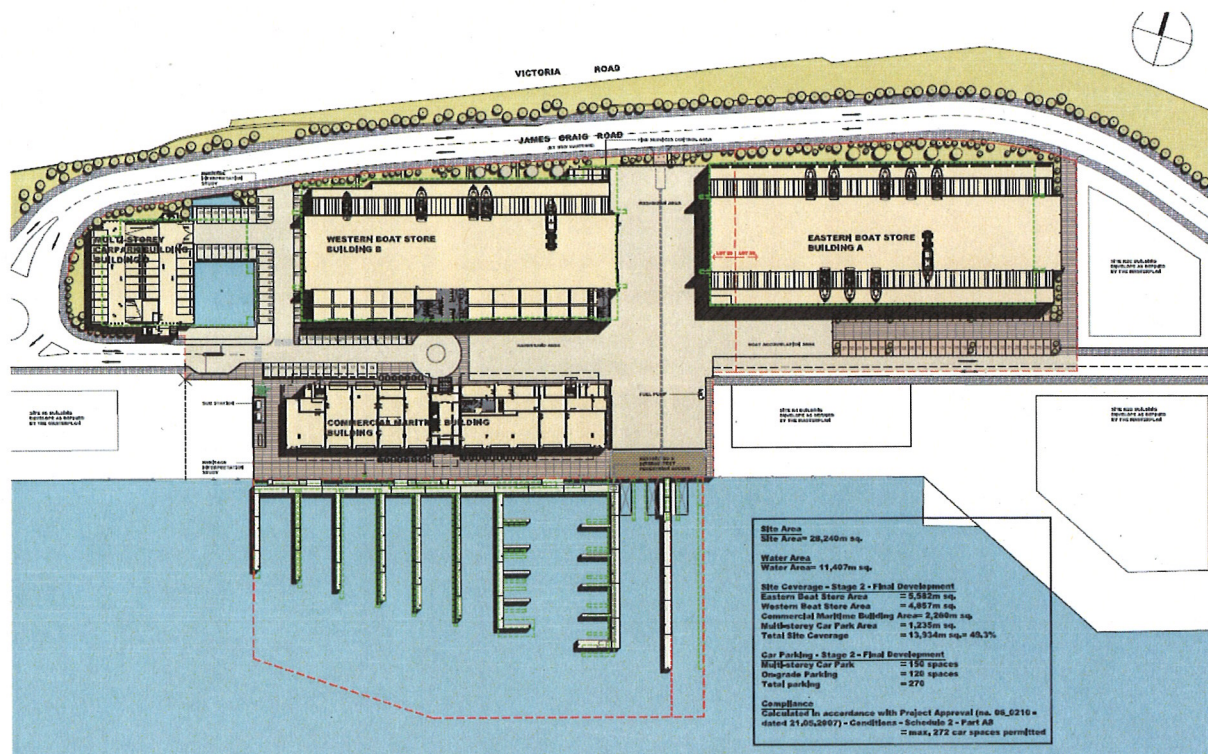
- Amendments to the design of the multi-storey car park including:
  - the deletion of levels 5 and 5.5;
  - a reduction in the footprint of the car park building, and a 474 m<sup>2</sup> reduction in the gross floor area of the building; and
  - the re-positioning of the at-grade car park.
- Increased construction and operation hours (from 9 am to 6 pm, to 8 am to 9 pm).
- The introduction of new conditions to allow for staged construction of the development (Conditions A6(i), A9 (d) and (e), and A19).

### MP 06 0210 MOD 3

On 27 March 2012, the A/Director, Metropolitan and Regional Projects South, approved under delegation, a section 75W application (MP 06\_0210 MOD 3) permitting the following changes to the staging of the development:

- The inclusion of the phase 3 works into stage 1.
- Interim dry boat storage of 78 boats during phase 1 and 2 of stage 1 across Lot 29 and 30.
- Interim dry boat storage of 45 boats on Lot 30 during phase 3 of stage 1.
- 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.
- Interim car parking for 181 private vehicles during phase 3 of stage 1.
- Temporary mobile crane usage.

