



Sydney Superyacht Marina

Land Based Development



Details

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In respect of: Land based facilities associated with
Sydney Superyacht Marina

Development application MP 09_0165

Proponent Name: Sydney Superyacht Marina Pty Ltd

Proponent Address: PO Box 436 Rozelle NSW 2039

Land on which activity to be carried out: Part Lot 2 DP 873379, being part Lot 32
in the Rozelle Bay Draft Plan of
subdivision of Lots 2, 3 and 4 of DP
873379, Lot 100 DP 1017367 and Lot 1
DP 1049334 known as Lot 2 James
Craig Road Rozelle NSW 2039

Dated 1 August 2012

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Definitions

Codes SEPP	SEPP (Exempt and Complying Development Codes) 2008
Conditions of Approval	The Minister's Conditions of Approval for the Project
Department, the	Department of Planning & Infrastructure
Director-General, the	Director-General of the Department or delegate
Master Plan	Rozelle and Blackwattle Bays Maritime Precincts Master Plan dated 6 September 2002 made pursuant to Sydney Regional Environmental Plan No. 26 – City West.
Minister, the	Minister for Planning & Infrastructure.
NSW Maritime	Maritime, trading as NSW Maritime and being a division of Roads and Maritime Services of NSW
Proponent, the	Sydney Superyacht Marina Pty Ltd ABN 94 127 177 904
Site	Part Lot 32 in the Rozelle Bay Draft Plan of Subdivisions of Lots 2, 3 and 4 of DP 873379, Lot 100 DP 1017367 and Lot 1 DP 1049334, being the subject of this application.



Acronyms

dB(A)	Decibel, 'A' weighted scale
EA	Environmental Assessment by Urban Perspectives dated 8 December 2010 on behalf of the Proponent for development at the Site
EP&A Act	Environmental Planning and Assessment Act 1979
INP	Industrial Noise Policy
NMP	Noise Management Plan
OEMP	Operational Environmental Management Plan
OLGR	Office of Liquor, Gaming and Racing
PPR	Preferred Project Report
PPR Addendum	Preferred Project Report Addendum – this document and its appendices
PSNL	Project Specific Noise Level
RMS	Roads and Maritime Services, encompassing the former RTA and NSW Maritime
RTA	Roads and Traffic Authority, now part of the Roads and Maritime Service
R-w	The sound insulation rating measuring the noise reduction performance of a partition
SEPP	State Environmental Planning Policy
SPL	Sound Pressure Level
SREP	Sydney Regional Environmental Plan
SSYM	Sydney Superyacht Marina Pty Ltd ABN 94 127 177 904.
STC	Sound Transmission Class
SWL	Sound Power Level

1. Additional Matters

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1.1 General

Sydney Superyacht Marina Pty Ltd's consultation with the community and government authorities has lead to a number of improvements to the proposed land based activities associated with the existing Superyacht Marina. Those improvements are described in the PPR and this PPR Addendum. It is considered that the proposed changes will result in a development that will:

- Generate investment and jobs for the local economy by attracting overseas and interstate yachts to a world class facility;
- Create a vibrant maritime precinct and improve the existing visual amenity of Rozelle Bay; and
- Provide public access to the foreshore area and expand of the foreshore pedestrian network around Sydney Harbour.

The Environmental Assessment Report (EA) for Sydney Superyacht Marina Pty Ltd was exhibited from 2 February 2011 to 4 March 2011. Sixty six relevant submissions were received from the public, seven from public authorities and one from the local Member of Parliament. The principal issues of concern raised by the submissions were noise, uses of the site being not as zoned, lack of community consultation and traffic impacts. The Department requested further clarification of the permissibility of uses and operations on the Site, the adequacy of the car park lifts and the height of the lift /focal point tower.

A Preferred Project Report (PPR) was lodged with the Department on or about 22 November 2011 which sought to address the above issues. The Department has raised a number of further issues arising from the PPR and has requested that these matters be addressed. The areas requiring further information include:

- Land Uses
 - The Department wishes the specific areas and specific locations of the uses to be set out
- Noise:
 - Compliance with the Office of Liquor Gaming and Racing noise criteria

- Restriction of access to balconies and acoustic treatments
- Perceived contradictions within the PPR and within the noise reports of Benbows
- Inclusion of the key elements of a noise management plan in the statement of commitments
- A photograph or location details of the residences from which noise monitoring was conducted
- Concerns about logger data and methodology of the noise assessment
- Car Parking
 - Car park calculations indicate that there are insufficient car parks proposed
- Staging
 - The Department does not want the buildings for the ancillary uses to be constructed first and then other marine uses not to be built. They would like greater certainty that the staging will not allow the proposed ancillary uses to dominate if some parts of the project are not built. It must be shown that there will be sufficient car parking at each stage of the development.
- Built Form
 - Justification on why the balconies should be allowed to encroach into the Masterplan setbacks. Concern that public access easement be maintained.
 - The lift overrun remains too high at RL 19.64. The Masterplan allows 5m over the building height.
- Underground Storage Tanks
 - The Department would like a plan of where the underground storage tanks are located as consent for their removal would be contained in any consent.
- Statement of Commitments
 - All recommendations of expert reports to be included in the statement of commitments

A summary of the changes proposed by this PPR Addendum to the PPR is set out in **Table 1** below. Detailed discussion of those changes is indicated in the sections identified.

Table 1 Amendments to EA and PPR proposed in PPR Addendum

Topic	EA	Change made in PPR	Changes in PPR Addendum	Section in PPR Addendum
Uses:				
Uses compliant with Zoning	Marina uses, 6 dormitories, retail & commercial offices, cafes & restaurants, function centre, tavern bar, marine based club, package liquor outlet. % Areas not defined	Dormitories reduced to 3, function centre & tavern removed. Registered yacht club proposed	Given possible use of the Codes SEPP - Complying Development to swap uses between commercial & restaurant, ancillary restaurant area to be restricted by car parking numbers at 8/100m ² of restaurant space (maximum of 80).	2.1
% Areas	Not defined % areas for uses, included a function centre	Defined % areas for use: A Marine not <40% B Yacht Club not > 30% C Ancillary not > 15% D Provedore not > 7% Included 240 m ² marine outdoor storage. Replaced function centre with yacht club.	Set m ² and areas: A Marine 2851m ² (46%) B Yacht Club 1932 (31.1%) C Ancillary 966m ² (15.6%) D Provedore 451 (7.3%) Removed 240 m ² marine outdoor storage. Plan shows location of uses.	2.1
Indicative plans	Description of uses for each building provided	Indicative plan of use areas in Appendix B	Plan of set location for uses provided	2.1 Figure 1
GFA	Floor plate used	Definition of gross floor area from SREP26 applied to indicate areas. 6440m ² identified as GFA	Removal of 240m ² of outdoor storage reduced GFA to 6200m ²	2.1
Outdoor Storage	11 storage spaces provided	240m ² lockable storage containers proposed mostly in the bottom of the car park	Outdoor storage removed to allow more car parking	2.1
Noise:				
No. of bands	Up to 2 outdoor bands	One outdoor band at a time	No change	2.2

Topic	EA	Change made in PPR	Changes in PPR Addendum	Section in PPR Addendum
	at any one time			
Time for outdoor music	None after 10pm	Between 11:00-20:00 hours and between 9:00 hours to 20:00 hours on special event days. Special event days are Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Australia Day plus five additional days per calendar year on 21 days' notice.	No change	2.2
Management of outdoor bands		To be sited associated with ancillary restaurants/cafes/bars/takeaways to be arranged through the Marina management. Speakers and amps must not face the water.	Speakers and amps not to face the water or the building facade	2.2.1.
Outdoor seating areas	No restriction other than hours of operation	Use limited to 7.00am-10.00pm on any day. After 10.00pm all windows and doors from tenancies with outdoor seating areas are to be kept closed, except when needed for ingress/egress. All premises playing indoor music will be required to close all doors and windows after 8.00pm.	The only egress and ingress to outdoor seating areas after 10pm will be to allow patrons to enter and leave the facilities on the ground floor.	2.2.2
Building Insulation	Not specified	Self-closing doors and air locks on doors to prevent breakout noise on yacht club. Glazing to have acoustic seals	STC ratings for east, west and south building elevations and roof	2.2.1
Loading and unloading	Not specified	Deliveries other than fuel tankers, direct servicing of the superyachts and garbage collection from the marina will	No change	

