



planning consultants

6 August 2014
Our Ref: 8493A.6KO

Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2000

Dear Ms McNally

**RE: SECTION 75W APPLICATION TO MODIFY MAJOR PROJECT MP06_0210
Lots 29 and 30, James Craig Road, Rozelle**

1.0 Introduction

DFP Planning Consultants (DFP) has been commissioned by Rozelle Bay Pty Ltd to prepare an application to modify Project Approval MP06_0210 under the transitional arrangements for Part 3A projects, which continue the application of Section 75W, in accordance with Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

This modification application seeks to amend the design of the marina berths to expand within the water license area. Whilst it is proposed to increase the number of berths, the total number of boats (670) stored at the facility is proposed to remain as originally approved.

This letter has been prepared in support of the s75w modification application and includes the information necessary for Department of Infrastructure and Planning to assess and determine the application including:

- A background of the approved development;
- Details and reasons for the proposed modifications;
- An environmental assessment; and
- Our conclusion and recommendations.

The amended marina design is shown in the architectural drawings prepared by Micheal Fountain Architects Pty Ltd and included at **Attachment A**.

We have concluded that the proposed modification will not substantially alter the approved project and the proposed modifications are unlikely to result in any adverse or additional environmental impacts and accordingly, we are of the view that the proposed modifications are acceptable in this particular instance.

2.0 Background

The Sydney Boathouse (formerly known as Rozelle Bay Marine Centre) was approved by the Minister for Planning on 21 May 2007. The approved project comprises construction of two dry boat store buildings, commercial building, marina and multi-storey car park. A total of 670 boats were approved to be stored on the site, including 24 brokerage boats stored in the marina berths.

Since the original approval four modifications have been lodged:

- Modification 1 sought approval for an extension of the time period of approval from 3 years to 4 years. The modification application was approved on 31 March 2010.
- Modification 2 proposed minor design variations and additional stages of construction. The modification application was approved on 16 September 2010.
- Modification 3 proposed an additional construction phase, interim hardstand storage of up to 78 vessels, and interim car parking. The modification application was approved on 27 March 2012.
- Modification 4 sought a design change to the Western Boat Store and changes to the façade material to both the Western and Eastern Boat Store buildings. The modification application was approved on 19 August 2012.

The project has commenced and Phase 1 works were completed in December 2010. Phase 1 works included the construction of some of the marina berths and temporary office facilities. Interim boat storage and car parking on the hardstand, consistent with Modification 3 has also been completed.

Approved Marina

The project approval currently provides for a “*marina comprising of 36 layover berths and 24 brokerage berths*”. The design of the existing marina berths is shown in **Figure 1** and **Attachment B**. The existing marina comprises:

- 24 wet berths;
- 32 formal layover berths; and
- 2 informal layover berths.

A total of 58 berths are identified on the detailed marina layout plan (included as part of Appendix H of the Environmental Assessment Report prepared by URS). The 32 formal layover berths included eight (indexing) berths on Arms I and H for the boat in-out feed system.

The 24 wet berths were designed and originally approved to accommodate boats ranging in size from 12m-20m in length.