The approved development, as modified, is depicted in **Figure 2**.



**Figure 2: Approved Development (as modified)**

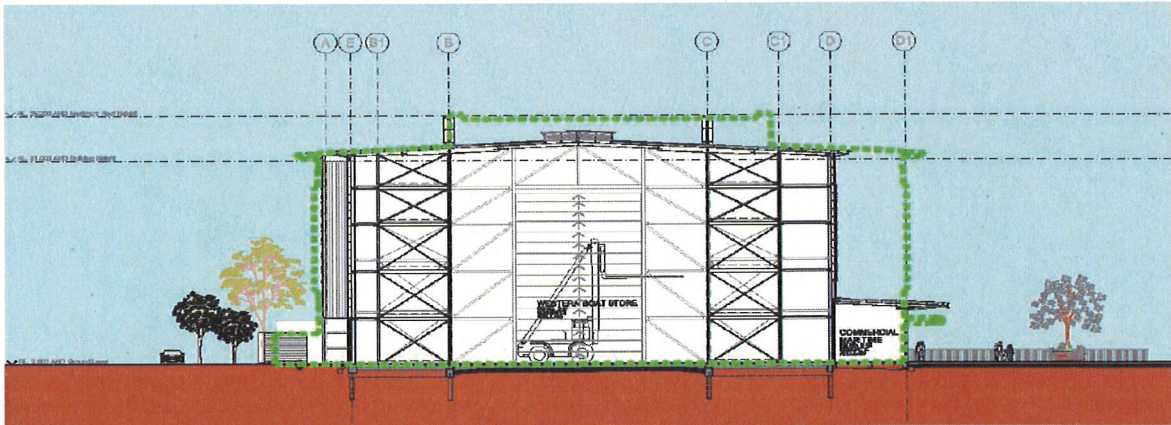
## 2. PROPOSED MODIFICATION

### 2.1 Modification Description

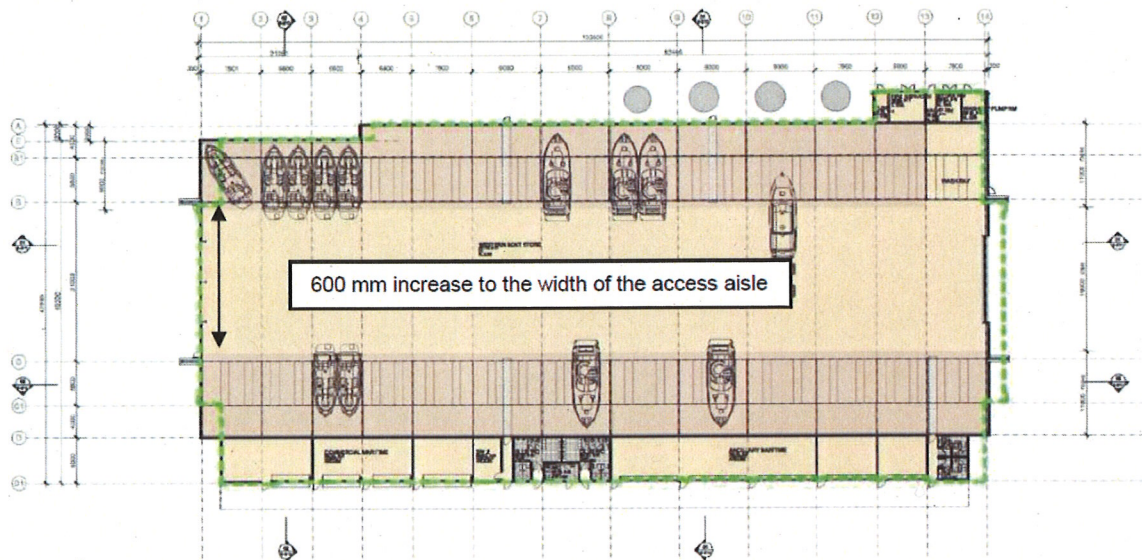
The subject modification (MOD 4) seeks approval to:

- Increase the width of the central aisle of the western boat store by 600 mm to separate the ancillary marine workshop and retail areas from the boat storage racking.
- Modify the roof form of the eastern and western boat stores.
- Reduce the extent of glazing on the eastern and western boat stores.
- Alter the materials used on facades of the eastern and western boat stores.

