

Modification to Major Project 06_0210

Rozelle Bay Marine Centre

Lots 29 and 30, James Craig Road, Rozelle

Submitted to
Department of Planning
On Behalf of Rozelle Bay Pty Ltd

December 2009 ■ 09284

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This report has been prepared by: Kirk Osborne

Signature

Date 15/12/09

K. Osborne

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A	Architectural Drawings
	<i>Michael Fountain and Associates</i>

1.0 Introduction

We refer to Major Project Application 06_0210 for the construction and use of the Rozelle Bay Marine Centre.

On behalf of our client, Rozelle Bay Pty Ltd, we write to request the Minister (or delegate) modify the Project Approval 06_0210 under Section 75W of the *Environmental Planning and Assessment Act 1979* as described below.

The modifications include:

- extension of the time period of the consent;
- amendments to the design of multi-storey car park and provision of at grade car parking;
- introduction of new conditions to allow for staged construction;
- modification to environmental conditions; and
- amendment of conditions to allow for provision of temporary boat storage prior to completion of the boat store buildings and commercial maritime building.

The proposed modifications to the conditions of consent and the justification for the proposed amendments are set out in the following sections of the report:

- Section 2: Limits to Approval
- Section 3: Car Parking
- Section 4: Staged Construction
- Section 5: Western Boat Store
- Section 6: Environmental Conditions
- Section 7: Temporary Uses

In accordance with Section 245k of the *Environmental Planning and Assessment Regulation 2000*, please find enclosed the fee of \$750 for the assessment of the request.

2.0 Limits to Approval

Proposal

Condition A5 of the consent imposes a three year time limit to physically commence works. It is proposed to amend condition A5 to provide a four year time limit to physically commence works.

Justification

The Project Approval for the Rozelle Bay Marine Centre was granted on 21 May 2007 and lapses within three years unless works are physically commenced on or before the 21 May 2010. Since the Project Approval was granted the Applicant has experienced a change in market conditions due to the Global Financial Crisis. Therefore an amendment to Condition A5 of the Project Approval is being sought to provide a 12 month extension to the period of validity of the consent, which is now proposed to lapse on 21 May 2011.

Amendment to Consent

Amend Condition A5 as follows:

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 this date.

3.0 Car Parking

Proposal

The multi-storey has been redesigned reflecting the conditions imposed in the consent and due to technical construction engineering issues. New plans are proposed to replace the multi-storey car park drawing original approved

Justification

Multi Storey Car Park

Condition A2 (h) of the Major Project Approval requires deletion of Levels 5 and 5.5 of the proposed multi-storey car park. As a result of the condition, Rozelle Bay Pty Ltd have reviewed the design of the proposed car park building. A revised car park building design has been prepared which reduces the bulk and scale of the previously proposed building and satisfies the intent of Condition A2 (h).

Technical construction issues have also arisen during the detailed engineering design of car park. The approved car park was proposed to be constructed over a viaduct. The Sydney Harbour Foreshore Authority (the consent authority at the time of the original approval) did not permit the filling of the viaduct, therefore capping of the viaduct is required. The currently approved design is illustrated in **Figure 1**, with the northern end of the viaduct visible. The design provided a 15.3m gap between the Western Boat Store and the car park building.

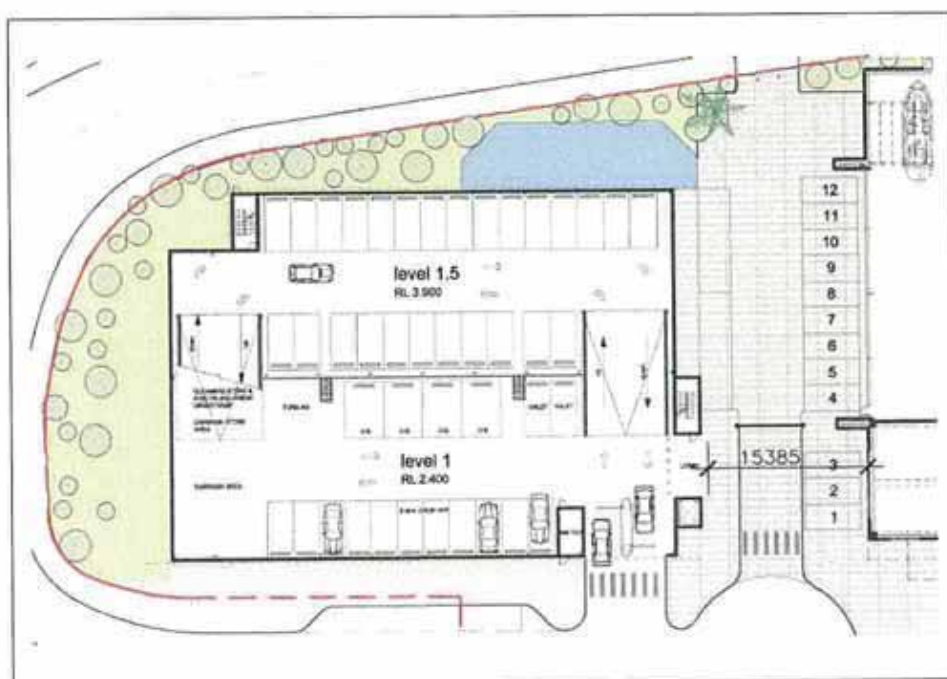


Figure 1 – The approved multi-storey car park design.

