



planning consultants

6 November 2014
Our Ref: 8493A.7KO

Mr Ben Eveleigh
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2000

Dear Ben

**RE: SECTION 75W APPLICATION TO MODIFY MAJOR PROJECT MP06_0210 (MOD 7)
LOTS 29 AND 30, JAMES CRAIG ROAD, ROZELLE**

I refer to Modification Application No.7 which is seeking to amend the design of the marina berths. The Modification Application has been notified and submissions were received from the following agencies:

- Leichhardt Council;
- Transport for NSW;
- Roads and Maritime Services (RMS);
- Environmental Protection Authority (EPA);
- Port Authority of NSW;

Transport for NSW, RMS and the EPA did not raise any issues with the proposal. The Port Authority advised that any disturbance of the seabed will require written approval of the Harbour Master, which is noted.

Leichhardt Council (Council) raised a number of issues including the number of boats to be stored at the facility, reconfiguration of the marina, potential impacts on passive recreational users of the bay and cumulative developments around the Bays Precinct. A response to these issues is detailed below.

1.0 Number of boats stored at the facility

Council's submission indicated that there was ambiguity and discrepancy in the number of boats to be stored at the facility, suggesting that 743 boats could be stored at the facility.

DFP clearly stated in the introduction of our letter dated 6 August 2014 that the maximum number of boats stored at the facility including the dry boat stores and the marina berths is 670 vessels, consistent with the original terms of approval (Condition A6).

The Leichhardt Council submission refers to an extract of the Director General's Environmental Assessment, which is a general description of the proposed development. This description has been drawn from the Environmental Assessment Report (EAR) submitted with the project application. The EAR described in detail the proposed operations of the boat store facility, including its operational capacity.



Whilst the boat store buildings have a theoretical capacity of 670 boats, not all of the storage slots will be in use at the same time and not all slots will store active boats (i.e. some slots will be used by boat brokers and others who are not actively using the boats for recreational uses).

Due to operational reasons including configuration of boat racks to suit vessel types (i.e. 2 slots may be required to store one vessel), manoeuvring of boats, and storage of brokerage boats (within the racks), 100% of slots cannot be used. Further, based on surveys of other Australian dry boat stores, boat stores have typical occupancy rates of about 92%. Therefore the boat stores will not be 100% occupied.

In addition to the dry boat stores, the approved development provides marina berths which currently comprise 36 layover berths and 24 brokerage berths. Amongst other things, the Section 75W is seeking approval for an additional 13 general marina berths. As stated in the Section 75W application, if all marina berths were occupied, there will be spare capacity in the boats stores as the maximum total boat storage allowed at the site is 670 boats, as required by Condition A6.

The Council submission does also not make reference to the Terms of Approval for the project. Schedule 1 provides a description of the proposed facility including its various components and uses. Schedule 2 Part A imposes administrative conditions. Condition A6 clearly states that a maximum of 670 boats are permitted to be stored on the site, including any boats stored in the layover berths and brokerage boats stored in the brokerage berths.

DFP is of the opinion that condition A6 as currently worded and as proposed to be modified clearly limits the number of boats stored on site to 670 boats. If the Department of Planning considers there is some ambiguity, DFP suggests that consideration be given to amending the project description in Schedule 1 of the Project Approval. A suggested amendment to the consent is detailed below. 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 marina comprising 36 layover berths, 24 brokerage berths and **13 general marina berths**;
- a commercial maritime building with a total 3,024m² of commercial maritime, maritime brokerage, maritime workshop and restaurant/café floor space;
- **a maximum total boat storage of 670 boats at the facility (including boats within the boat storage buildings and at the marina)**;
- a multi-storey car park and at-grade car parking for 272 vehicles;
- underground fuel storage tanks;
- a boat in/out feed system to move boats between the dry boat stores and the water; and
- associated signage, landscaping and rainwater tanks.

The Section 75W modification is also seeking the following amendment:

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.**

The proposed amendment to Condition A6 is not seeking to increase the maximum number of boats stored on site.

2.0 Reconfiguration of the marina

The reconfiguration of the marina provides a more efficient and regular marina design that will be designed in accordance with the relevant Australian Standards. The reconfigured marina retains the boat brokerage berths which are to be used primarily for display and sale purposes and not for general boating use.

As Council notes, Condition B1(c) of the consent requires the occasional movement of the brokerage boats is only to be undertaken by employees of the facility. The modification application does not propose any change to these arrangements. The new design will provide for easier manoeuvring of the vessels, however the brokerage berths will continue to be managed and used in accordance with the project approvals and management plans.

3.0 Potential Impact upon recreational users

The modification proposes to introduce 13 general marina berths, which represents less than 2% of total boat storage at the facility. The 13 general marina berths will generate a small number of vessel movements and by maintaining a total cap on boat storage of 670 boats there will be no significant increase in boat movements and therefore no significant impact upon recreational users.

The currently approved marina design has the boats in a stacked layout and therefore a larger manoeuvring area is required as two or three vessels may need to be moved to enable a boat to access the bay. This area for manoeuvring is generally provided within the water licence area and was particularly required for the brokerage berths.

The proposed modification is for a single boat in each berth which avoids multiple stacking of boats. The modified design provides fairway widths that allow for the manoeuvring of vessel into and out of the berths within the licence area. Only the boats at the t-heads will be manoeuvring partly outside the water licence area. As the boats at the t-head will leave the marina in a forward direction, there will only be limited manoeuvring of vessel when reversing into the berth. This can be safely undertaken given the width of the bay.

The marina structures are contained wholly within the water area licenced to Sydney Boathouse by the RMS. As noted in our letter of 6 August 2014, the marina structures will be in waterway area within the water licence boundary that is generally not a useable area for recreational boating or training as it is between the existing marina and navigation channel. It is also 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 3- 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.

As noted in the application, boat users will use the area within the 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. It is also noted that this arrangement applies to the adjoining Superyacht marina. Boats stored on the marina berths will not extend any further than vessels stored at the Superyacht marina facility. Vessels at the Superyacht marina also typically reverse into the berths.

4.0 Cumulative developments around the Bays Precinct

Council's position on a moratorium on development in the Bays precinct is noted. However, the boat store facility is an approved and operating development that complies with the existing land use planning framework for the Bays Precinct and the Bays Precinct Master Plan. There is no justification for a moratorium on development within the Bays precinct and we note such a position has not been adopted by the NSW Government.

If you have any questions regarding the above please contact Kirk Osborne on 9473 4904.

Yours faithfully

DFP PLANNING PTY LTD

A handwritten signature in black ink that reads 'K. Osborne'.

KIRK OSBORNE
PRINCIPAL PLANNER
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Reviewed: _____

A handwritten signature in black ink, appearing to be 'E. R. Ht', written over a horizontal line.