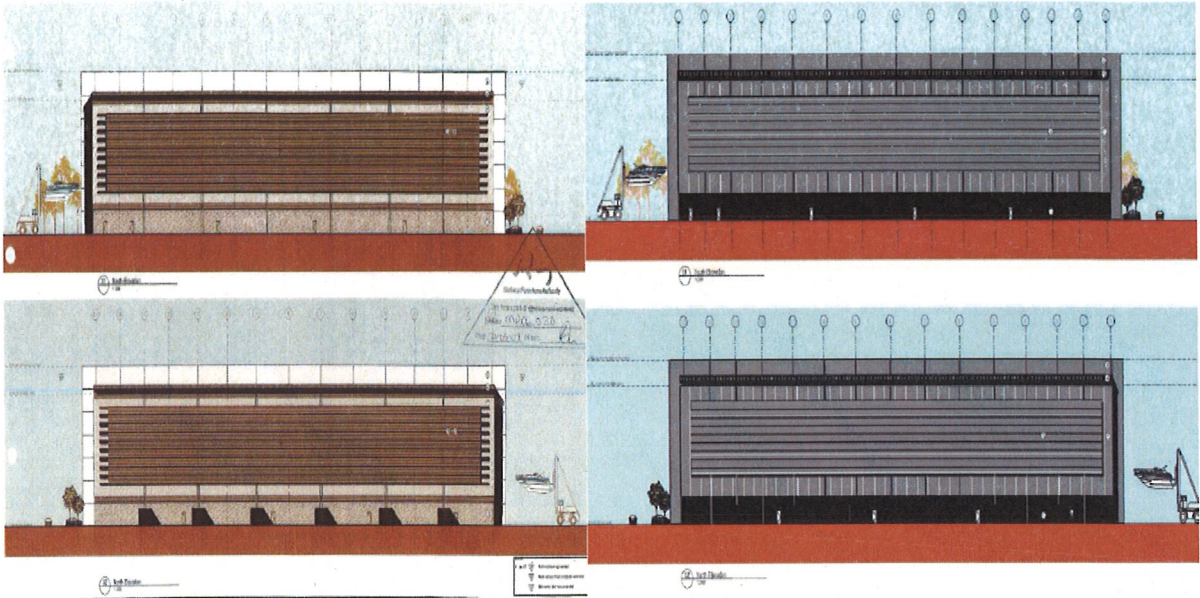
The proposed modifications are depicted in **Figures 3 to 8** below.