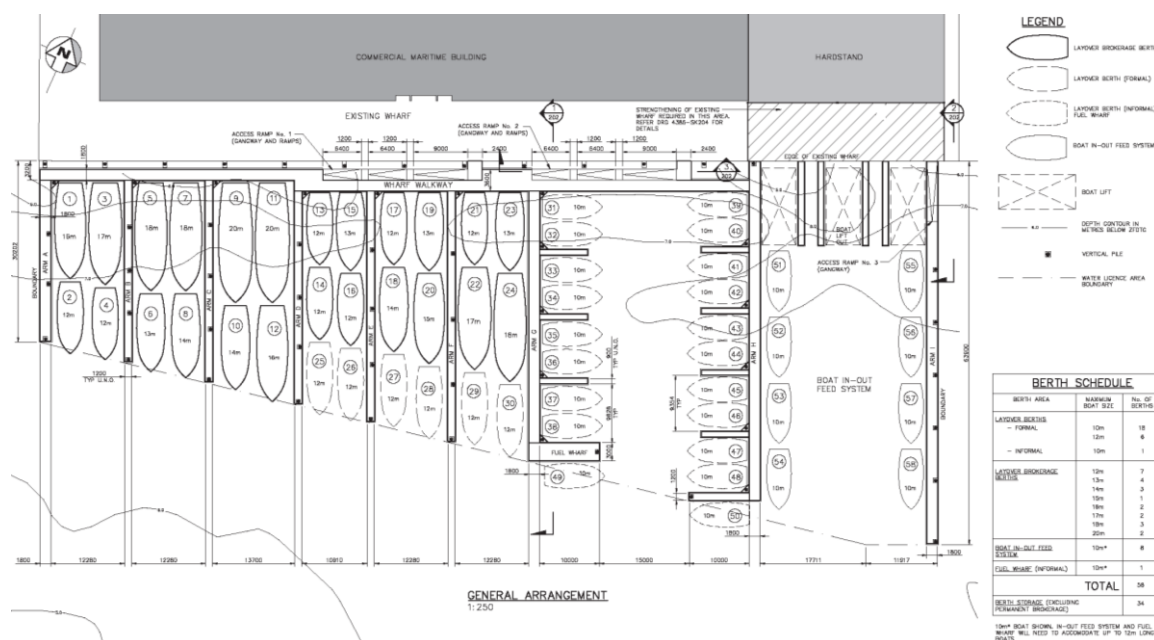


Figure 1: Approved marina

3.0 Proposed Modification

This modification proposes the following changes to the marina berths:

- Reconfiguration of the existing berths to better comply with marina fairway widths and standards and to provide better operational efficiencies and safety;
- Extension of the marina structures and fingers to occupy the majority of the existing water licence area; and
- An additional 13 general wet berths (note there will be no increase in the total number of boats to be stored at the facility).

In addition, this modification also seeks approval to use up to 15 layover berths for the temporary storage of privately owned boats post completion of the Western Boat Store and prior to the completion of the Eastern Boat Store.

Design Changes to the marina berths

The modified marina layout is shown in **Figure 2**. The new design provides a total of 73 berths which includes:

- 36 layover berths;
- 24 boat brokerage berths;
- 13 general marina berths.

The 36 layover berths will accommodate boats up to 12m, consistent with original approval and the range of boat sizes stored in the dry boat stores.

The general marina berths proposed are:

- 3 x 15m berths;
- 2 x 17m berths;

- 2 x 19m berths; and
- 6 x 20m berths.

The boat brokerage berths are:

- 12 x 12m berths; and
- 12 x 15m berths.

The marina design includes berths on Arm D for the boat in-out feed system, similar to the approved design.