The viaduct was found to be too wide to practically and economically span without central supports. Providing piles in the centre proved to be impractical because the ground adjacent the sea wall could not support heavy piling vehicles. It is also not possible to use a piling barge due to the existing wharf and bridge structures.

Therefore the multistorey car park has been redesigned with regard to the conditions of consent which sought to reduce its bulk and scale, and satisfying the technical issues relating to the viaduct.

The site coverage of the multi-storey car park is 1,235m², a reduction of 474 m² compared to the approved car park which has a site coverage of 1709m². The redesigned car park has a maximum roof height of RL 15.9 and the top of the facade is RL 14.4, in accordance with Condition A2(h).

The redesigned car park is generally located in the same area of the site, with the building height and footprint reduced and moved slightly to the west. This has a positive effect as it widens the gap between the car park and the western store opening a view corridor and preventing a wall of development. As illustrated in **Figure 2**, the gap between the multi-storey car park and the Western Boat Store is now 36.3m, double the width originally proposed. Only a limited amount of at grade car parking will be provided over the viaduct.

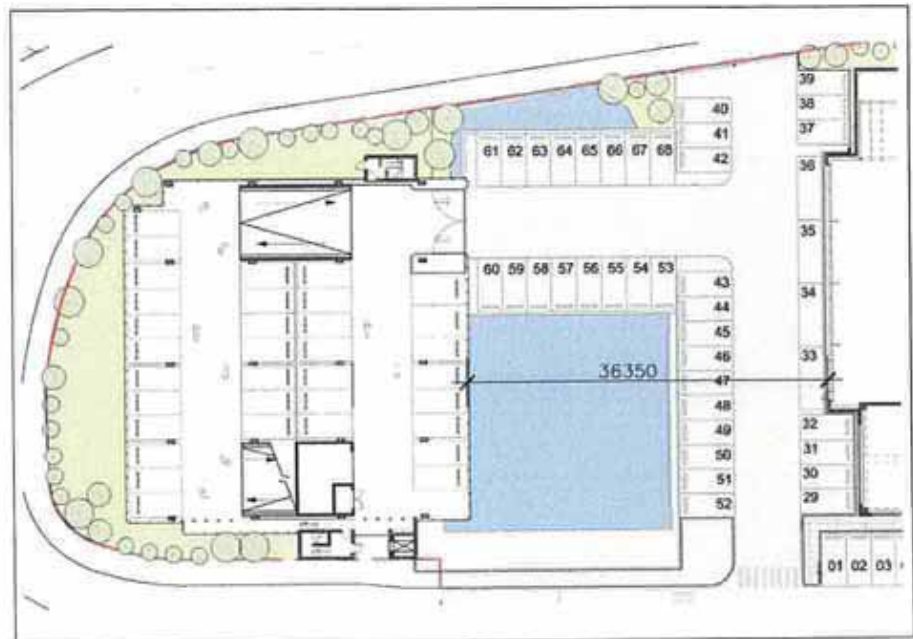


Figure 2 – The proposed multi-storey car park

The carpark redesign does however push the northwest corner into the designated setback. It is considered that this will not have a material effect on the streetscape as the setback encroachment is limited to the northwest corner and landscaping and a footpath can still be provided. The proposal meets the required setback to the east and south. **Figure 3** illustrates the extent of change between the approved design (green dashed line) and the proposal.