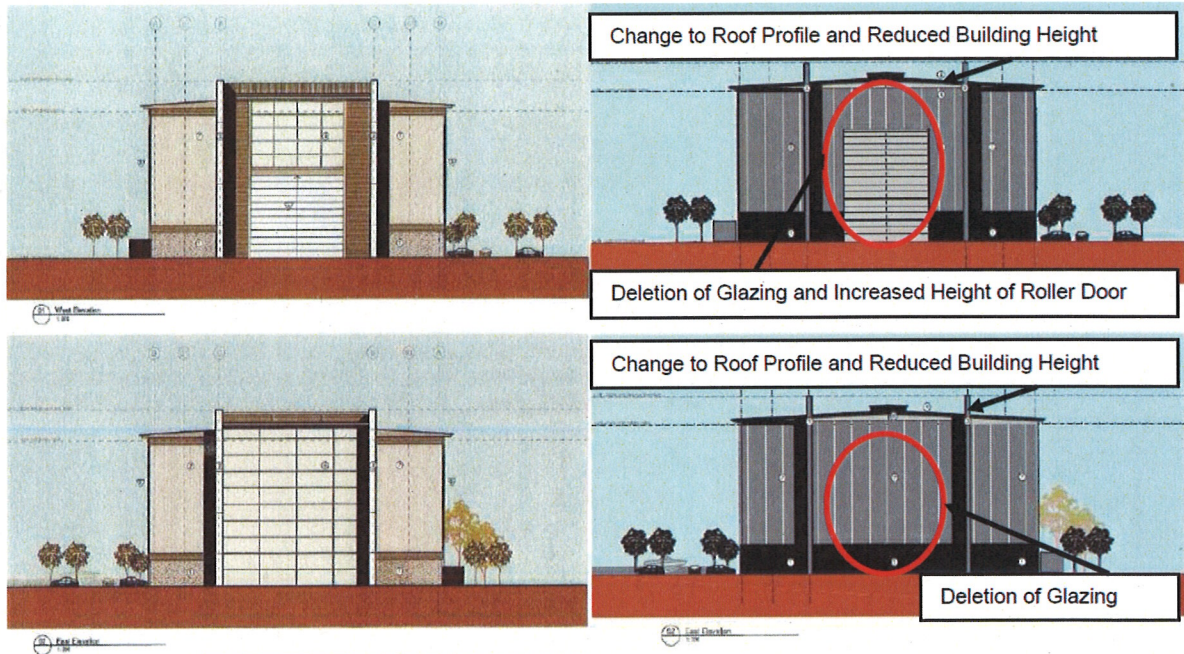
**Figure 3:** Proposed Modifications to the Western Boat Store (green dashed line indicates the extent of approved building envelope)



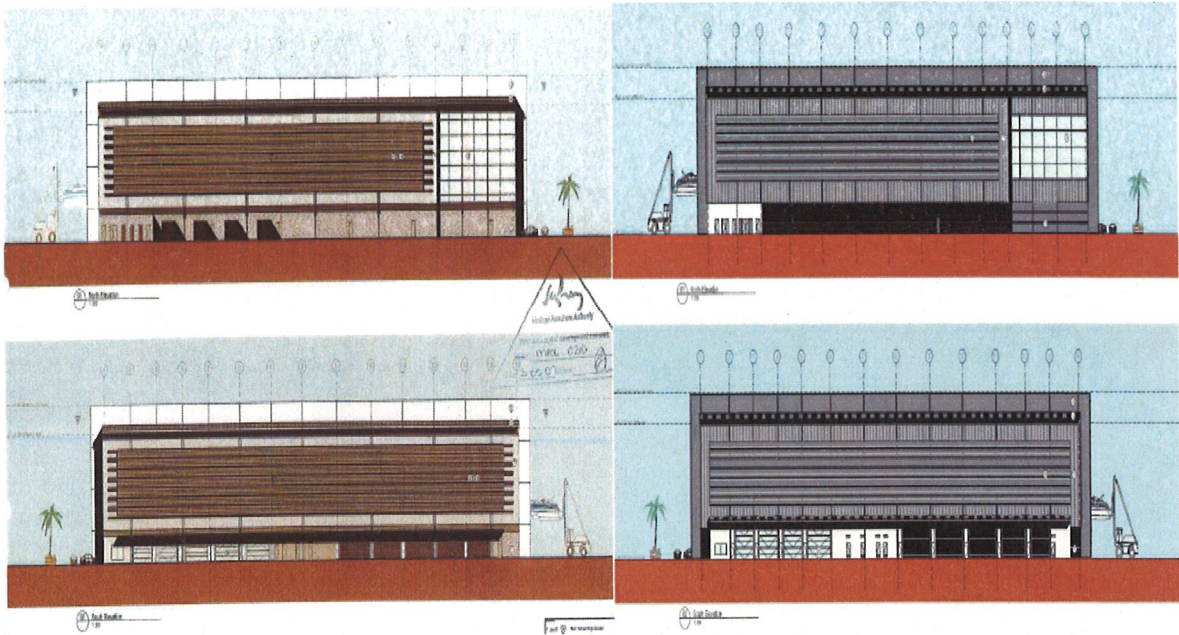
**Figure 4:** Proposed Modifications to the Approved Floor Plan (green dashed line indicates the approved building footprint)