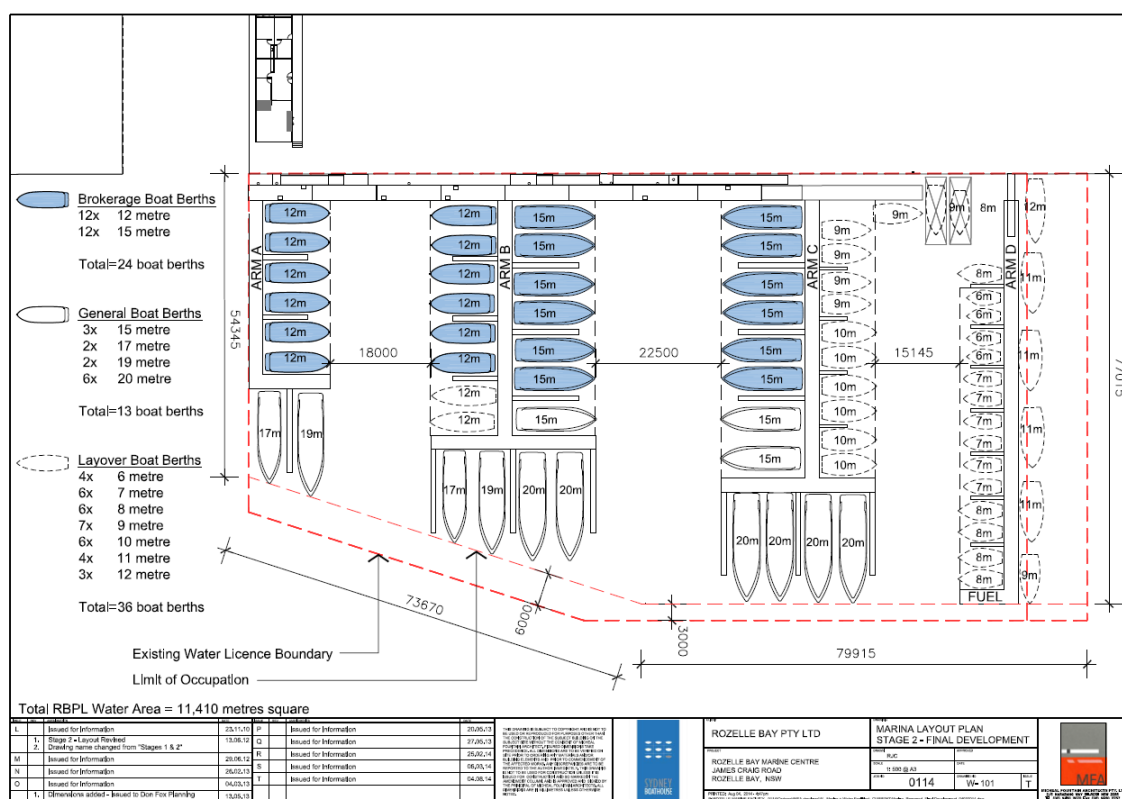


Figure 2: Proposed Marina

The new design proposes four marina arms parallel the shoreline (Arms A, B, C and D), with a t-head at the southern end of Arms B and C. The berths at the end of Arm A and the t-head berths will accommodate the larger vessels proposed to be moored at the marina.

The General Boat Berth positions are noted on the plan using a solid outline and the Layover Boat Berth positions are depicted using a broken line. The Brokerage Berths are shaded blue.

Arm A will accommodate six 12m berths, one 17m berth and one 19m berth. Arm B will accommodate eight 12m berths, seven 15m berths, one 17m berth, one 19m berth and two 20m berths. The outermost end on both Arms A and B are setback 6m from the boundary of the water licence area.

Arm C includes eight 15m berths and four 20m berths. Arm C also includes five 9m berths and six 10m berths. The larger 20m berths are at the t-head end of the marina arm. The outermost end of Arm C is setback 3m from the boundary of the waterway licence area.

On Arm D, one 9m boat, four 11m boats and one 12m boat can be moored on its eastern side. Seventeen boats between 6m-9m in length can be moored on the western side of Arm D. Arm D also includes a fuel berth at the southern end of the Arm (a fuel berth was approved in the previous marina design).

In summary, the proposed design changes will increase the total number of marina berths by 15 berths, but they will be contained within the existing water licence area. Further, the proposed modification is not seeking to increase the total number of berths stored at the facility (land and water) and total boat storage capacity will remain at 670 boats.

The modified marina layout drawing prepared by Michael Fountain and Associates is included at **Attachment A**. The modified layout allows for marina fairways consistent with the relevant marina standards.

4.0 Amendments to the Consent

It is proposed to modify the description of the approved development in Schedule 1 and the Conditions of Approval in Schedule 2. Words proposed to be inserted are shown in **bold italics** and words proposed to be deleted are shown in ~~bold strike through~~.

Schedule 1

Project Approval for:

- two boat storage buildings with a total capacity of 670 boats and 852m² of commercial maritime and ancillary maritime floorspace;
- a commercial maritime building with a total 3,024m² 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, 24 brokerage berths and **13 general marina** berths;
- a boat in/out feed system to move boats between the dry boat stores and the water; and
- associated signage, landscaping and rainwater tanks.

Schedule 2

It is proposed to modify Schedule 2 of the Conditions of Approval as follows

Condition A2

Amend Condition A2 by inserting the following drawing reference for the plan showing the revised marina layout.

W-101 Marina Layout Plan – Stage 2 Final Development Issue T.

Condition A6

A maximum of 670 boats are permitted to be stored on site, including any boats stored temporarily within the layover berths, and including a maximum of 24 brokerage boats stored within the brokerage berths **and a maximum of 13 boats stored within the general boat berths**.

Condition A6(i)

Temporary use of the layover berths for the storage of privately owned vessels is allowed until construction of the western boat store is completed. Temporary layover berthing is to be

provided on the eastern side of Marina Arm ~~Arm H~~ **Arm D** until construction of Phase 2 of Stage 1 is complete.

Post completion of the Western Boat Store, temporary use of up to 15 layover berths for the storage of privately owned vessels is allowed until construction of the Eastern Boat Store is complete.

Condition A7

The Proponent must maintain a register of all boats, including brokerage boats that are to be stored **or berthed** on the site. This register must be made available to NSW Maritime or the Director-General upon request. The register of boats must also be included in any reports to the Director-General required by the conditions of this Approval.