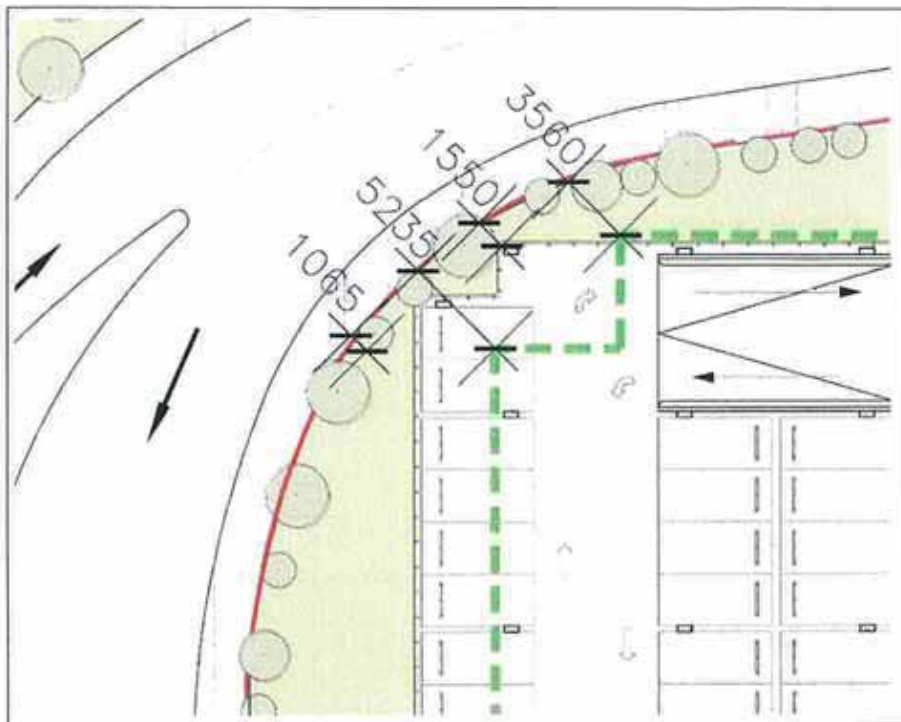


Figure 3 – Car park setbacks

The redesigned car park building will provide a maximum of 150 car parking spaces.

At Grade Car Parking

In addition to the multi storey car park, 56 at grade car parking spaces are proposed east of the multi-storey car park and 28 at grade car parking spaces south of the western boat store, between the Commercial Maritime Building and the Western Boat Store (refer to Figure 4). 52 at grade spaces are also provided to the south of the Eastern Boat Store Building (once complete).

Whilst long term parking will be provided in the multi storey car park the commercial and retail spaces that face the plaza (between the Commercial Maritime Building and the Western Boat Store) will be far better served by short term parking immediately adjacent their entries. This convenience will underpin the use of the commercial and retail spaces and ensure the vitality of the plaza as a service area supporting the waterfront.

The design of this area remains unchanged, with the ground plane flowing continuously from facade to facade without being interrupted by a traditional curb and gutter. Pedestrians will be able to use the central portion of the plaza as a shared zone as well a footpath on either side immediately adjacent to the shopfronts.

It is anticipated that the bulk of pedestrian traffic will arrive at the facility from the west and will move via the shortest route possible to the promenade along the waterfront, this being the most attractive space and the ultimate destination for most users.

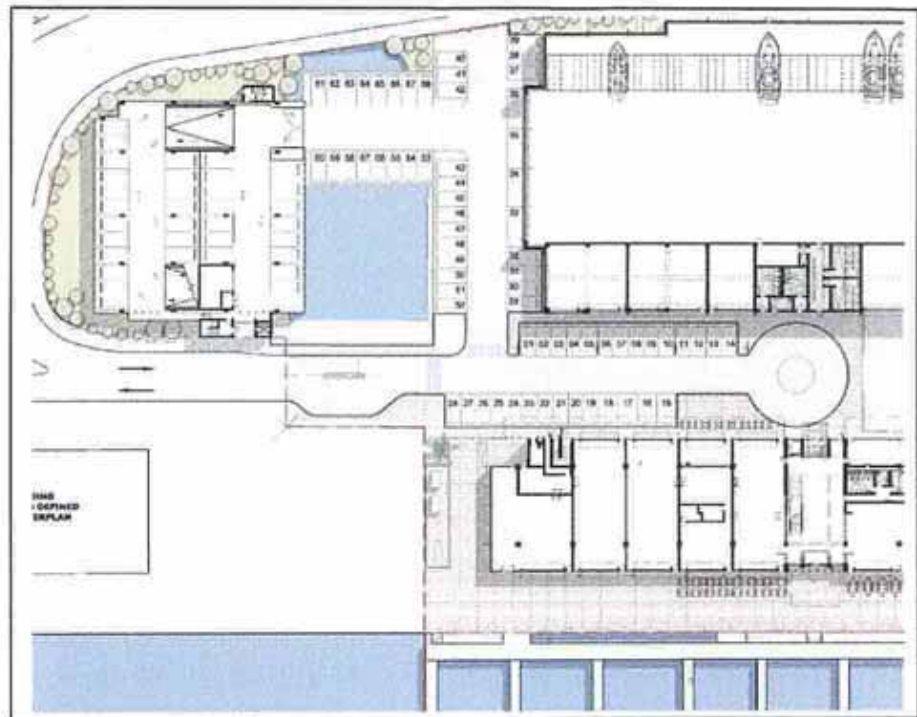


Figure 4 –Proposed parking between Western Boat Store and Commercial Maritime Building

In summary, car parking will be provided as follows:

Table 1 - Proposed Car Parking

Construction Stage	Component	Max. Car Parking spaces
Phase 1 Stage 1	Layover and brokerage berths Temporary boat storage at grade on Lot 29 and Lot 30	72 (temporary at grade)
Phase 2 Stage 1	Western Boat store Commercial maritime building Temporary boat storage at grade on Lot 3	181 (max as per condition A9)
Stage 2	Eastern Boat store Multi storey car park	272 (max as per condition A9)

The total number of car spaces proposed reflects the conditions of consent A9 which imposes maximums should construction be staged. The total number of car parking spaces does not exceed the 272 maximum number of spaces imposed under condition A8.