Topic	EA	Change made in PPR	Changes in PPR Addendum	Section in PPR Addendum
		occur to the rear of the buildings		
Project Specific Noise Levels	Set at 8 locations	INP levels set for the site Daytime: 60dB(A) Evening: 50dB(A) Nighttime: 45db(A)	OLGR project noise specific levels are stated. Maximum sound power levels and sound pressure levels within octave bands are set out for outside band speakers	2.2.1
Noise Management Plan			Key characteristics of the NMP set out in the statement of commitments	2.2.2 & Appendix E
Community Liaison:	Community complaints number and register re noise impacts	Community Liaison Group to be established with 24 hour telephone contact.	No change	
Car Parking:				
No. of car parks	190 spaces total, with 122 in the car park building, 1 disabled space, 2 lifts	187 total spaces with 120 in car park building, 3 disabled spaces. Addition of ramp and 3 rd lift	Amendment sought to the existing water based consent DA088-05-08 to reduce that requirement from 50 to 24 spaces and to remove NSW Maritime's right to use car parking on site. Car parking numbers increased to 229 from 187. Changing 7 storage spaces to car parks.	2.3.1 and 2.3.2
Lifts and Car park building	2 lifts on NW corner of car park. No car park ramp	3 lifts relocated to SE corner of building. Ramp included on northern side for exit only. Likely electronic display of availability	No change except 5 car park elevators added for 5 car spaces on east side of building	2.3.1
Circulation	Enter on east side of Site, queue for lifts internally and leave on west side of car park	Enter west side of car park building, queue for lifts internally, exit east side of Site.	No change	
Bicycle	Not discussed	End of Trip bicycle	No change	

Topic	EA	Change made in PPR	Changes in PPR Addendum	Section in PPR Addendum
facilities	in length	facilities to be provided		
Green Travel Plan	Not raised	To be included in a Traffic Management Plan in the OEMP	No change	
Traffic Management Plan		Traffic Demand Plan proposed in Statement of Commitments	TMP components set out	Appendix E
Staging				
Construction	To be built over 5 stages in any order	No change	Car park denoted as stage 6	
Adequacy of car parking			Car park building to be built prior to construction of any of stages 1, 2 or 3	2.4.1, Appendix E
Ancillary uses not to dominate			Can construct stages 1-5 in any sequence but any one or two of stages 1, 2 and 3 cannot be constructed alone	2.4.2, Appendix E
Foreshore Access	Closed after closure of the marina activities overnight	24 hour access provided subject to review	Foreshore easement shown on plans – 3m wide in front of western building and 4m wide around eastern building. Commitment not to place any tables and chairs between the western building deck and the foreshore.	2.5.1 and Appendix E
Pennant Crane	No limits set	Maximum size of the pennant crane 5.1 metres from existing ground level with maximum hoisting capacity of 5000 kg.	No change	
Urban Design:				
Enclosed balconies	None	The western balcony on the western building will be enclosed	No change	
Focal point – Lift Tower	On NW corner of car park. Height RL 21.64	Relocated to SE corner of car park. Height reduced to RL 19.64	Although not thought necessary will accept a condition to reduce to RL 16.9	2.5.2
Site Coverage	The Master Plan required	An increase in the car park floor plate has	No change	

Topic	EA	Change made in PPR	Changes in PPR Addendum	Section in PPR Addendum
	site coverage of 0.5:1. The EA indicated site coverage of 0.34:1 without decks and 0.426:1 with decks.	increased site coverage to 0.37:1. With estimated decks, site coverage is 0.46:1		
Land Description	An error in the EA on page 1, in the executive summary, and twice in the first paragraph of section 1.2 incorrectly identifies one of the titles as Lot 10 DP1017367	The description of that lot is amended to Lot 100 DP1017367	No change	

Appendix E sets out the Statement of Commitments made by Sydney Superyacht Marina.

2. Response to Issues

2. Response to Issues

2.1 Land Uses

The Department sought confirmation of the exact locations for proposed uses and exact floor areas. The Proponent proposes the locations of uses as set out in the sketch plan of Appendix B of the PPR which for convenience is set out below in **Figure 1**. There is no change to the proposed locations from the PPR. The general areas and percentages of use of the Site are set out in **Table 2** and comparison to the proposal under the PPR is shown in **Table 3**.

Table 2 Proposed uses and areas within the Buildings

Building	Level	m2 GFA	Total Bldg m2	Land Use	m2	% GFA of Site
Western	Ground	1335		A Marine	517	8.3%
				B Yacht Club	367	5.9%
				D Provedore	451	7.3%
	First Floor	1565	2990	B Yacht Club	1565	25.3%
Eastern	Ground	1650		A Marine	1167	18.8%
				C Ancillary restaurants/bars	483	7.8%
				A Marine	1167	18.8%
	First Floor	1650	3300	C Ancillary restaurants/bars	483	7.8%
TOTAL m²		6200	6200		6200	100%

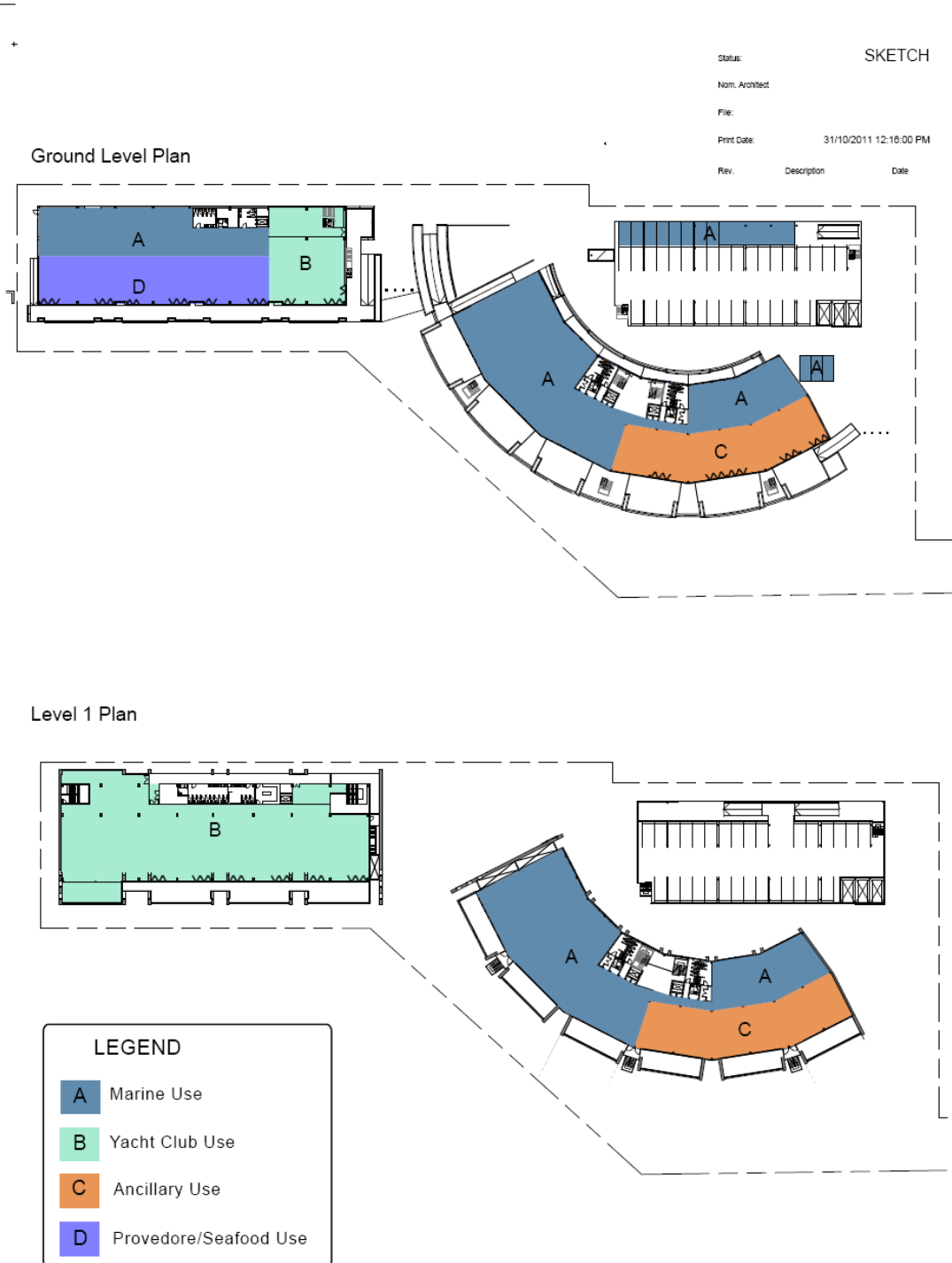
Table 3 Comparison between Proposed uses and areas within the Site between PPR and PPR Addendum