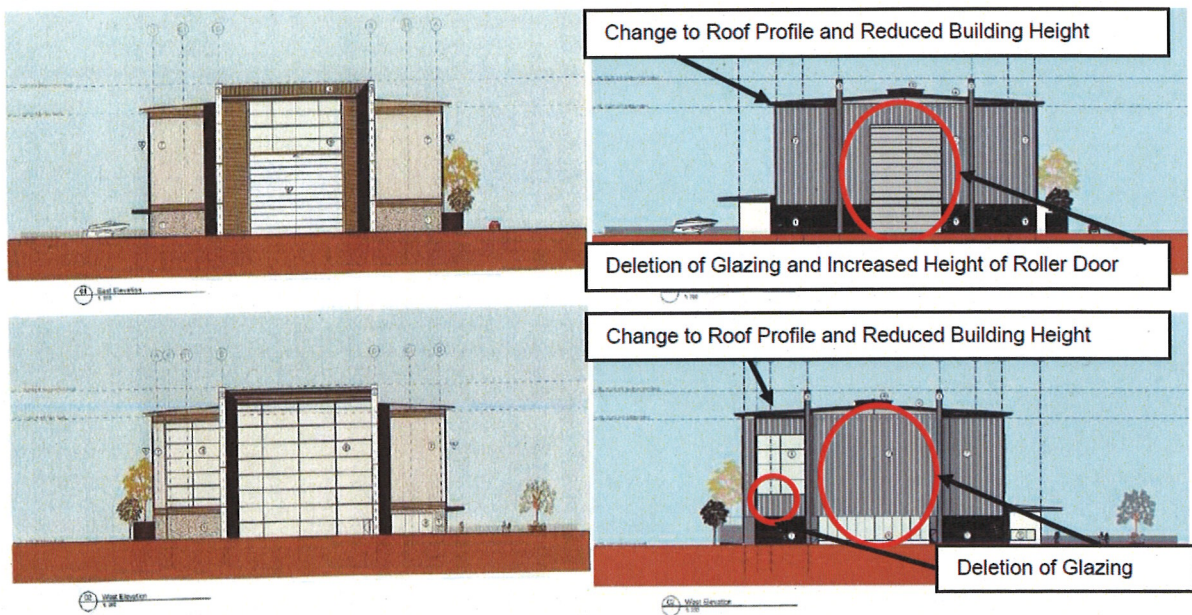
**Figure 5:** Proposed Modifications to the Northern and Southern Elevations of the Eastern Boat Store



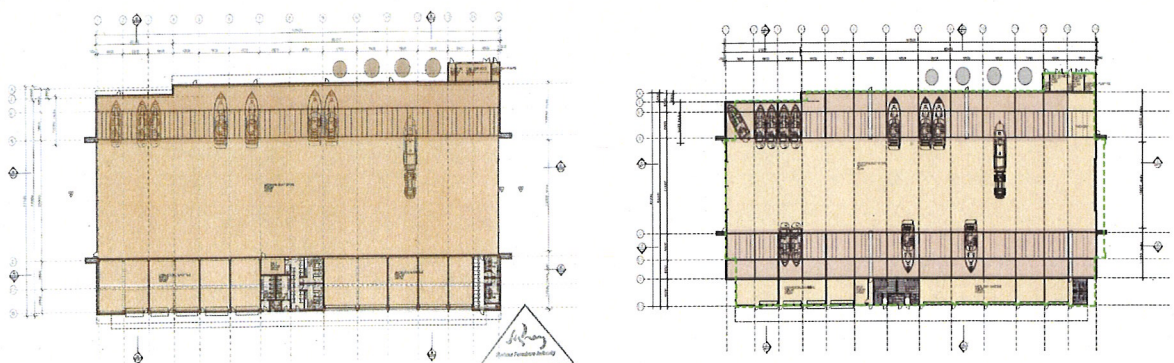
**Figure 6:** Proposed Modifications to the Eastern and Western Elevations of the Eastern Boat Store