5.0 Environmental Planning Assessment

The Environmental Assessment Report and Preferred Project addressed a range of matters in relation to the design and operation of the development (now known as Sydney Boathouse). These matters included:

- Maritime structures;
- Water Quality and Hydrology;
- Groundwater;
- Geology, Geotechnical, Soils and Sediments;
- Ecology;
- Water Transport and Navigation;
- Noise and Vibration;
- Air Quality;
- Archaeological and Heritage;
- Visual Impact;
- Social and Economic Impacts;
- Hazard and Risk Assessment;
- Emergency and Incident Management; and
- Waste Management

The Statement of Commitments and Conditions of Approval set out a number of requirements for the environmental management and monitoring of both construction and operational activities. These conditions and commitments remain relevant to the proposed marina redesign and address issues such as water quality, contamination, hazards, noise and emergency and incident management. Several conditions have also been imposed in relation to water traffic and navigation management, including the requirement for a Vessel Traffic Management Plan, which has been prepared and submitted to Roads and Maritime Services.

The proposed modification does not fundamentally change the approved project in that the modified proposal will comprise two dry boat storage buildings, a commercial maritime building and a marina. The maximum boat storage of capacity of 670 vessels remains unchanged. Also there are no changes proposed to the hours of operation of the facility (as approved in

Condition B1(a) of the Approval), the approved car parking or gross floor area to the commercial maritime building.

It is considered that the key issues associated with the assessment of this application are the proposed marina structures, water transport and navigation and visual impacts. However, it is considered that the proposed modification does not give rise to additional impacts beyond those considered in the assessment of the original application, which remain applicable to the proposed marina design modification.

Marina Design and Use

The key change is to the layout of the marina and the use of some the marina berths as general boat storage. The revised marina layout comprises a reconfiguration of the marina arms and extension of the marina arm (and berths) towards the southern boundary of the water licence area.

The approved marina comprises 18 'formal' layover berths and 8 berths on the feed in/out (indexing) arms. A further 6 layover berths are provided at the eastern end of the brokerage berths as well as two 'informal' berths (1 each at the end of Arms H and I). The arrangement of layover berths is shown on Drawing 4386-SK201 at **Attachment B**. This drawing also shows the 24 berths which store vessels ranging from 12m-20m. It should be noted that there is no condition restricting the size boats stored on the marina berths.

The proposed design retains the 36 layover berths to ensure efficient movement of boats leaving and returning to the facility. The redesigned marina provides a clearer separation between layover berths and the boat brokerage and general marina berths. The proposed marina arms and boats are setback between 3m and 6m from the boundary of the water license area and no structures will extend out beyond the original water license area boundary or beyond the furthest marina arm and boats stored at the adjoining Superyacht facility to the east.

The reconfigured marina arms and fingers will be constructed of similar material as the existing marina, and the existing pontoons will be reused and reconfigured where possible. The pontoon finishes will match the existing finishes which comprise a timber finished floating pontoon system. The existing ramp in the south west corner of the site and the pontoons immediately parallel to the shoreline will be retained (refer to **Figure 3**).



Figure 3: Existing ramp and pontoons

The construction of the marina will be undertaken in accordance with the Construction and Environmental Management Plan for the project (prepared in accordance with Condition A1). As for the existing marina structure, piles will be driven or spun into the seabed and installed from floating marina plant.

As detailed in the Marina Structures report submitted with the original EAR, the marina pontoons, arms, walkway and fingers will be designed in accordance with AS 3962-2001. The structures will also be designed for all structural, floatation and stability loads; berthing and mooring loads; and other relevant environmental loads such as wind and wave loads. Fully documented and dimensioned construction drawings will be submitted to Roads and Maritime Services prior to construction and as required by condition A16.

No marina structures will extend into the 30m wide deep-water channel to the south of the existing water licence area.

Water Transport and Navigation

Rozelle Bay is considered to be a flat and calm water body in Sydney Harbour and it is used by kayakers, rowers, dragon boaters and paddlers. It is also used by a range of rowing and dragon boat clubs for practice and training. The biggest issue raised in submissions received in response to the exhibition of the original EAR was the impact of the facility on recreational users of the bay. These impacts included generation of wash and a reduction of available water space for training and other passive boating activities.