Building	PPR proposed m ² GFA	PPR Proposed % GFA of Site	PPR Addendum m ² GFA	PPR Addendum % GFA of Site
A - Marine related offices, retail and workshops, not more than 3 marina crew/ attendant dormitories	Not < 2576 m ²	Not < 40%	2851	46%
B - Yacht Club	Not > 1932 m ²	Not > 30%	1932	31.2%
C - Ancillary restaurants/ takeaway/café/bars	Not > 966 m ²	Not > 15%	966	15.6%
D - Marine Provedore/ Seafood retail/ Seafood restaurant	Not > 451 m ²	Not > 7%	451	7.3%
Total %			6200	100%

It is noted that the above uses and areas may be varied in accordance with SEPP (Exempt and Complying Development Codes) 2008 (the "Codes SEPP"). The Codes SEPP allows for a change of use under Part 5.4(b) between one type of commercial premises to another type of commercial premises. Commercial premises include business, office and retail premises. Retail premises include food and drink premises, which in turn includes a restaurant or café, take away food and drink premises and a pub. It is therefore possible for the marine related commercial areas to be moved and altered to become additional ancillary restaurants.

However the Development Standards in clause 5.5(g) of the Codes SEPP state "*the new use must not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to hours of operation, car parking and landscaping...*" SSYM therefore proposes, as detailed in the section about car parking below, to include in the Statement of Commitments that there must be 8 car spaces for every 100m² of indoor and outdoor restaurant area (including decks and balconies but not terraces) associated with the ancillary restaurants, cafes, takeaways and bars, but the number of car spaces so designated will not exceed 80 in total. In this manner the ancillary restaurant/bar area allowable under the Codes SEPP will be restricted so as to maintain compliance with the zoned uses. "Associated" in this context does not require that those car parks be specifically allotted by signage or any other means for restaurant/bar/café/takeaway use exclusively, merely it is a means to restrict the ability for the ancillary uses to increase in area by virtue of the Codes SEPP.

Figure 1 Proposed Use Locations



2.2 Noise

2.2.1 Compliance with the OLGR Criteria

The Department requested that the project be assessed against the Office of Liquor Gaming and Racing (OLGR) noise criteria which are used to assess licensed premises which may generate noise impacts in residential areas. Those criteria are based on octave band centre frequencies between 31.5Hz to 8k Hz inclusive.

Benbow Environmental undertook background and attended short term noise logging at two residences at 501 Glebe Point Road, being unit 28 located on the first floor approximately 210m from the Site and at unit 8 on the fifth floor at 250m from the site. Photographs of the units are included in the report set out in **Appendix A**. From the background measured noise levels, project specific noise limits (PSNL) for each residence were established in accordance with the OLGR noise criteria as set out in **Table 4**:

Table 4 OLGR PSNL at the nearest residential receivers (background noise level)

Receiver	Time period	Frequency (Hz)									
		31.5	63	125	250	500	1000	2000	4000	8000	Overall
R1-R8 1st floor	Day	30	40	41	45	50	53	49	39	26	57
	Evening	29	38	40	44	50	53	54	41	26	58
	Night1	26	35	37	40	48	52	47	36	23	54
	Night 2	18	29	31	35	41	45	41	31	18	48
R1-R8 5th Floor	Day	24	37	43	47	51	54	50	45	38	58
	Evening	20	34	41	45	50	53	50	44	37	57
	Night1	17	31	38	42	47	51	45	37	28	54
	Night2	14	27	35	37	42	45	40	34	27	48

Note: Day 7.00am-6.00pm
 Evening 6.00pm-10.00pm
 Night1 10.00pm-00.00am
 Night2 00.00am-7.00am

Sound power levels (SWL) and sound pressure levels (SPL) at the various frequency bands for noise sources from the site were either calculated on site or measured from similar facilities elsewhere and these are set out in **Table 5**.

Table 5 Maximum SWL and SPL allowed for outdoor band, dB(A)

	Frequency (Hz)									
Descriptor	31.5	63	125	250	500	1000	2000	4000	8000	Overall
SWL	71	88	93	90	95	105	102	94	90	108
SPL at 5m	49	66	72	69	74	84	83	73	69	87

Three scenarios were considered for modelling onsite noise generation:

- Scenario 1: Indoor moderate rock band
- Scenario 2: Outdoor moderate jazz band
- Scenario 3: Outdoor moderate rock band.

Three weather conditions were considered in the modelling:

- Condition A: neutral
- Condition B: 3m/s wind from source to receiver
- Condition C: 30°C/100m temperature inversion with 2m/s wind from source to receiver

Assumptions of the noise model are set out in section 5.2.3 of the report in **Appendix A** and include the numbers of people inside and outside the buildings, the sound transmission class (STC) data for the construction materials, the use of outdoor areas were limited to between 7:00am and 10:00pm, noise from bands was considered to last 100% of the time, doors and windows were modelled to be closed after 10:00pm but open between 7:00am to 10:00pm, the use of the balconies, decks and outdoor areas was limited from 7.00am to 10.00pm, and the positions of bands and public address systems are set out. Fans and car movements were included in the model.

The model used the uses set out in the sketch plan shown in **Figure 1**. The uses applied are those set out in Table 2-4 in the report. Those figures vary from the percentages and uses set out in **Table 3** in section 2.1 above because at the time of the modelling, 240m² was anticipated to be used for outdoor storage. Removal of that storage area whilst amending those figures, would have no difference in the modelling because the outdoor storage would not create any noise. Hence the modelling is not compromised by this slight alteration.

The results indicated that under Conditions B and C the results were the same. Further:

- Scenario 1: At the closest receiver exceedances up to 4dB were found during adverse weather conditions when a rock band played indoors with the windows and doors open during the day and evening. During night time when the doors were shut, minor exceedances of 1db were found at the two lowest frequencies.
- Scenario 2: At the closest receiver minor exceedances of 1dB were predicted at 500Hz when a jazz band played outdoors in neutral conditions during the day and evening with an exceedance up to 5dB at that frequency and 1dB at 250Hz in adverse weather conditions during the day and evening.
- Scenario 3: When a rock band played outdoors during neutral conditions without any restriction on the amplification system, exceedances of up to 8dB were found at the nearest receiver and up to 4dB at receiver R6. During adverse weather conditions exceedances of up to 11dB were predicted for the nearest receiver during the day and evening with lesser exceedances at 3 other receivers.

Recommendations were made to control noise, many of which were included in the modelling, and the Proponent commits to include those in a noise management plan for the Site. The Proponent proposes to have self closing doors on the yacht club which was not included in the modelling and this would assist in the reduction of noise from indoor bands playing during the day and evening. The recommendations include calibration of the speakers which will amplify outdoor bands to stated maximum sound power levels and sound pressure levels within octave bands as set out in the report. The Proponent agrees to undertake such calibration during the establishment of the operations. The recommendations also include orientation of speakers to neither face the water nor the façade of the buildings. The recommended R-w sound insulation rating for the construction materials is set out in **Table 6**:

Table 6 Recommended R-w Sound insulation Rating for Construction materials

Building Section	Sound Insulation Rating R-w
Eastern and western facades	45dB
Southern and northern facades	36dB
Roof	36dB

The report concludes that with adoption of the recommendations set out in section 6 of the report, it would be expected that noise compliance would be achieved at all of the considered receivers. Those recommendations and assumptions have been incorporated into the Statement of Commitments in **Appendix E**.