**Figure 7:** Proposed Modifications to the Northern and Southern Elevations of the Western Boat Store



**Figure 8:** Proposed Modifications to the Eastern and Western Elevations of the Western Boat Store



**Figure 9:** Proposed Changes to the Floor Plan of the Western Boat Store

## **2.2 Justification for Modification**

The proposed modifications are sought to increase the separation between the workshop and retail spaces of the western boat store to improve fire and workplace safety. As the modifications to the floor plan of the western boat store will increase structural loads within the building, the project engineer recommended revisions to the materials used on the building façade of the western boat store to reduce this load.

The application is also seeking to alter the materials used on the facade of the eastern boat store to provide uniformity within the development site.

## **3. STATUTORY CONTEXT**

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### **3.1 Changes to Part 3A**

In accordance with clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (the Act), section 75W of the Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the Act.

### **3.1 Modification of the Minister's Approval**

Section 75W (2) of the Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project, as modified, would be consistent with the original approval. As the proposed modification seeks to amend the design of the eastern and western boat stores and update the schedule of approved drawings, the modification will require the Minister's approval.

### **3.2 Environmental Assessment Requirements**

Section 75(3) of the Act provides the Director-General with scope to issue Environmental Assessment Requirements (DGRs) that must be complied with before the matter will be considered by the Minister. DGRs were not issued for this modification as the proponent has addressed the key issues related to the modification requests.

### **3.3 Delegated Authority**

The Minister delegated his functions to determine a modification request under section 75W of the Act to the Executive Director, Major Projects Assessment where:

- The relevant local council has not made an objection.
- A political disclosure statement has not been made.
- There are less than 10 public submissions in the nature of objections.

As previously outlined, the Council raised no objection to the application, and no public submissions were received. Furthermore, no political donations have been made in relation to this modification or the original project application. Accordingly, the modification application is able to be determined under delegation by the Director, Metropolitan and Regional Projects North.

## **4. CONSULTATION AND SUBMISSIONS**

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### **4.1 Exhibition**

Under section 75X(2)(f) of the Act and clause 8G of the Environmental Planning & Assessment Regulation 2000, the modification request was made publically available on the department's website. The department also consulted with Leichhardt Council and City of Sydney.

#### **4.2 Submissions by public agencies**

The department received submissions from the Leichhardt Council, the City of Sydney and the EPA. A summary of the submissions is provided below.

##### **Leichhardt Council**

Leichhardt Council (Council) reviewed the modification and requested that the department defer determining the application until the recommendations of the Bays Precinct Taskforce are adopted by Cabinet and implemented.

Notwithstanding the above, the department notes that the report endorsed by the Council states that the proposed modifications are minor, and will not be visible from the water. Furthermore, the modification is for a minor amendment to an existing approval with little implication for the outcome of the Bays Precinct Taskforce and its work.

##### **City of Sydney Council**

The City of Sydney Council (the City) raised concern with the following aspects of the application:

- The project approval has lapsed as no Construction Certificate was lodged to commence work prior to 21 May 2011.
- The buildings do not reflect the design requirements of the *Rozelle and Blackwattle Bays Maritime Precincts Master Plan 2002* (Rozelle and Blackwattle Bay Master Plan) as referenced in the master lease agreement.
- The design and site coverage of the buildings exceeds those in the Rozelle and Blackwattle Bay Master Plan without proper planning justification.
- The pedestrian and cycle promenade connection from Rozelle Bay to the Glebe Island Bridge, which is identified in the Sharing Sydney Harbour Access Plan and the Rozelle and Blackwattle Bay Master Plan is along Maritime Close which runs through the site. It needs to be 24/7 and wide enough to be part of the promenade system.

