



Planning

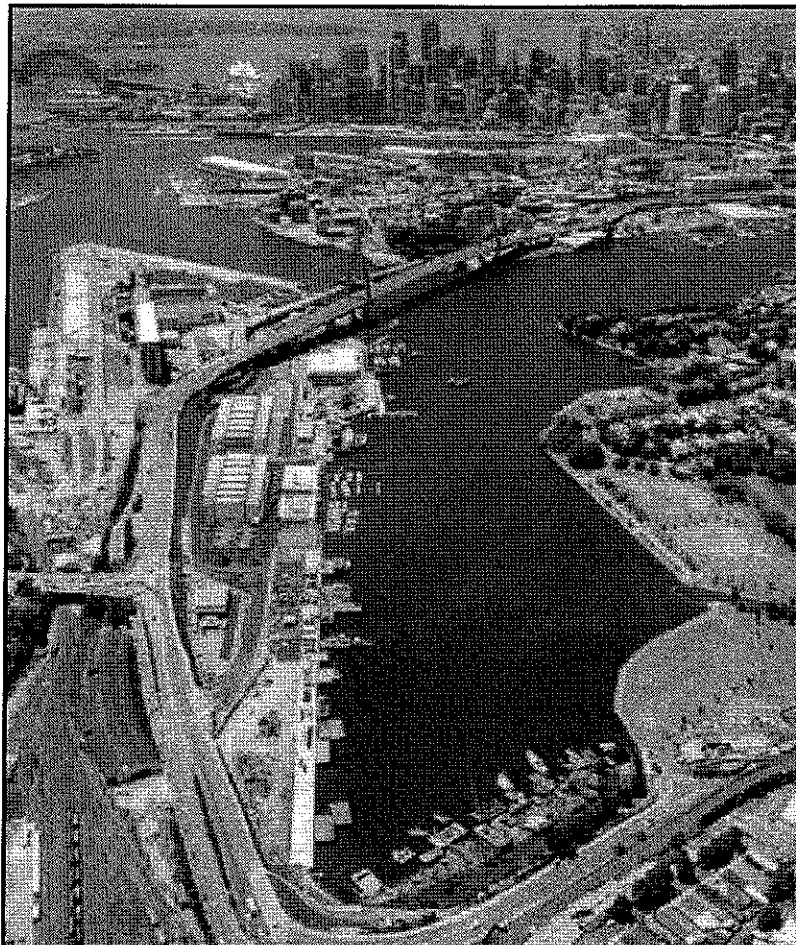
DRY DOCK STORAGE AND MARINE FACILITY, ROZELLE BAY

***Proposed by ROZELLE BAY PTY
LIMITED***

MP 06_0210 (MOD 2)

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

September 2010



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1. INTRODUCTION

This is a report on an application seeking to modify the major project approval (MP 06_0210) for the dry dock storage and marine facility at Rozelle Bay.