Condition A9 requires the following number of car parking spaces to be provided as follows:

- Commercial Maritime building – 76 spaces
- Western Boat Store – 105 spaces
- Eastern Boat Store – 91spaces

Amendment to Consent

Amend the drawing references in condition A2 (g) as follows:

MP-001-DA	Site Plan Final Development	Issue F Jan 2007
D-100-DA	Multi-Storey Car Park Floor Plans	Issue F Jan 2007
D-101	Multi-Storey Car Park Floor Plans	Issue F Jan 2007
D-200-DA	Multi-Storey Car Park Elevations	Issue F Jan 2007
D-210-DA	Multi-Storey Car Park Sections	Issue F Jan 2007

<i>D-100-DA</i>	<i>Multi-Storey Car Park – Floor Plans</i>	<i>Issue H July 2009</i>
<i>D-101</i>	<i>Multi-Storey Car Park – Floor Plans</i>	<i>Issue H July 2009</i>
<i>D-200-DA</i>	<i>Multi-Storey Car Park – Elevations</i>	<i>Issue H July 2009</i>
<i>D-210-DA</i>	<i>Multi-Storey Car Park – Sections</i>	<i>Issue H July 2009</i>

Amend condition A2 (h) as follows:

Car parking building

- ~~Deletion of levels 5 and 5.5 which will result in a minimum three-metre reduction in the height of the building achieving a maximum roof height of RL 15.9 and a maximum height at the top of the facade of RL 14.4. This will result in a maximum car parking spaces capacity within the building of 208 vehicles, a reduction of 52 spaces.~~

Amend condition A9 (b) as follows:

~~Prior to the construction of the multistorey car park subject to the prior written approval of the Director-General~~ and subject to the agreement of NSW Maritime, the maximum car parking required for the Commercial Maritime Building and the Western Boat Store, may be provided at grade on the area identified on drawing *MP-012-DA Site Plan Phase 2 of Stage 1 Issue N October 2009*. Prior to any ~~approval being given a Construction Certificate being issued for Phase 2 of Stage 1~~, the Proponent is to provide the following to the satisfaction of the Director General:

- an interim landscape plan for this part of the site;
- an interim public access and pedestrian management plan; and
- details of compliance with any relevant Conditions of this approval as determined by the Director-General.

4.0 Staged Construction

Proposal

To provide for the staged construction of the Rozelle Bay Marine Centre it is proposed to insert new conditions to provide for three phases of staged construction. New drawings are also proposed to reflect the revised staging of the development.

The staged construction program for the Rozelle Bay Marine Centre is illustrated on Drawings MP-011-DA, MP-012-DA, and MP-001-DA. Staged construction certificates will be sought for the following works:

- Stage 1 – Phase 1 – construction of floating boat brokerage and layover berths (refer to Drawing MP-011-DA);
- Stage 1 – Phase 2 – construction of Western Boat Store and Commercial Maritime Building (refer to Drawing MP-012-DA); and
- Stage 2 – construction of Eastern Boat Store and multi storey car park (refer to Drawing MP-001-DA).

Phase 1 of Stage 1

Phase 1 of Stage 1 (refer to **Figure 5**) comprises the construction of the marina berths and on the land a maximum of 100 boats stored at grade on the eastern two thirds of Lot 29 and 50 boats stored on the majority of Lot 30.

Parking for 72 cars would also be provided in the north west corner of Lot 29 while temporary offices and a zone that will either be car or boat storage occupy the south western corner. The far western section of Lot 29 and the southern section of Lot 30 would remain under their current usage.