The department has reviewed the City's comments and considers that:

- The approval is valid as the phase 1 stage 1 works were completed on 22 December 2010. A Construction Certificate 38726.1 and Occupation Certificate have been provided (see **Appendix D** – Interim Occupation Certificate).
- Departures from the Rozelle and Blackwattle Bay Master Plan were justified by SHFA as part of its assessment of the original project application. Furthermore, Condition A2(h) of the project approval required design modifications to reduce the bulk and scale of the eastern boat store and car park structure to provide consistency with the intent of the Rozelle and Blackwattle Bay Master Plan. The proposed modifications will not increase the height of the eastern boat store beyond that permitted under Condition A2(h).
- The amended Roselle and Blackwattle Bay Master Plan depicts a dual use path on the western side of the re-aligned James Craig Road. James Craig Road is located immediately adjacent to the western boundary of the site and the approved site plan (MP-001-DA Issue P) specifies that the construction of James Craig Road is to be undertaken by NSW Maritime (now Roads and Maritime Services).

##### **EPA**

The EPA advised that no variation would be required to the Environmental Protection Licence as a result of the modification, and as such it raised no objection to the application.

#### **4.2 Public Submissions**

No submissions were received from the public.

## **5. ASSESSMENT**

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The department considers the key issues for the proposed modification to be:

- Urban design.
- Compliance with existing conditions of approval.

### 5.1 Urban Design

The application seeks approval to modify the elevations of the eastern and western boat stores. The proposed modifications are outlined in **Table 1** below.

**Table 1: Proposed Modifications to the Elevations of the Eastern and Western Boat Stores**

Proposed Modifications	Eastern Boat Store	Western Boat Store
Northern Elevation	<ul style="list-style-type: none"> <li>• Modification of the approved finishes, including the pre-cast off form concrete, the metal screens, polycarbonate sheet, and fibreglass translucent sheet.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction in the extent of glazing at the western end of the northern elevation.</li> <li>• Modification of the approved finishes, including the pre-cast off form concrete, the metal screens, polycarbonate sheet, and fibreglass translucent sheet.</li> </ul>
Southern Elevation	<ul style="list-style-type: none"> <li>• Modification of the approved finishes, including the pre-cast off form concrete, the metal screens, polycarbonate sheet, and fibreglass translucent sheet.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction in the number of exits provided at ground level.</li> <li>• Modification of the approved finishes, including the pre-cast off form concrete, the metal screens, polycarbonate sheet, and fibreglass translucent sheet.</li> </ul>
Eastern Elevation	<ul style="list-style-type: none"> <li>• Deletion of all glazing.</li> <li>• Increase in height of the roller door.</li> <li>• Modification of the roof profile.</li> <li>• Modification of the approved finishes, including the pre-cast off form concrete, the metal screens, polycarbonate sheet, and fibreglass translucent sheet.</li> </ul>	<ul style="list-style-type: none"> <li>• Deletion of all glazing.</li> <li>• Increase in height of the roller door.</li> <li>• Addition of a lean to wing.</li> <li>• Modification of the roof profile.</li> <li>• Modification of the approved finishes, including the pre-cast off form concrete, the metal screens, polycarbonate sheet, and fibreglass translucent sheet.</li> </ul>
Western Elevation	<ul style="list-style-type: none"> <li>• Deletion of the central glazed panel.</li> <li>• Modification of the roof profile.</li> <li>• Modification of the approved finishes, including the pre-cast off form concrete, the metal screens, polycarbonate sheet, and fibreglass translucent sheet.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction in the extent of the glazed panel.</li> <li>• Reduction of the central glazed panel.</li> <li>• Modification of the roof profile.</li> <li>• Addition of a lean to wing.</li> <li>• Modification of the approved finishes, including the pre-cast off form concrete, the metal screens, polycarbonate sheet, and fibreglass translucent sheet.</li> </ul>

As outlined in the table above, the application also seeks approval to alter the approved schedule of finishes. The proposed modifications to the schedule of finishes are outlined in **Table 2** below.