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

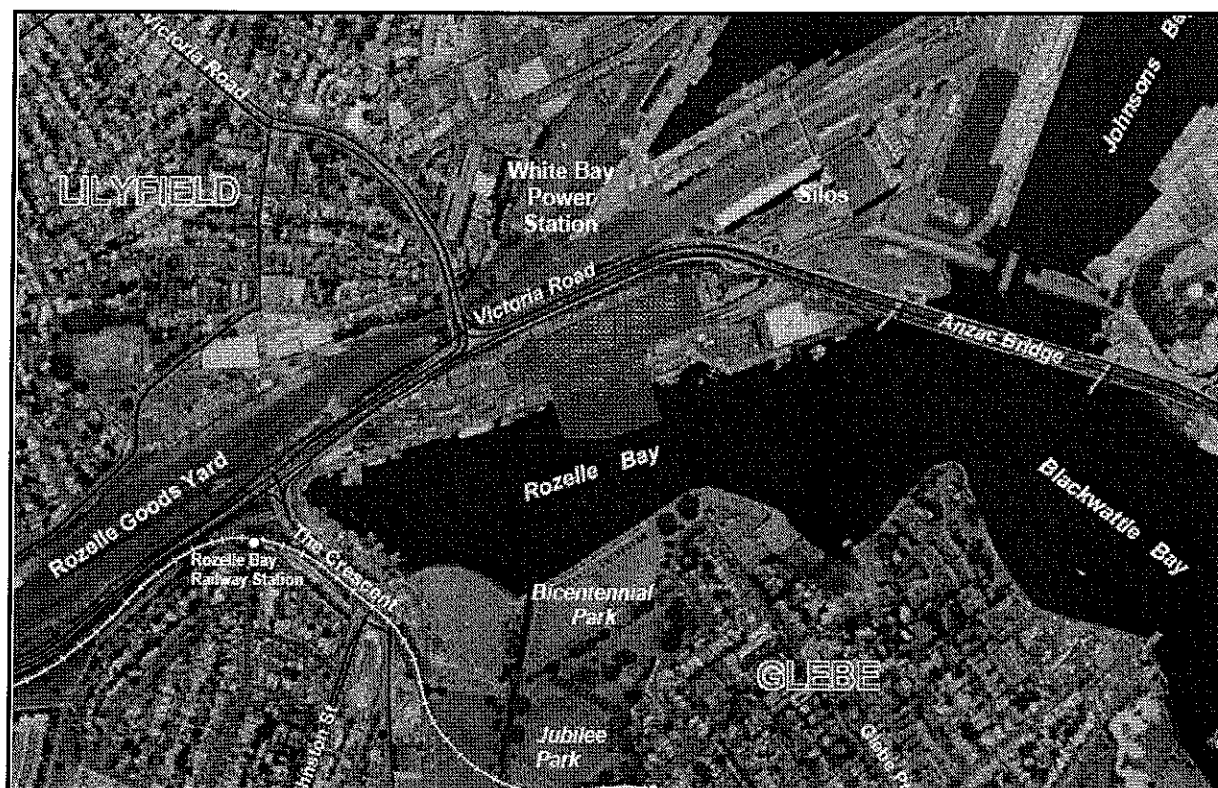


Figure 1 - Location Plan

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:

- 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.

On 16 March 2010, Rozelle Bay Pty Ltd submitted a modification application under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to extend the validity of the approval period from 3 to 4 years (Condition A5). The application was approved on 31 March 2010.

2. PROPOSED MODIFICATIONS

The modifications include:

- Amendments to the design of the multi-storey car park, including the deletion of levels 5 and 5.5, a reduction of the car park building's footprint resulting in 474m² less floor space, and provision of at-grade car parking.
- Introduction of new conditions to allow for staged construction.
- Modification to environmental considerations.
- Temporary use of the layover berths for boat storage prior to completion of the boat store buildings and commercial building, and the erection and use of temporary office buildings.

The amendments will require the modification to conditions A2(g), A2(h), A9(b), B1(c), C8 and new conditions A6(i), A9(d) & (e), and A19.

During the assessment of the application, the Department raised issues with the proponent in relation to a specific amendment to allow for temporary boat storage on site prior to construction of the dry boat store buildings. In response, the proponent formally withdrew the temporary dry boat storage component of the application on 26 July 2010

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 the approved design and conditions of approval, the modification requires approval.

3.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGR's)

Section 75W(3) of the EP&A Act provides the Director General with scope to issue environmental assessment requirements (DGR's) that must be addressed with respect to the proposed modification. As the modification only sought to introduce a number of construction stages and amend the multi-storey car park as required by the approval, the Department considered it unnecessary to re-issue the DGR's.

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. NSW Maritime Authority, Leichhardt Council, RTA and Department of Environment, Climate Change and Water (DECCW) were notified of the modification request.

- NSW Maritime raised no objection;
- DECCW indicated that the proponent will require a licence variation to reflect the new construction stages; and
- Leichhardt Council raised concern as to the temporary dry dock storage component of the modification application, which in their opinion, represents a development of the site that is quite dissimilar to the original proposed development approval.

Response: The Proponent withdrew the temporary dry dock storage component from the modification proposal on the 26 July 2010. The alteration of the environmental licence will be dealt with by DECCW.