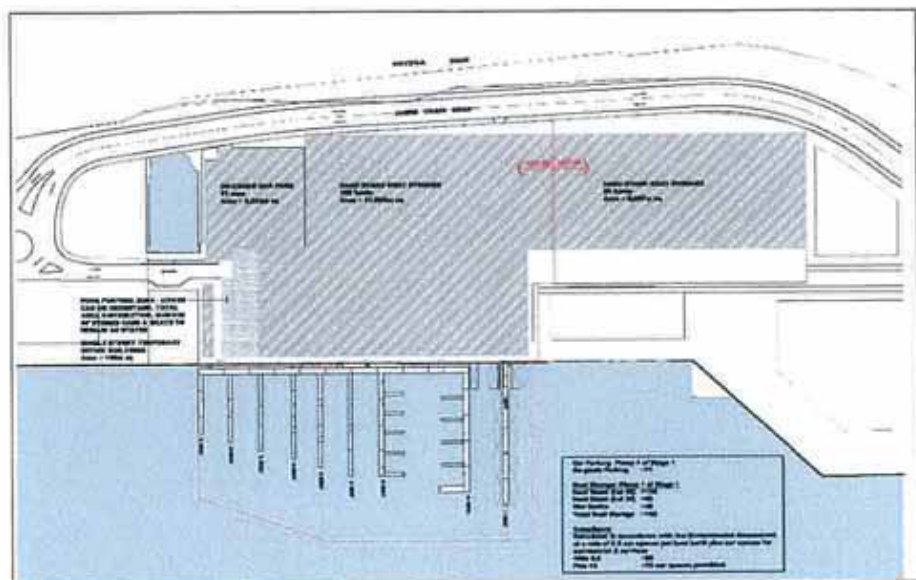


Figure 5 – Phase 1 of Stage 1.

Phase 2 of Stage 1

Phase 2 of Stage 1 (refer to **Figure 6**) comprises the construction of the Commercial Maritime Building and Western Boat Store. To facilitate this construction the boats stored on Lot 29 will be relocated onto Lot 30. The far western at grade car park on Lot 29 will be constructed and 50 of the car parking spaces in the temporary Lot 29 car park will be transferred to it. The remainder of

the car parking spaces will be in the unused south section of Lot 30. The temporary offices will remain in place.

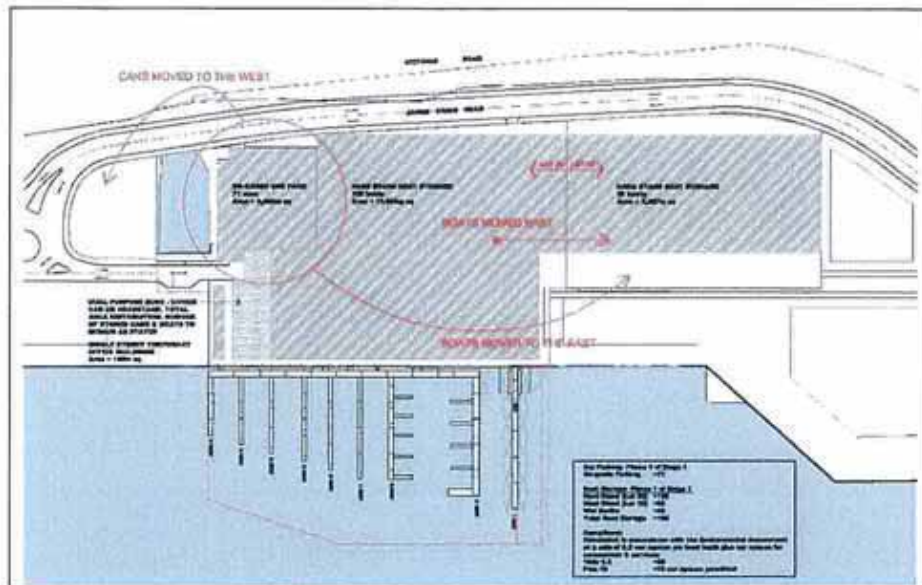


Figure 6 – The relocation of cars and boats to facilitate Phase 2 of Stage 1.

Following construction of the concrete hardstand over the eastern portion of Lot 29, the car parking spaces stored on Lot 30 will be moved to a new temporary car parking area on the hardstand on Lot 29, east of the Western Boat Store. Additional car parking will be provided to the west of the Western Boat Store and in the area between the Western Boat Store and the Commercial Maritime Building.

On the water, Arm I will be constructed. This will see the completion of Phase 1 of the development as shown in **Figure 7** below.