2.2.2 Other Issues

The Department raised a number of further queries about noise which have been dealt with in the report of Benbows in **Appendix A**. In answer to those queries:

- The use of balconies and decks and outdoor areas will be limited to between 7:00am and 10:00pm
- External doors and windows to balconies and decks will be closed after 10:00pm
- Ingress and egress to the ground level restaurants, cafes and bars will be allowed through the external doors to outdoor seating areas between 10:00pm and midnight.
- STC ratings for construction materials have been used in the modelling and the Proponent will make a commitment to at least that level of STC in the construction materials to be used for the building.
- An explanation of references to inherent tonal, low frequency, impulsive or intermittent characteristics is made by Benbows, indicating that where one reference states that those characteristics were not present, that was in relation to the existing level of industrial noise present in the surrounding area of the site. A reference to those characteristics being present, was in relation to the music simulation testing. Hence there is no conflicting statement regarding those characteristics.
- The key characteristics of a noise management plan are set out in the report. Those are set out in the amended Statement of Commitments in **Appendix E**.
- Photographs of the locations of the noise monitoring residences are included in the noise report.
- A number of matters were raised by the Department in an email dated 1 March 2012, all of which have been dealt with in the noise report of Benbows.

2.3 Car Parking

2.3.1 Number of Car Parks Proposed

The Proponent has increased the proposed number of car parks on the Site to 229. These are shown on the amended plans provided with this PPR Addendum on sheets DA05, DA06 and DA07 Issue C. This number includes 3 disabled spaces, 28 tandem spaces, 5 spaces at grade but accessed by lift, and loading areas allowable during non peak periods. Additional car parks proposed in this addendum are found:

- 1 - outside the west building
- 2 - in loading area at NW corner of east building
- 3 - in eastern driveway
- 3 - removal of outside storage NE corner of east building
- 5 - stacked over parking accessed by lift in eastern driveway
- 5 - tandem spots pierside
- 4 - replacement of some storage area in car park
- 8 - additional tandem spots on upper level of car park over the ramp

Table 7 details the changes to the car park numbers and locations between the EA, the PPR and this PPR Addendum. **Appendix B** provides diagrams showing the way in which the car parking has changed between the EA, PPR and PPR Addendum.

Table 7 Car Park Numbers – Parking Schedule

Location	EA proposed	PPR Proposed	PPR Addendum Proposed
At Grade			
Pier Side	20	20	20 + 5 tandem = 25
East side building & driveway	5	5	8 + 5 on lift + 3 in driveway = 16
Between car park and east bldg	8	0	0
Loading area NW corner of east bldg	4 (2 tandem) + 2 loading = 6	4 (2 tandem) + 2 loading = 6	6 (3 tandem and including loading)
Disabled near car park	0	3	3
Maritime Close 90 degree parks	25	25	25
Western bldg parking	Drop off 4 Loading 3 Other 6 = 13	Drop off 4 Loading 3 Other 6 = 13	Drop off 4 Loading 3 Other 7 = 14
SubTotal Including loading & disabled & stacked/tandem	77	72	89

Location	EA proposed	PPR Proposed	PPR Addendum Proposed
Car Park Building			
Ground	32 (1 disabled)	40 (8 tandem)	44 (12 tandem)
Level 1	31	30	30
Level 2	31	28	28
Level 3	31	30	38 (8 tandem)
Subtotal	125 (2 lifts)	128 (3 lifts + ramp)	140 (3 lifts + ramp)
Total Car parking	202	200	229
Total includes:	1 disabled, 2 tandem, 5 loading	3 disabled, 10 tandem, 5 loading	3 disabled, 28 tandem, 5 loading, 5 lift accessed

2.3.2 Existing Consent for DA 088-05-08

Development Consent DA 088-05-08 granted by the Department under Part 4 of the EP & A Act is predominantly in relation to a reduction in the berthing facilities at the marina to 24 yachts and other refinements to the pontoon and land facilities, however it does not cover the area known as the Liquidity Building. That consent requires 50 car parking spaces with the remaining car spaces on site to be used by NSW Maritime. These spaces would be in addition to the parking spaces required by this proposal. Consideration of the Statement of Environmental Effects, traffic report and the Development Assessment Report for that approval indicates that the 50 car space figure was likely provided in relation to either the whole of the Site, but excluding the existing Liquidity building (not just the marina berths) and/or was not considered in great depth. The Statement of Environmental Effects also indicates that 'The remainder [of the car parks on site] relate to the NSW Maritime Office'. The PPR incorrectly identified the number of car parks required under this consent as 24 when it ought to have been 50.

Sydney Superyacht Marina and NSW Maritime have a contractual arrangement that NSW Maritime will cease to park vehicles on the Site if the Part 3A application is approved and when construction commences.

The marina berths have operated for some time at full capacity. Enquiries of the operators indicate that generally 24 car parks are used by the superyacht berths and the marina employees on a daily basis.

Lodged at about the same time as this PPR Addendum, is a modification application of DA 088-05-08 which seeks:

- a reduction in car parks attributable to the Site under the DA to 24; and

- to remove the right of NSW Maritime to park on the Site when construction commences

Such an application is necessary because:

- the reduction in car spaces would properly reflect the actual use of car parking by the marina berths when operating at full capacity
- If the Part 3A is approved, it will be inappropriate that NSW Maritime retains a right to park vehicles relating to activities on another site and the unstructured provision providing "the remainder relate to NSW Maritime office" could be read to prohibit more than 50 car spaces ever being for the marina related activities on the Site.

If the Australian Standards 3962-2001 Guidelines for Design of Marinas is applied to the marina berths alone, the calculations are as set out in **Table 8**:

Table 8 Car park Calculations under AS3962-2001 Guidelines for Design of Marinas

AS 3962-2001 – 8.2.1	AS calculation	Number on Site	Total Parks
(a) Car parking for marina activities			
(i) Spaces per wet berth	0.3-0.6 (0.3 for commercial facilities and 0.6 for racing)	24 berths	Using conservatively 0.6 = 14.4
(iv) Spaces per employee	0.5	5 employees + 1 casual	3.0
TOTAL for marina berths and ancillary marina activities			17.4

Extensive surveys and research in relation to the proposed extension of the Rose Bay Marina have been carried out and considered in a number of Land & Environment Court Cases. Having considered the evidence of the traffic experts Biscoe J applied the traffic numbers which required an estimated car park/berth figure for vessels over 20 metres in length of a rate of 0.223 or 0.42 per berth, both of which are below the figure of 0.6 applied in **Table 8**. The parking rates were approved by the Court in *Addenbrooke Pty Ltd v Woollahra Municipal Council* [2008] NSWLEC 190 even though the DA was refused on different grounds in that case. The Proponent is proposing car parking at a rate of 1 per berth (including employee provisions) or a rate of 0.87.5 per berth plus employees. This is significantly more than the court approved rate and the Australian Standard.

In conclusion there are practical reasons to modify the existing consent to properly reflect the existing situation and to rectify a situation where the adjoining NSW Maritime site receives the benefit of all car parks exceeding 50 on the Site. In anticipation of a

modification reflecting that application, the calculation of estimated car parking requirements in this PPR addendum assumes that the required marina berth parking is 24, not 50 and the remainder of the car parks on Site apply to the site not NSW Maritime.

2.3.3 Estimates of Car Parking Requirements

The PPR made estimates of car park numbers which showed the DCP minimum to be 152 plus the car parks associated with the marina berths. The Department has undertaken alternative methods of car park calculations, which indicate that the number of car parks to be provided is insufficient. That arose principally because the PPR calculation took the restaurant parking as ancillary and therefore it was not included, and an incorrect number of car spaces was attributed to the marina berths.