Boat generated wash and the size of the waves generated by vessels moving past is a function of the speed of travel, displacement and hull shape of the vessel, depth of water and the distance from the vessel's sailing line. The issue of vessel wash on other craft in Rozelle Bay was recognised and considered in the assessment of the original application. Rozelle Bay is a no wash zone and the boats stored at the boathouse will have to travel at 4 knots or less to comply with the existing no wash rules. In recognition of this issue a condition of approval was imposed that requires vessels registered or stored at the site not to exceed 4 knots whilst operating within Rozelle or Blackwattle Bays. This condition will continue to apply to all vessels stored in the reconfigured marina.

To further manage potential impacts a Vessel Traffic Management Plan has also been prepared in accordance with Condition D5. This plan has been prepared to manage water traffic in the bay and includes measures to minimise and mitigate any potential impacts to other boat users. This includes the requirement for a compulsory induction and education program for all users of the Sydney Boathouse facility on the navigational procedures in Rozelle Bay, including no wash and speed restriction regulations.

Whilst there is an increase in the number of marina berths, there will be no increase in the total number of boats to be stored at the facility. The size of the vessels stored at the marina berths is also consistent with the size of vessels approved in the original project approval. By maintaining the total limit of boats stored at the facility there will be no significant changes to the forecast boat movements generated by the facility. Therefore it is not expected that the proposed modifications will result in any additional vessel wash impacts.

As noted above the new marina structures will extend out beyond the existing approved structures to within 3m-6m of the boundary of the existing water licence area. This waterway area is generally not a useable area for recreational boating or training as it is between the existing marina and navigation channel, and between other working harbour uses to the west and the Superyacht marina to the east. The marina structures (fingers and pontoons) are setback a minimum of 6m from the boundary of the license area to provide some water area for navigation. The area adjoins the deep water channel and provides an area that can be used for navigation and access to adjoining waterway areas.

Sydney Boathouse users will use area within their license boundary and the existing deep water channel along the northern shore when departing or returning to the marina. This channel has been used for commercial maritime activities for over 100 years and it is not suitable for passive recreational vessels such as kayakers, rowers and dragon boaters. This channel will continue to provide suitable access to other working harbour uses to the west of the Sydney Boathouse.

A large area of water to the south of the channel will remain available for passive recreational vessels and users. The water depth on the southern side of the channel is only approximately 3m deep and is unsuitable for large motor boats or deep draft vessels. **Figure 4** illustrates the deep water commercial channel and the passive recreational areas. **Figure 5** shows dragon boat users in the passive recreation area in the southern part of the bay.

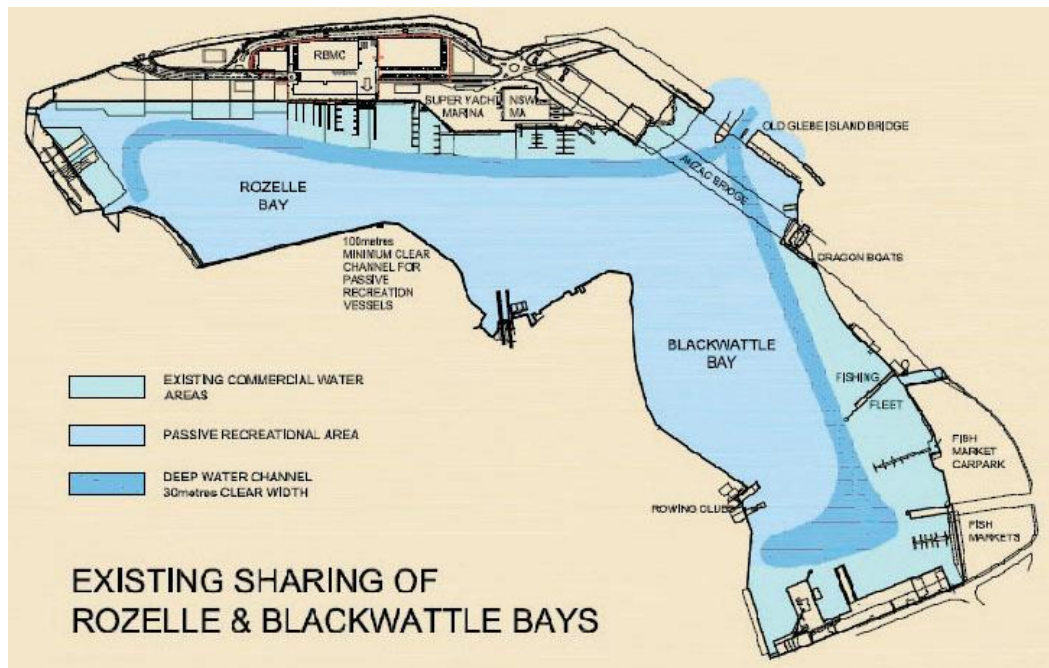


Figure 4: Commercial water areas and passive water areas in Rozelle Bay (Source: Preferred Project Report)



