



Planning

DRY BOAT STORAGE AND MARINE FACILITY, ROZELLE BAY

Proposed by ROZELLE BAY PTY LIMITED

MP 06_0210 (MOD 1)

Modification of Minister's Approval under section 75W of the *Environmental Planning and Assessment Act 1979*

March 2010



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1. INTRODUCTION

This is a report on an application seeking to modify the Major Project (MP 06_0210) for the Dry Boat Storage and Marine Facility, Rozelle Bay.

The subject site is bound by James Craig Road to the north and east, Sydney Super Yacht Marina to the west and Rozelle Bay to the south (see Figure 1).



Figure 1 - Location Plan

On the 21 May 2007, the Minister for Planning approved a Major Project Application (MP 06_0210) for a dry boat storage and marine facility. The approved works comprise construction of:

- two boat storage buildings with a total capacity of 670 boats and 852m² of commercial maritime and ancillary maritime floor space;
- 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 of 36 layover berths and 24 brokerage berths;
- a boat in/out feed system to move boats between the dry boat stores and the water; and
- associated signage, landscaping and rainwater tanks.

A copy of the Project Application approval is at **TAG B** and a copy of the assessment report is at **TAG C**.

On 16 March 2010, Rozelle Bay Pty Ltd (the proponent), submitted a modification application under section 75W of the EP&A Act to modify the approval to extend the validity of approval period from three years to four years (Condition A5).

2. CONSIDERATION OF PROPOSED MODIFICATIONS

The modifications seek to modify Condition A5 as follows:

- A5 This Approval will lapse within ~~three~~ **four** years of the date of this Approval, unless the works the subject of this Approval are physically commenced on or before that date.

The proponent's approval is due to expire on the 21 May 2010 and pursuant to section 75Y(2) of the EP&A Act, the proponent seeks to extend the approval for 12 months. The commencement of works has not been undertaken due to economic implications caused by the global financial crisis which has affected market conditions.

3. STATUTORY CONTEXT

3.1 MODIFICATION OF A MINISTER'S APPROVAL

Section 75W(2) of the EP&A Act provides that a proponent may request the Minister to modify the approval of a project. The Minister's approval is not required if the project as modified will be consistent with the original approval. As the subject modification seeks to change the terms of the Minister's determination through amending a condition of approval, the modification requires approval.

3.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRs)

Section 75W(3) of the EP&A Act provides the Director General with scope to issue environmental assessment requirements (DGRs) that must be addressed with respect to the proposed modification. As the modification seeks to only extend the lapsing period of approval, the Department considered it unnecessary to re-issue the DGRs.

3.3 CONSULTATION AND EXHIBITION

Under section 75W of the EP&A Act, a request for a modification of an approval does not require public exhibition. However, pursuant to section 75X(2)(f) of the EP&A Act the Director General is required to make publicly available requests for modifications of approvals given by the Minister. In accordance with clause 8G of the Environmental Planning and Assessment Regulation 2000, the request for the modification was placed on the Department's website.

3.4 PERMISSIBILITY

The subject site is located within the Bays Precinct under *Sydney Regional Environmental Plan No 26 – City West*. The subject site is zoned 'Waterfront Use' and the project is generally consistent with the objectives of this zone, and is therefore permissible development.

The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP 2005) covers the site. The water based component of the site is zoned 'W1 Maritime Waters'. The W1 zone permits 'Commercial marinas' subject to development consent. The proposed project is considered to be consistent with the zoning provisions of SREP 2005.

4. CONCLUSION

The Department considers the proposed modification is acceptable as the modification is a minor administrative change that will not result in any additional environmental impacts or issues relating to the proposal that were not previously considered in the assessment and approval of the major project.

5. DELEGATIONS

Under the Instrument of Delegation dated 25 January 2010, the Minister has delegated his functions under section 75W of the EP&A Act to the Director, Government Land and Social Projects, where there are less than 10 public submissions in the nature of objections in respect to the modification request. As there were no public submissions, the modification can be determined under delegation.

6. RECOMMENDATION

It is recommended that the Director, as delegate of the Minister for Planning:

- (a) **Consider** the findings and recommendations of this report; and
- (b) **Approve** the modification, under section 75W of the *Environmental Planning and Assessment Act 1979*; and
- (c) **Sign** the attached Instrument of Modification Approval (**TAG A**).

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