There are a number of ways to calculate estimated car parking requirements:

- Leichhardt DCP
- Australian Standards 3962-2001 Guidelines for Design of Marinas
- RTA Guide to Traffic Generating Developments

Calculations are complicated by a number of factors, namely:

- Estimates of the amount of bar/lounge as compared to dining/auditorium space must be made for the DCP
- The DCP does not outline how mixed uses with overlapping or complementary parking demand should be calculated, although it recognises there may be a reduction in numbers.
- Calculations under the DCP for staff parking numbers are not specific.
- The AS3962-2001 provides estimates of marina berth parking but the Department have indicated that it is unlikely that it took the size of superyachts into consideration when suggesting those figures.
- The AS3962-2001 does provide guidance as to how ancillary functions for a marina could have their car parking numbers calculated.
- There are no other relevant Australian Standards estimating car parking numbers.
- It is unclear the extent to which car parking numbers between the different uses will be complementary.
- The RTA guidelines require an estimate of public licensed floor area for the yacht club.

- The RTA parking numbers for clubs is taken from data which is 35 years old prior to the introduction of random breath testing, tougher penalties on drink driving and a change in community perception of appropriate drink driving behaviour.

Revised Car Parking Calculations

In consultation with the Department, car parking figures have been revisited and the minimum requirements of the Leichhardt DCP have been applied. Calculations are set out in **Appendix C**. The first sheet shows the areas applied. The second sheet shows the calculation of required car parks using the Leichhardt DCP car parking requirement ratios. It includes car parks arising from use of outdoor seating areas on the decks and balconies). That sheet indicates that 243 car parks are required (including the 24 car spaces required under the potentially modified DA 088-05-08).

The third (coloured) sheet in **Appendix C** demonstrates two matters:

- the car parking required at each stage of the development, assuming the use set out in **Table 2** above. The results conclude that the carpark must be built following construction of stages 4 & 5 (western building), or prior to construction of the eastern building. The Proponent has included such a provision in the Statement of Commitments.
- the likely use of car parking spaces at different times of the day and at weekends to more accurately ascertain the potential parking necessary due to the different uses on the Site. That consideration concludes that the estimated number of carparks required is:
 - 175 during the weekday daytime
 - 193 during the evening/nighttime
 - 226 on weekends during the day

Notes on assumptions and calculations are included in **Appendix C**. In particular:

- a conservative approach to the floor usage of the yacht club was applied to weight towards the lounge and bar use with a higher ratio of car parking than dining and auditorium
- The reduction in GFA from 6440m² to 6200m² reflects the removal of the outdoor storage

The result of this consideration is that whilst the DCP (and the modified Consent) requires a minimum of 243 car parks, anticipated different peak periods of use for different land uses shows that the maximum peak parking use (during the day on weekends) will require 226 car parks, below the amended proposed car park number of 229.

2.3.4 Proposed Car Parking Management

The car parking will require some management particularly in relation to the tandem car spaces and elevated car spaces at grade. It is anticipated that these will be used by the marina berths and staff during peak parking periods.

The Proponent will make a commitment for the ongoing management of car parking on the Site by way of establishing a traffic management plan. That commitment and details of the plan are set out in the Statement of Commitments in **Appendix E**. Steps proposed in the traffic management plan may include:

- The possibility of the Yacht Club providing a community bus for its members (either to local drop off points or to city locations or both)
- Negotiating agreements with other land users in the vicinity to use their carparks during their non peak periods
- Investigating on street parking possibilities
- time limits on parking at peak periods
- A green travel plan and/or travel access and workplace travel plan is already identified in the PPR to be incorporated in the Traffic Management Plan which will include promotion of the light rail service at Rozelle and taxi use.

By these methods the Proponent is confident that ongoing management of traffic demand will be able to adapt to changing parking requirements arising both from the tenancy arrangements over time and the changes in public car usage over time.

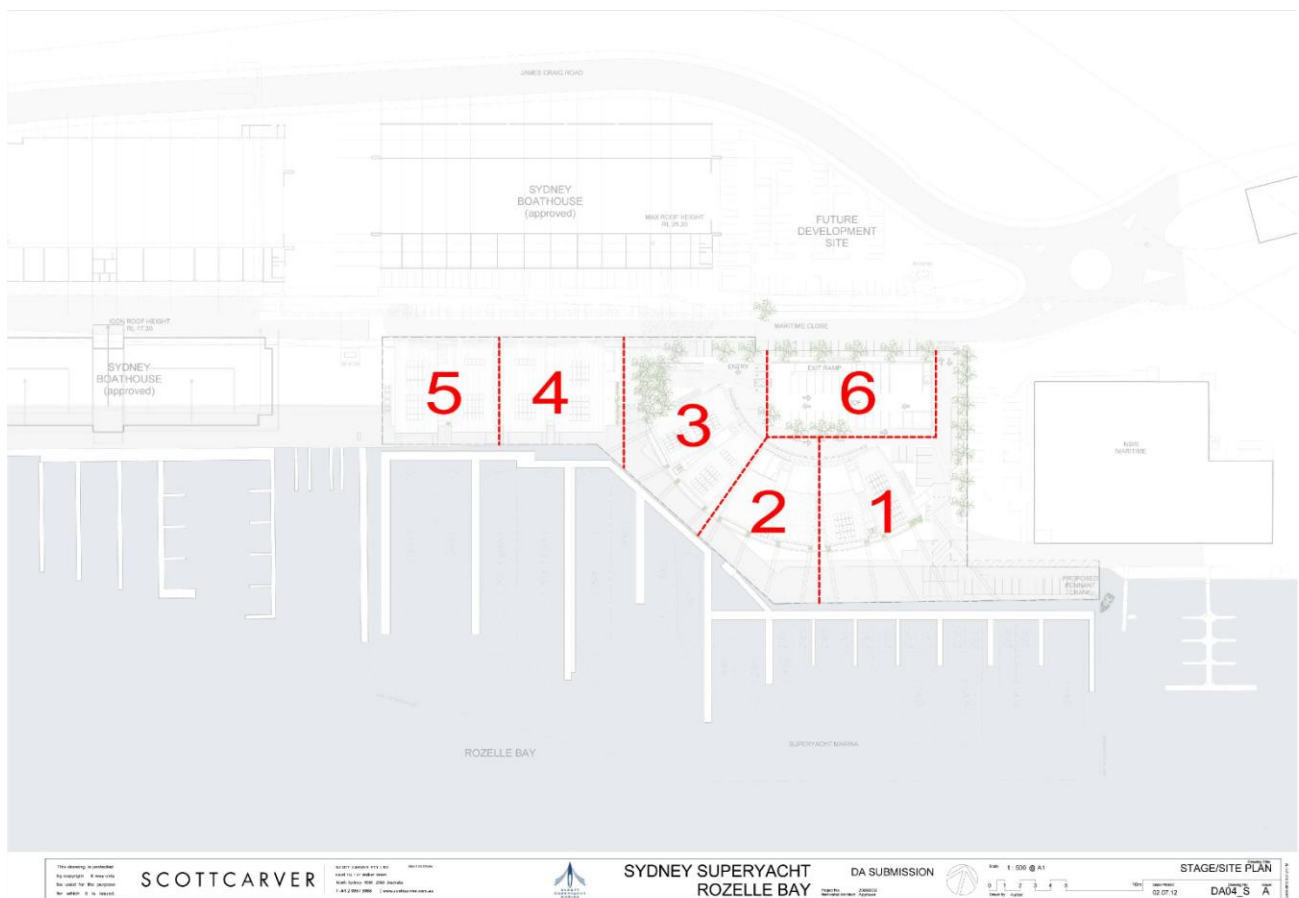
2.3.5 Effect of Car parking on Intersection Level of Service

The Department requested that the Proponent's traffic consultant advise the effect upon the James Craig Road/The Crescent intersection as currently operating, caused by the amended car parking numbers. That advice is dated 24 July 2012 (set out in **Appendix F**) and concludes that, using SIDRA modelling, the existing Level of Service will be retained with the amended projected traffic generation of the proposed development.