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.

The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 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 fall within the definition of a 'Commercial marina'.

4. CONSIDERATION

4.1 CAR PARKING

The original approval involved a multi-level car park located at the southern end of the subject site. Condition A2 (h) of the approval required the deletion of levels 5 and 5.5 of the car park. The approved design also provided a 15.3 metre gap between the western boat store and the car park building (refer to **Figure 2**).

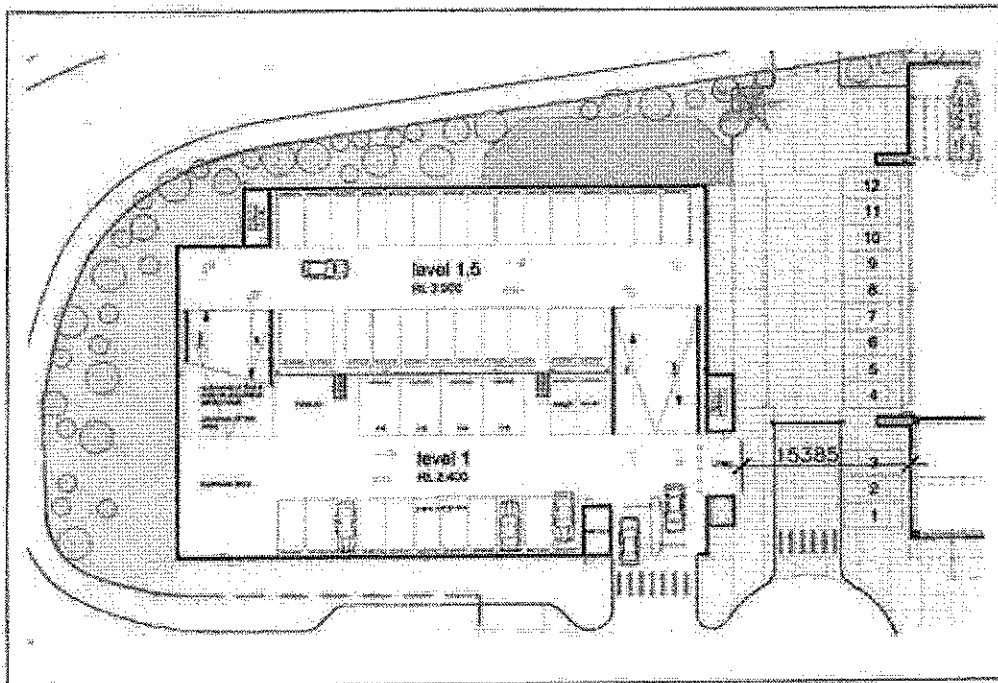


Figure 2 – The original approval for the multi-storey car park design

A revised car park building design has been prepared which reduces the built form of the structure and satisfies the intent of condition A2 (h). However, construction and engineering design issues emerged in regard to the section of car park that was to be built over the viaduct. The viaduct was found to be too wide to practically span without central supports, and that providing piles in the centre proved impractical. In addition, it was found that the ground adjacent to the seawall could not support heavy piling vehicles or any piling barge.

The redesign of the car park facility is generally in the same location of the site, with the building height and site coverage reduced from 1,709m² to 1,235m², a reduction of 474m². The maximum roof height is RL 15.9 with the top of façade being RL 14.4, in accordance with Condition A2 (h). The redesign of the car park provides an increased gap between the car park and the western boat store. As illustrated in **Figure 3** overleaf, the gap is now 36.35m with a limited amount of car parking at-grade provided over the viaduct.