Figure 5: Recreational users on southern side of the bay

Visual

The marina structures are now proposed to extend further south towards the boundary of the water licence area. The arms and therefore boats moored will extend out further from the northern foreshore. As noted in Section 2 the brokerage berths were to store boats ranging in size from 12m-20m. The reconfigured marina also proposes to store boats ranging in size from 12m -20m and therefore there will be no change in the overall size of boats stored at the marina berths. Whilst some boats stored will be closer to the southern foreshore of Rozelle Bay, when viewed from the southern foreshore the boats will sit within the context of working waterfront and maritime uses of Rozelle Bay.

The northern foreshore of Rozelle Bay consists of reclaimed land and a wharf. The reclaimed land is retained by a 2.75m high concrete seawall and therefore the boats do not block views to the north. The proposed marina arms are parallel to the foreshore, which allows for view corridors between the marina arms.

The key visual impacts of the proposal were associated with the east and western boat stores which are more prominent. Any boats stored on the marinas will sit within the profile of the future commercial maritime building and boat store buildings. It should also be noted that significantly larger boats are stored at the adjoining Superyacht marina and that the proposed marina structures and boats will not extend out any further than vessels stored at the Superyacht marina facility. Therefore there are not expected to be any adverse visual impacts from the reconfigured marina. **Figure 6** shows the view of the Sydney Boathouse and Superyacht marina from the southern foreshore of Rozelle Bay.



Figure 6: View to Sydney Boathouse and Superyacht marina from the southern foreshore of Rozelle Bay

Temporary Use of the Layover Berths

The facility currently has 36 layover berths which will be used when boats are being transferred between the dry boat stores and the waterway and are used for the immediate departure or

arrival of boats. The consent currently allows for the temporary use of the layover berths for the storage of privately owned vessels until the completion of the Western Boat Store.

The layover berths are provided at an average of 6.4% of the total number of active boats stored at the facility which is estimated to be 570 boats (refer to original Section 6 of the original Environmental Assessment Report). The Western Boat Store will have a maximum boat storage capacity of 298 vessels and therefore would require 19 layover berths for the temporary holdings of vessels being transferred to or from the boat store.

The staged consent also allows for the temporary storage of 45 vessels on the hardstand area during construction of Phase 3 of Stage 1 (construction of the Commercial Maritime Building). An additional two layover berths would be required for temporary holdings of vessels being transferred to or from the hardstand area. Therefore up to 21 layover berths are required to service the facility until completion of the Eastern Boat Store (note: once construction of the Eastern Boat Store commences there will be no vessels stored on the hardstand area).

The proposed modification therefore seeks to allow for the temporary use of up to 15 layover berths for the berthing of privately owned vessels until the completion of the Eastern Boat Store. The use of the 15 layover berths for temporary storage of privately owned vessels during the construction of the Commercial Maritime Building and Eastern Boat Store is well within the total approved capacity of the facility and allows for the orderly and economic use and development of the site.

6.0 Conclusion

The project, as proposed to be modified will be substantially the same as the approved project. The reconfigured marina will result in an increase in the number of marina berths by 13. However, the total boat storage capacity at Sydney Boathouse will remain capped at 670 boats. Therefore if all marina berths are occupied, there will be spare capacity in the boat stores. By maintaining the total limit of boats stored at the facility there will be no significant changes to the forecast boat movements generated by the facility. The temporary use of 15 layover berths during the construction of the Commercial Maritime Building and Eastern Boat Store is also within the total boat storage capacity of the development.

The Statement of Commitments and Conditions of Approval set out a number of requirements for the environmental management and monitoring of both construction and operational activities. These conditions and commitments remain relevant to the proposed marina redesign and address issues such as such as water quality, contamination, hazards, noise, emergency and incident management and water traffic and navigation management.

Accordingly, we are of the view that the proposed modification is acceptable in this particular instance and can be approved under the Section 75W transitional provisions.

Yours faithfully

DFP PLANNING PTY LTD



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Reviewed: _____