2.4 Staged Construction

The Proponent has indicated in the EA and PPR that the proposal will be built in up to 5 stages but the order of those stages is not necessarily sequential. The Proponent has a contractual arrangement with NSW Maritime to construct the total development (if approved) over 5 stages (in any order), however the areas comprised in each stage may be varied with the consent of NSW Maritime. The stages identified in that agreement are as set out in **Figure 2** as 1-5, however the car park area has been removed from that staging numbering and for the purpose of this Addendum noted as stage 6.

Figure 2 – Stages



2.4.1 Adequate Parking during all Stages of Development

The Department has requested assurance that there will be sufficient parking at the Site during all stages of the development and has requested the car park building be constructed at a time to ensure sufficient parking is provided at all stages of development. This matter is addressed in the calculations set out in **Appendix C**. If the western building is constructed prior to the eastern building, the figures demonstrate that the existing 141 car parks on the Site will adequately accommodate parking arising from the western building and the marina. A commitment to construct the car park building prior to the construction of any of stages 1, 2 or 3 is included in the Statement of Commitments in **Appendix E**.

2.4.2 Ancillary Uses not to dominate during staged construction

The Department has indicated that the Proponent must demonstrate that the ancillary uses will not be constructed and operated so as to become the dominant use. **Table 9** provides a series of scenarios which takes into account possible movement of usage allowable under the Codes SEPP to determine what restrictions should be in place on the staging to prevent any such dominance. This table uses the areas and locations set out in **Table 2** and **Figure 1** in section 2.1 of this PPR Addendum and staging numbers shown in **Figure 2** above.

Table 9 Consideration of % use of Site during stage of Construction

Stages built	Use	Calculation m ²	% available GFA to Restaurants
4&5	If Provedore becomes restaurant	451/2900	15.5%
4&5+ 1	Restaurant use as Table 2/Figure 1	644*/(2900+1100)	16.1%
4&5 + any one of stage 1, 2 or 3	All 966m ² restaurant space included in the either the single 1, 2 or 3 stage, or split between the provedore shown in Table 2 / Figure 1 and stage 1/2/3.	966/(2900+1100)	24%
1, 2 & 3	Restaurant use as Table 2/Figure 1	966/3300	29.3%
1&2	Restaurant use as Table 2/Figure 1	966/2200	44%

* 644 represents 2/3rds of the allowable restaurant space of 966m² (see coloured sheet in Appendix B)

Table 9 demonstrates that at any time during the development, restaurant use could not exceed 30% of the total built form if a commitment was made that the development can be constructed in any sequence of the named stages except that

any one or two of stages 1, 2 and 3 may not be constructed alone. The Proponent has made such a commitment in **Appendix E**.

2.5 Built Form

The Department has sought justification for the non-compliance with the Masterplan for the waterfront setbacks for both the eastern and western buildings. It also considers the lift overrun/ focal point at RL 19.64 too high, given the Masterplan allows for a building structure focal point to be 5 metres beyond the height control envelope.

The non-compliance with the Masterplan for setbacks was set out in table 3.2 (page 62) of the EA and discussed on page 63 of the EA. It was noted as a non compliance in the compliance table on page 4 in Appendix H of the EA and noted as such on page 64 of the EA. The executive summary of the EA notes that there are non-compliances with the Masterplan. Non-compliance with the setbacks was not discussed in the PPR because it was not raised by any of the 68 public submissions, nor any of the 7 authority submissions, nor raised by the Department.

2.5.1 Balcony and deck setbacks

Reference in this section to decks – means the proposed wooden raised area attached to the buildings. The terraces are the ground level area forming part of the foreshore.

The Masterplan

The Masterplan establishes a 10m setback from the waterfront for the western building and a 20 metre setback for the eastern building. The Masterplan general design principles in section 2.3.1 include that “the buildings should be of a consistent scale, form and rhythm”. The Guidelines are stated to be designed to give consistency. The objective of the building line is “to achieve developments that sit within the boundaries in order to establish a sensible pattern for development.” Provisions include:

- New buildings are to provide and/or reinforce the major site axes and connections with surrounding public spaces
- On Rozelle Bay sites, waterfront buildings are to be aligned along the boundary closest to the water to ensure edge definition along the waterfront

The Masterplan (section 2.3.2) clearly anticipates awnings to encroach within the roads setback of 3 metres. Awnings are identified to be used to mark entries, provide

articulation along the facade or for pedestrian activity. Awnings are allowed up to 2.4 metres within the 3 metre building setback.

The clear intent is that the building form provides a consistent edge along the waterfront however there is also provision that setbacks can be encroached upon by awning structures. This is inconsistent with the stated articulation provision that “articulation is to occur behind the line of development”.

The Masterplan also establishes a 24 hour public access easement of 4 metres width from the waterfront in front of the eastern building which is set out in figures 36 and 40 of the Masterplan. There is a restricted public access easement of 3 metres in front of the western building which also affects the approved dry boat storage facility land.

The Masterplan provides maximum site coverage to be 50%.

The Adjoining Buildings

(a) The NSW Maritime Building

At the western section of the NSW Maritime building (the portion closest to the development site), there is a 20 metre setback from the waterfront. On its eastern section the setback is closer to 10 metres. The difference arises because of the wider concrete apron on the western section. Window awnings encroach beyond the building into the 20 metre setback area on the first level. There is no public access along the waterfront.

(b) The Approved Dry Boat Storage

The architectural plans approved for the dry boat storage indicate that Building C (the commercial maritime building) will be set back to the Masterplan 10 metre setback. However the plans very clearly show that that setback is significantly encroached on the first level by balconies and the roof. The plans indicate balcony widths of 3.6 metres run the majority of the length of the building within the 10 metre setback. The roof will overhang about 5 metres into the setback.

Additionally there is a balcony of about 8 metres long which extends about 6.5 metres within the setback. Its roof overhang of 9.8 metres long extends over the full 10 metres setback to align with the waterfront.

The following **Figure 3 to Figure 6** taken from the approved plans, illustrate the balcony and roof incursions into the setback which have recently been approved.

Figure 3 Approved dry boat storage plans with some dimensions indicated.