**Table 2: Proposed Modifications to the Schedule of Materials**

Finish Number	Approved	Proposed
1	Pre-cast off form concrete (grey)	No change
2	Concrete with off form finish	No change
3	Pre-cast off form concrete (white)	Metal sheet with Colourbond 'Ultra' finish
4	Metal sheet roofing with Colourbond 'Ironstone' finish or similar	Colourbond 'Coolmax'
5	Metal screens – perforated aluminium sheet	Glass reinforced polyester (grey)
6	Glazing	No change
7	Polycarbonate sheet – clear cellular flat profile	Glass reinforced polyester wall sheet (clear) with a 'super six' profile
8	Fibreglass translucent sheet	Fibreglass translucent sheet in 'cool-lite'

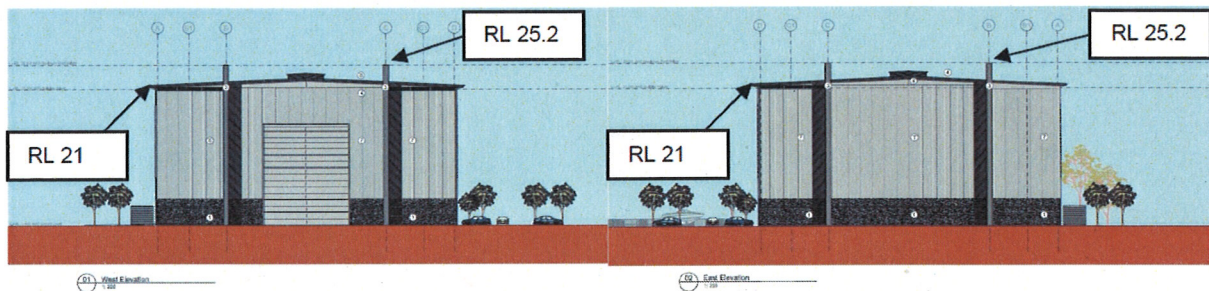
The department is satisfied that the proposed modifications to the eastern and western boat stores are consistent with the character, articulation, façade, roof and building material

principles and provisions of the Rozelle and Blackwattle Bay Master Plan. Notwithstanding, the department is concerned that that the colour palette of the modified schedule of finishes will reduce the perception of articulation within the façade in comparison to the original scheme.

In order to rectify this issue, the department has recommended a modification to Condition A2(h) to require the proponent to update the approved schedule of finishes to include all new materials proposed under the modification, and provide highlight colours that emphasise the underlying structure of the building, and articulate the individual building elements as per the provisions of the Rozelle and Blackwattle Bay Master Plan.

## 5.2 Compliance with Existing Conditions of Approval

Condition A2(h) of the Instrument of Approval required the proponent to submit amended plans which would reduce the height of the eastern boat store by 2.2 m to ensure the maximum wall height of the building will not exceed RL 22, and the maximum roof height will not exceed RL 26. The proposed modifications to the eastern boat store will reduce the height of the building to RL 21 and RL 25.2 respectively as depicted in **Figure 10** below.



**Figure 10:** Proposed Modifications to the Height of the Eastern Boat Store

## 6. CONCLUSION

The department has considered the proposed modifications to the project approval for MP 06\_0210 (as modified), and the key issues associated with these modifications. The department is satisfied that the proposed modifications would improve the functionality of the building from a fire engineering and occupational health and safety perspective. In addition, the department is satisfied that subject to the modification of Condition A2(h), the proposed modifications to the approved schedule of finishes will provide an acceptable design outcome.

It is therefore recommended that the modification application be approved, as outlined in the recommended Instruments of Modification.

## 7. RECOMMENDATIONS

It is recommended that the Executive Director, Major Projects Assessment:

- Consider** the findings and recommendations of this report.
- Approve** the modifications, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979*.
- Sign** the attached Instrument of Modification Approval (**Tag A**).

 9/8/12  
Team Leader  
Metropolitan and Regional Projects North

 9/8/12  
Director  
Metropolitan and Regional Projects North

## **APPENDIX B SUBMISSIONS**

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See the department's website at:  
<http://majorprojects.planning.nsw.gov.au>

**APPENDIX C RECOMMENDED MODIFYING INSTRUMENT**

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