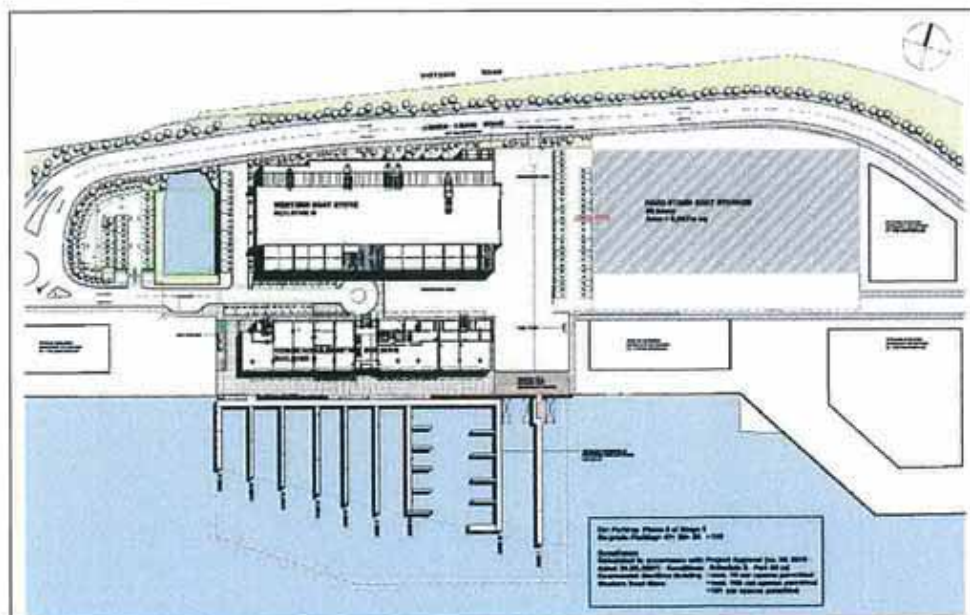


Figure 7 – The completion of Stage 1

Stage 2

Stage 2 comprises the construction of the multi storey car park and the Eastern Boat Store. The at-grade car parking spaces at the western end of Lot 29 would be temporarily relocated onto Lot 30, whilst the multi storey car park is constructed. When completed the temporary car parking spaces on Lot 29 and 30 will be moved into the multi storey car park. The boats stored on Lot 30 will be stored on the southern and eastern boundaries. Figure 8 illustrates the relocations within the site and Figure 9 illustrates the completed development.

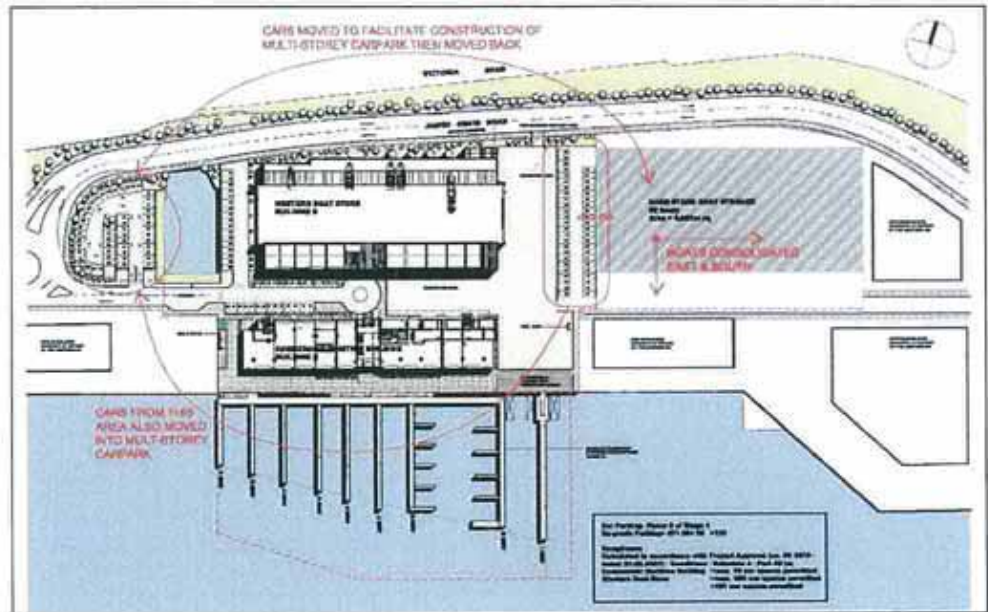


Figure 8 – Reallocation of car parking spaces and boat storage during Stage 2 construction.

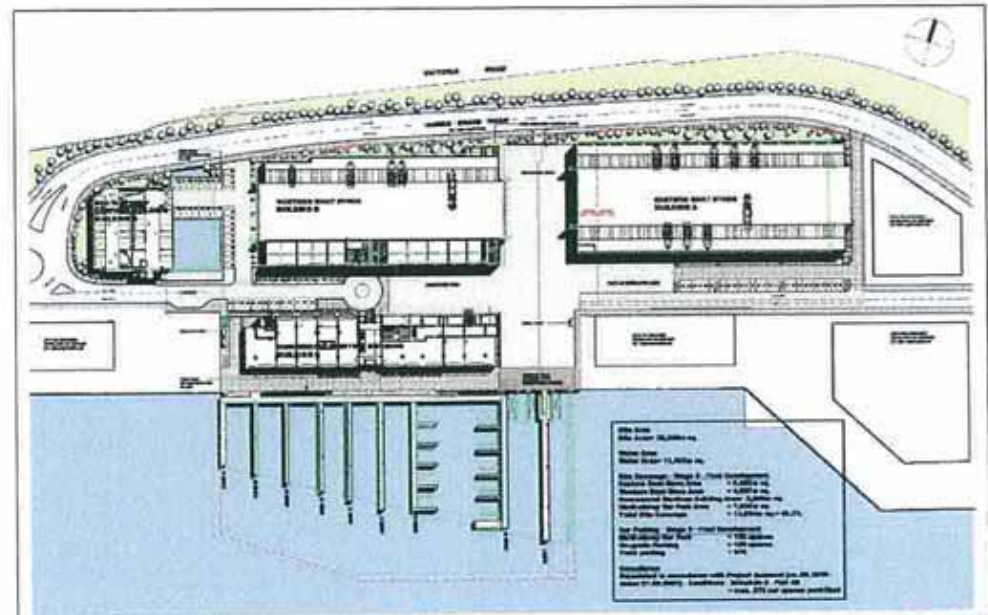


Figure 9 – The completed development.