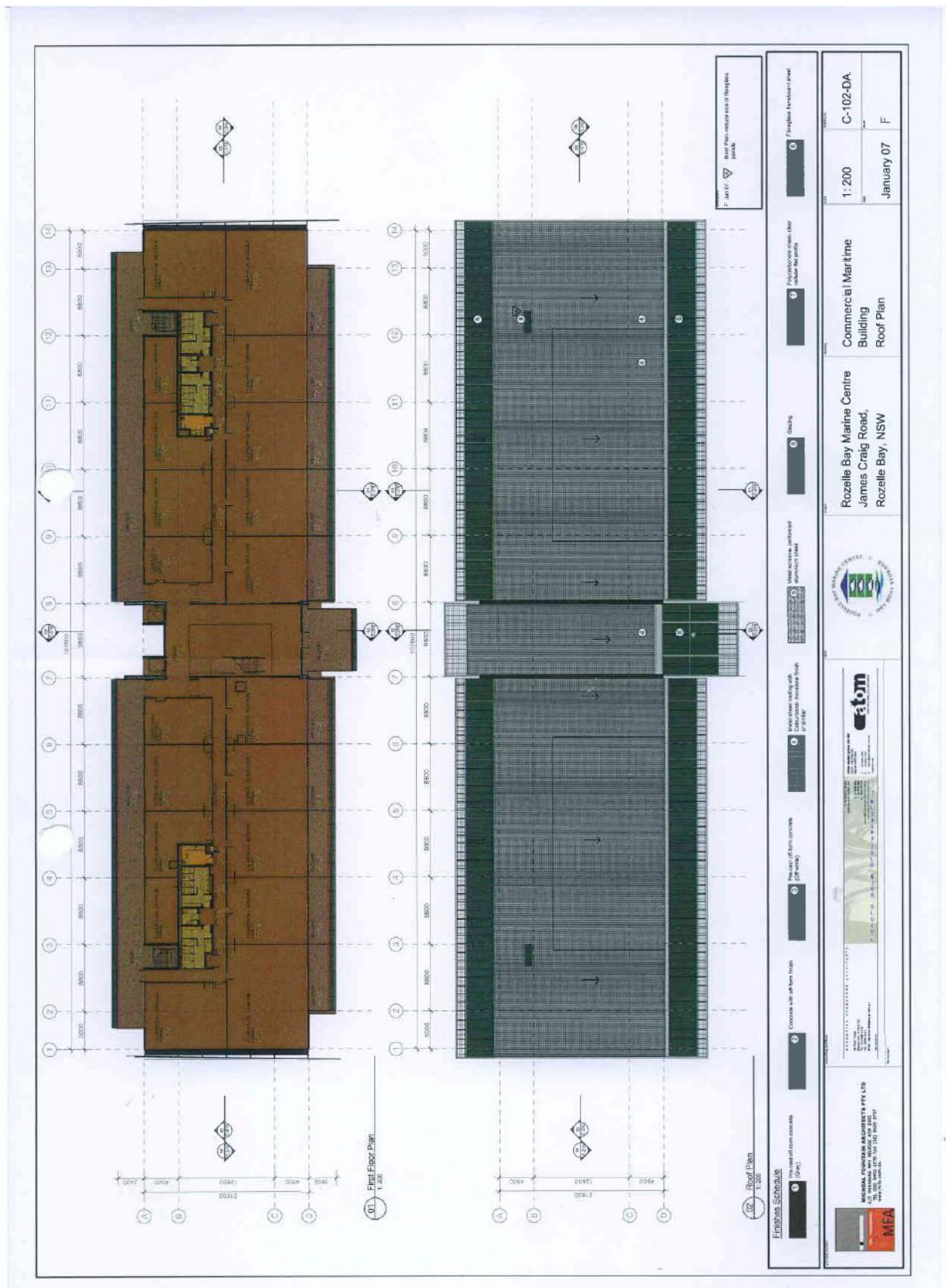


Figure 4 East elevation of Dry Boat Storage



Figure 5 Section showing two different balcony and roof widths of dry boat storage



Figures 6 & 7 Perspectives of the waterfront setbacks of the dry boat storage



Sydney Superyacht Marina Proposal

The amended plans provided with this PPR Addendum (in particular DA05C, DA 06C and DA07C) illustrate the setbacks and incursions into the setbacks which are proposed by the development.

Western Building

The western building generally aligns with the 10 metre setback proposed by the Masterplan. The decks will extend 3.5 metres into the setback. The balconies will extend 4.88 metres into the setback. The roof line will be 6.39 metres within the setback. These are approximately the same as the smaller balcony and roof overhangs within the setback of the dry boat storage.

Eastern Building

The setback of the eastern half of the eastern building varies between 33 metres and 23.9 metres. The decks provide between 16.5 metres and 25.6 metres separation to the waterfront and the balconies provide at least a 19.72 metre separation to the waterfront. The roof line is at least 18.49 metres from the waterfront. The minimal incursions into the setback result from the rounded form of the building façade. This portion of the building largely follows the 20 metres setback line established by the NSW Maritime building and required by the Masterplan.

The western half of the eastern building is also required under the Masterplan to have a 20 metre setback. At its minimum, its setback is 14.34 metres. The minimum setback from the foreshore to the decks is 6.93 metres, to the balconies is 9.94 metres and to the roof is 8.75 metres. The promenade area is a minimum 6.93 metres wide.

Justification for building, balcony and roof encroachments into the setbacks

The encroachments of the western building are in line with the smaller encroachments of the approved dry boat storage. They will therefore assist in providing the consistency of approach to waterfront edge definition which is established in the design guidelines of the Masterplan.

The minimal encroachments of the eastern half of the eastern building are in line with the awning extending from the roof of the NSW Maritime building and again provide a consistency of approach to the 20 metre setback. The increased setback on the eastern boundary of the Site (at 33 metres) provided by the rounded shape of the eastern building assists in opening up vistas to the public using the public access easement along that boundary.

The western half of the eastern building does encroach into the 20 metre setback, both in the building form and in the decks, balconies and roof. However the vista along the waterfront from the dryboat storage will not be following a straight line due to the slope of the waterfront edge. The principle of consistency designed to be met by the 20 metre setback in this section, is nullified by the different angle of this section to all of the other land in the precinct.

The rounded form of the building assists in moderating the setback and building form between the two planes of the NSW Maritime Building and the proposed western building.

Visually, the photomontages accompanying the application and this addendum in **Appendix D** and in **Figure 8** below illustrate that whether there is a 10 metre or 20 metre setback will be inconsequential when viewed from across the water. The encroachment does not aesthetically contrast with either of the adjoining buildings because of the difference in waterfront edge orientation.

Provision of Public Access Easements

Practically, pedestrian movement along the access easement is maintained. Despite the decks being within the setback areas, there will always remain at least 6.5 metres on the western building and 6.93 metres along the eastern building waterfront within which pedestrian movement can occur and this is wider than the Masterplan requirement of 3 or 4 metres. There will therefore not be any pinch point restricting pedestrian flows.

The Ground Floor plan DA05 submitted with this PPR Addendum illustrates in yellow the Masterplan easement in front of the western building, and in red the Masterplan 4 metre easement around the eastern building. The plan illustrates that the public's ability to walk along the foreshore will not be restricted by the proposed buildings. That plan also illustrates that the location of the 24 hour access easement will be slightly amended to fit with the proposed pathways. This should not affect the utility of the easement to the public.

The Proponent will commit not to have any tables or chairs associated with the tenancies between the western building deck and the foreshore to ensure that that easement remains easily usable by the public.

The aim of the Masterplan to grant public foreshore access is achieved by the proposal.

Site Coverage

The PPR identified the site coverage to be 37% and with decks – 46% of the total Site. Despite the setbacks in the Masterplan being encroached upon by the balconies and

decks in the proposal, the site coverage remains less than the minimum provided by the Masterplan of 50%.

To require the buildings and their roofs and balconies to not encroach within the Masterplan setbacks would:

- Be inconsistent with the approved dry boat storage and the awning structure on the NSW Maritime building
- Be at odds with the Masterplan design principles seeking consistency of scale form and rhythm between buildings in the Rozelle Bay precinct
- Fail to allow for the eastern building to sympathetically accommodate the altered waterfront orientation
- Require slavish compliance with setback provisions without taking into account other design principles
- Fail to acknowledge that the Masterplan allows for awning encroachments on other setback areas
- Remove the ability of the rounded building form to smoothly transition between the 20 metre and 10 metre setbacks of the Masterplan.
- Overlooks the fact that site coverage remains below the Masterplan requirement.

2.5.2 Lift Tower

The Department has requested that the lift tower height be within the Masterplan focal point height of 5 metres over the building height. This would require an RL 16.9 (5 metres above the car park top level at RL11.9) or an RL16 if strictly within the Masterplan focal point height constraints.

Reducing the height of the lift tower will have no impact on view corridors, will not affect shadowing on the adjacent NSW Maritime Building and will reduce the ability of the lift tower to provide its stated function of being associated with the public access easements (presumably to assist in either viewing, orientation or identification) (see Masterplan section 2.3.1).