Justification

The Environmental Assessment Report (EAR) proposed that construction would be undertaken in two stages. As a result of the current economic climate the staging

of the project has been revised to provide for a more economically sustainable development.

As detailed above the revised staging includes three phases of construction (Stage 1 – Phases 1 and 2 and Stage 2 – Phase 1) and allows for the temporary at grade storage of boats prior to construction of the boat store buildings.

Amendment to Consent

Amend the drawing references in condition A2 (g) as follows:

MP-001-DA	Site Plan Final Development	Issue F Jan 2007
MP-011-DA	Site Plan Phase 1 of Stage 1	Issue N October 2009
MP-012-DA	Site Plan Phase 2 of Stage 1	Issue N October 2009
MP-001-DA	Site Plan Stage 2 Final Development	Issue N October 2009

Insert new conditions

Part A19 Staged Construction

For the purposes of this consent, construction of the development may be staged.

- (i) *Phase 1 of Stage 1 includes site works, construction of the floating boat brokerage and layover berths, temporary at grade dry boat storage, temporary at grade car parking and temporary office and associated works as illustrated on Drawing MP-011-DA.*
- (ii) *Phase 2 of Stage 1 includes construction of the Commercial Maritime Building, the Western Boat Store and at grade car parking as illustrated on Drawing MP-012-DA and associated infrastructure and landscaping works.*
- (iii) *Stage 2 includes construction of Eastern Boat Store and Multi-Level Car Park as illustrated on Drawing MP-001-DA.*

Note: Car parking is to be provided in accordance with conditions A8 and A9.

5.0 Western Boat Store

Proposal

A repositioning of the Western Boat Store slightly to the east is proposed to accommodate new site infrastructure. The repositioned Western Boat Store is detailed on the amended drawings.

Justification

The Western Boat Store has been repositioned slightly to the east to accommodate new site infrastructure, including stormwater pipes required to service the new development. The new position of the Western Boat Store also allows for some at grade parking at the north west corner of the building.

Figure 10 below illustrates the repositioning of the Western Boat Store, which increases the buildings setback from the James Craig Road boundary from 1.19m (dashed green line) to 2.09m at the north west corner.



Figure 10 –Western Boat Store setback

Amendment to Consent

Amend the drawing references in condition A2 (g) as follows:

MP-001-DA	Site Plan Final Development	Issue F Jan 2007
MP-011-DA	Site Plan Phase 1 of Stage 1	Issue N October 2009

6.0 Environmental Conditions

6.1 Part B Specific Environmental Conditions

Proposal

An amendment is proposed to Part B – Specific Environmental Conditions to remove current restrictions on boat brokerage movements.

Justification

Condition B1 (c) currently limits the occasional movement of boat brokerage berths to between 9.00am and 6.00pm. This imposes limitations to the practical operation of the brokerage berths. For example boat brokers may have boats delivered prior to 9.00am. Similarly boat test drives can occur after 6pm, particularly during summer months. Boat departures will continue to be restricted as per condition B1(a).

Amendment to Consent

Part B – Specific Environmental Conditions

Amend condition B1 (c) as follows:

Notwithstanding (a) above, the boat brokerage boats stored in the water as part of the facility are to be primarily for display purposes and not for general use. Any occasional movement of these boats within Rozelle Bay is only to be undertaken by usual employees of the Facility ~~and only between the hours of 9.00am to 6.00pm on any day.~~

6.2 Part C Environmental Monitoring and Management

Issue

An amendment is proposed to the Part C Conditions to reflect staging of development and relevance of condition to various stages.

Justification

Part C has been amended to reflect the revised staging of construction. Not all conditions of consent are relevant to each stage, in particular Phase 1 of Stage 1 in which the only permanent facility to be constructed is the water-based marina structure structures.

Amendment to Consent

Amend condition C8 as follows:

Prior to the commencement of construction and operation *of each Phase of the Project (as identified on drawing MP-011-DA, MP-012-DA and MP-001-DA)* the Proponent must certify in writing to the satisfaction of the Director-General, that it has complied with all the applicable conditions of this Approval *as relevant to that Phase.*

7.0 Temporary Uses

Proposal

During the staged construction of the Rozelle Bay Marine Centre it is proposed to allow for the temporary storage of boats and the temporary use of the layover berths for boat storage.

Justification

Temporary Boat Storage

As outlined in Section 2, temporary storage of boats at grade on the hard stand areas is proposed during the progressive construction of the floating berths and boat store buildings. The temporary storage of boats at grade is consistent with the approved use which allows for the storage of up to 670 boats and will not preclude the development of the land in accordance with the Project Approval dated 25 May 2007. The temporary storage of boats at grade allows for the progressive establishment of the project.

It is also proposed to use 20 layover berths on Arms G and H for boat storage prior to completion of the Western Boat Store (refer to Figure 11). The full use of the berths for layover purposes will not be required during Phase 1 of Stage 1 of construction and layover berths can be adequately provided on the eastern side of Arm H.

In Phase 1 of Stage 1 there will be a maximum of 150 boats stored on the hardstand which will result in a throughput of around 16 boats a day. These boats can be directly handled by the forklift truck and accumulated on the Eastern edge of Arm H.

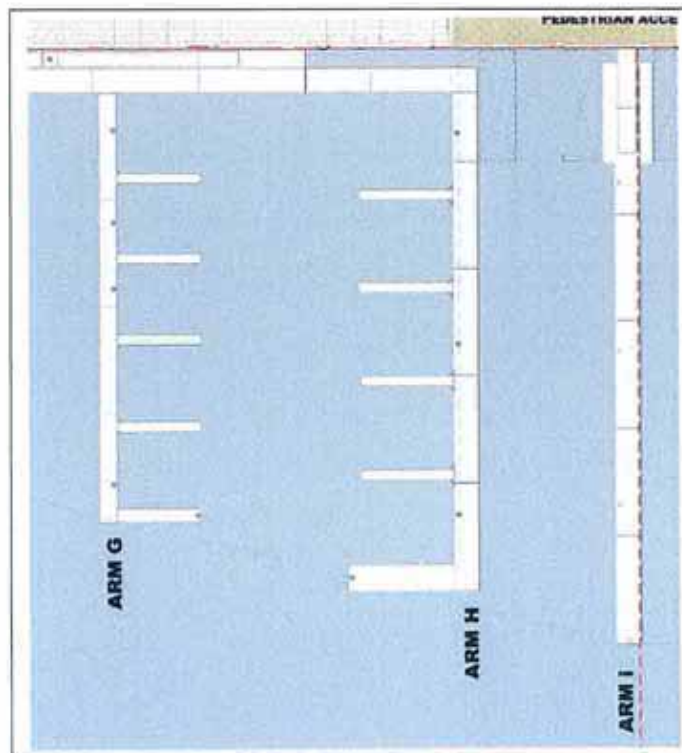


Figure 11 –Berths on Arms G and H to be for boat storage during Phase 1

When the Western Boat Store is completed the berths on Arms G and H would revert back to layover berths.

Temporary Car Parking

As discussed in Section 2 above, during Phase 1 of Stage 1 temporary at grade car parking is proposed. Temporary car parking will provide spaces for the boat store facility users, employees and visitors. The EA adopted a parking rate of 0.3 spaces per berth/boat plus parking for commercial and other maritime activities. For Phase 1 of Stage 1 it is proposed to provide 59 spaces for the berths and 12 spaces for activities associated with the boat store facility, employee and visitor parking.

The maximum number of boats stored on the site will not exceed the approved 670 boats and the number of car spaces provided will not exceed the maximum 272 spaces approved and therefore the proposed modification does not give rise to any additional environmental impacts.

Amendment to Consent

Insert new Part E

- E1** *The following temporary uses are allowed during the staged construction of the development:*
- a)** *Storage of up to 100 boats at grade on Lot 29, James Craig Road until construction of the Western Boat Store is completed.*
 - b)** *Storage of up to 50 boats at grade on Lot 30, James Craig Road until construction of the Eastern Boat Store is completed.*
 - c)** *A single storey temporary office building on Lot 29, James Craig Road until completion of the Commercial Maritime Building.*
- E2** *Temporary at grade car parking of 71 spaces on Lot 29 as illustrated on Drawing MP-011-DA.*
- E3** *Temporary use of the layover berths for 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 H until construction of Phase 2 of Stage 1 is complete.*
- E4** *Temporary uses are approved for a period of five years from the date of the modification approval.*

8.0 Conclusion

The proposed modifications to the consent are generally limited to the redesign and provision of car parking, conditions to allow for staged construction and conditions to allow for temporary uses until the Rozelle Bay Marine Centre is fully complete.

The project as amended is substantially the same as approved with no changes to the proposed uses, the number of buildings approved, the total number of boats to be stored or total number of car parking spaces to be provided. The proposed amendments will have minor or limited environmental impacts beyond those considered and assessed in the approval of the original project.

We therefore recommend that the proposed modifications be approved.