At a height of RL 16.9 the focal point will:

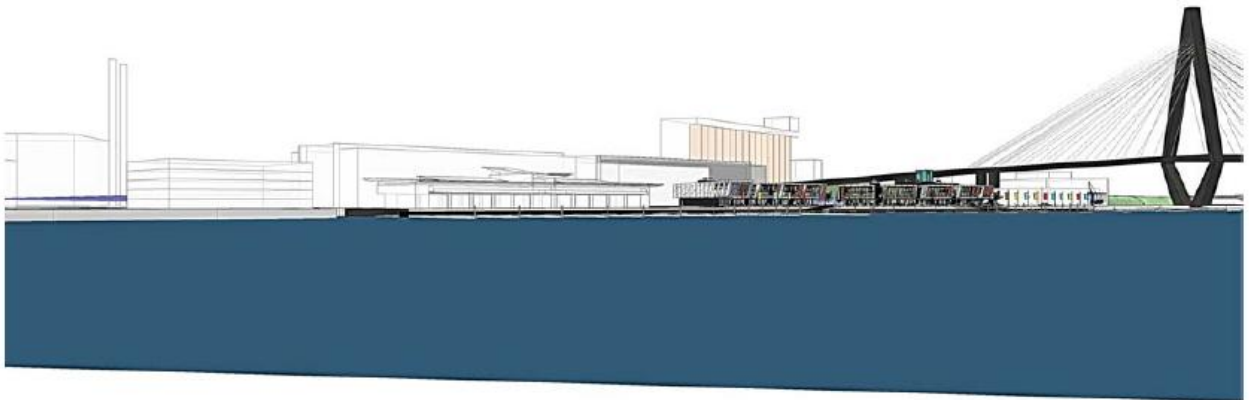
- Be 600mm lower than the Masterplan height for the development immediately behind the car park, hence would be largely unseen when that block is developed (nullifying the intent to identify the Site from the surrounding roads and waters)
- Be 8.3 metres below the approved dry boat storage which is behind half of the proposed development. The south elevation from the PPR and **Figure 8** below illustrate the significant height differential
- Be below the road level of the Anzac Bridge when viewed from the Masterplan viewpoints across the Bay
- Be largely unseen when compared to the Anzac Bridge, the two sets of silos and White Bay Power Station which dominate the skyline
- Not take into account the less dominating position than is set out in the Masterplan which indicates the focal point to be nearer the water's edge.

Amended photomontages were drafted at the request of the Department showing a repositioned lift tower on the south east corner of the car park, at the PPR suggested height of RL 19.64 and these are attached in **Appendix D**. They illustrate that the impact of the height of the lift tower is minimal when considered against the visual impact of the White Bay Power Station, NSW Maritime building, the silos and Anzac Bridge.

The Department also requested that montages of the view from The City West Link be provided to show the impact of the lift tower. **Appendix D** also includes these. They indicate that the lift tower at RL 19.64 will be effectively shielded from view by the existing vegetation when driving east and will only just be visible when driving west across the Anzac Bridge. When the dry boat storage building is constructed, the views shown on the City West Link will not alter because the dry boat storage units are not directly in front of the lift tower at the indicated positions. The tower will remain hidden by the vegetation.

Notwithstanding the above, if the project is approved, the Proponent will accept a condition that the lift tower not exceed RL16.9.

Figure 8 illustrates the overwhelming dominance that the approved dry boat buildings will have on the visual landscape compared to the Superyacht Marina proposal. The upper figure is a drawing including both developments and the lower, a render of the proposed boathouse. (source: <http://www.rozellebay.com.au/gallery.html> 03.05.12)



SCOTTCARVER



Figure 8 Sydney Superyacht Marina Proposal and Approved Dry boat storage

2.6 Underground Storage Tanks

The approximate position of the underground storage tanks is shown in **Figure 9**. The underground storage tanks will need to be removed prior to the construction of the western building and the western section of the eastern building and if the application is approved, the Proponent is happy to have such a condition. NSW Maritime is contractually obligated to remove these and rectify any contamination.

2.7 Statement of Commitments

In accordance with Part 3A of the Environmental Planning and Assessment Act 1979, the commitments made by Sydney Superyacht Marina Pty Ltd to manage and minimise potential impacts arising from the development are set out in the revised Statement of Commitments in **Appendix E**.

Figure 9



2.8 Conclusion

The PPR Addendum has made the following major changes and commitments regarding the proposal which are summarised as follows:

Land Use

- The location and % areas of the Site specified for each land use have been defined, ensuring that the proposed uses comply with the zoning of the area. Those % areas and gross floor area are in **Table 10**:

Table 10 Land use areas proposed

Building	PPR Addendum m ² GFA	PPR Addendum % GFA of Site
A - Marine related offices, retail and workshops, not more than 3 marina crew/ attendant dormitories	2851	46%
B - Yacht Club	1932	31.2%
C - Ancillary restaurants/ takeaway/ café/bars	966	15.6%
D - Marine Provedore/ Seafood retail/ Seafood restaurant	451	7.3%
Total %	6200	100%

- Recognising that the marine, ancillary and provedore uses and location of uses can change under the complying development provisions of the Codes SEPP, the Proponent has made a commitment to require 8 car spaces/100m² of restaurant space to a limit of 80 spaces, thereby restricting the ability of the ancillary uses to grow over time.

Noise

- OLGR noise criteria have been established at the closest sensitive receivers and despite some potential exceedances these can be managed by conditioning the use of the site. Recommendations have been made to ensure compliance with those criteria which are included in the statement of commitments. They include minimum STC ratings for construction materials, calibration of speakers, orientation of speakers, closing of doors and windows after 10pm, self closing doors on the yacht club, and the restriction on the use of balconies and decks after 10pm

Car Parking

- It is proposed to seek a modification to the existing consent on the site to reduce the car parks allotted to the marina berths from 50 to 24 and remove the right for NSW Maritime to park on the site. Car park numbers are predicated on that modification being approved.
- The number of car parks has increased to 229 from 200 in the PPR. Although the DCP requirements indicate a minimum of 243 are required, calculations indicate that the maximum number of car parks reasonably anticipated to be required at any one time is 226 – on weekends during the day. The provided 229 car parks should therefore be sufficient.

Staging

- Adequate provision of parking is achieved at every stage of the development provided that the car park building is constructed prior to the construction of any of stages 1, 2 or 3. A commitment to that effect is made.
- Notwithstanding the potential for the relocation of uses under the Codes SEPP, ancillary uses will not dominate the development during the course of its construction provided that any one or two of stages 1, 2 and 3 may not be constructed alone. A commitment to that effect is made.

Built Form

- Despite incursions into the Masterplan setbacks, the plans clearly demonstrate that the public access easements will remain accessible to the public. Tables and chairs will be prohibited between the western building terrace and the foreshore. The buildings generally align with the adjacent building and approved development and the setback incursions will not have a detrimental visual impact.
- Whilst the lift tower could be reduced to RL 16.9 this is not thought necessary, and the perspectives illustrate this point. However the Proponent will accept a condition to a height of RL 16.9 if this is considered fundamental.

Summary

The Proponent has made a number of changes to the proposal first made in the EA to meet the concerns of the public and authorities and the Department. These have tightened provisions ensuring compliance with the zoning of the Site, and improved restrictions on the operation of the Site to ensure compliance with the determined noise limits. The number of car parks has been increased to better meet the Leichhardt Council car parking requirements and it has been demonstrated that these car parks should satisfy the anticipated usage during different times of the week.

The Proponent has made commitments to staging the project to ensure that there is always adequate parking and that potential usage of the Site remains predominantly maritime at all stages of construction.

The project has the capacity to revitalise this maritime district, whilst maintaining a predominant maritime land use. The urban design of the project largely complies with the Masterplan provisions and their design intent and begins the opening up of public access to the northern side of Rozelle Bay with an attractive and wide 24 hour access route, capable of linking to future public access routes in future. The development is within easy access to the expanding light rail system and bus network and provides bicycle facilities to enhance and promote bicycle access in this position so close to the Sydney CBD. The traffic impacts from the development are minimal with no impact on the existing Level of Service of the James Craig Road/The Crescent intersection. The Proponent has committed to draft a traffic management plan to monitor and improve (where necessary) traffic management during operations.

Extensive acoustic testing and modelling has provided both INP and OLGR noise criteria to be met by the project with a series of restrictions on the use and construction of the buildings to address noise issues which resulted from use of the Liquidity Restaurant in years past prior to the operation of the Site by the Proponent. The matters to be covered in a noise management plan are set out in the Statement of Commitments. Restrictions in the areas to be used by restaurants, bars, takeaways and cafes have been included to ensure not only compliance with the zoning requirements, but also to limit the possibility of noise impacts on residents across Rozelle Bay.

The upgrading and expansion of the land based facilities associated with the superyacht marina is anticipated to have a positive economic impact on the NSW economy due to the increased attractiveness of the marina to overseas and interstate superyacht owners and operators.

The amendments made to the project by the PPR and this PPR Addendum have improved the environmental outcomes for the public and ensured compliance with the zoning requirements. The project is generally consistent with planning documents applicable to the Site and allows for an invigorated maritime area. We recommend its approval.