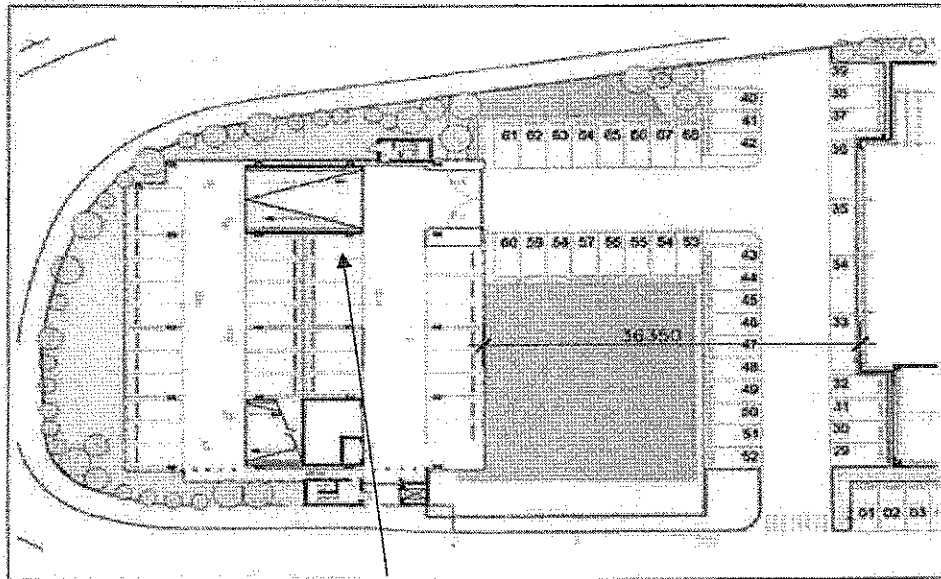


Figure 3 – The proposed multi-storey car park

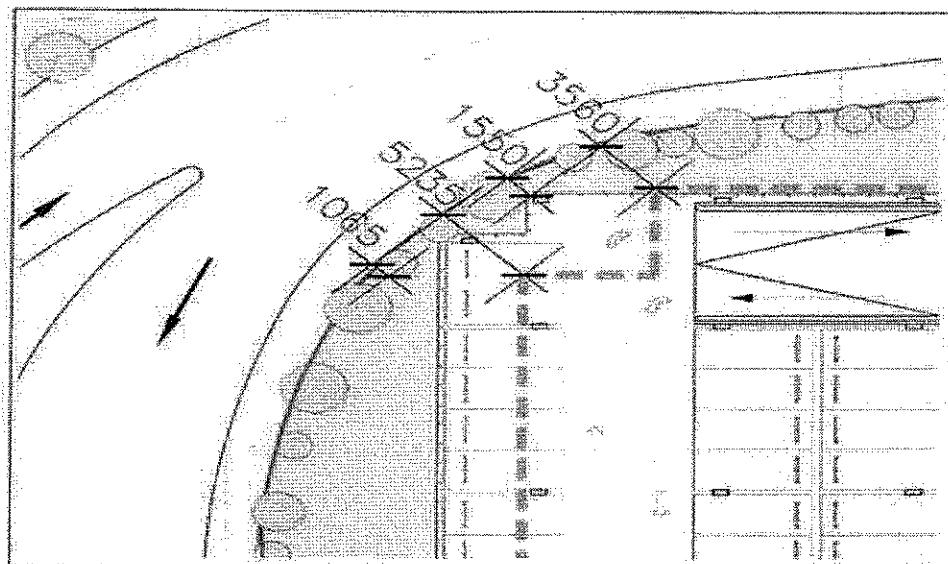


Figure 4 – Revised car park setbacks

As a result, the redesign will relocate the car parking structure closer to the north-western corner within the designated setback (refer to **Figure 4**). The minimum distance from James Craig Road (footpath) will be 1.065m to 1.55m (approved 3.56m to 5.235m). While this is less than 3m minimum boundary outlined in the master plan for the site, as the multi-storey car park has been reduced in height and has a reduced floor area, the bulk and scale of the building would be less intrusive when viewed from James Craig Road. For these reasons, the revised boundary setbacks of the multi-storey car park are considered acceptable and pose no material impact on the streetscape or footpath.

In addition to the 150 spaces proposed for the redesigned multi-storey car park, 56 at-grade car parking spaces are proposed east of the building and 28 at-grade car parking spaces south of the western boat store (refer to **Figure 5** overleaf). Another 52 at-grade spaces will also be provided to the south of the eastern boat store building when completed.

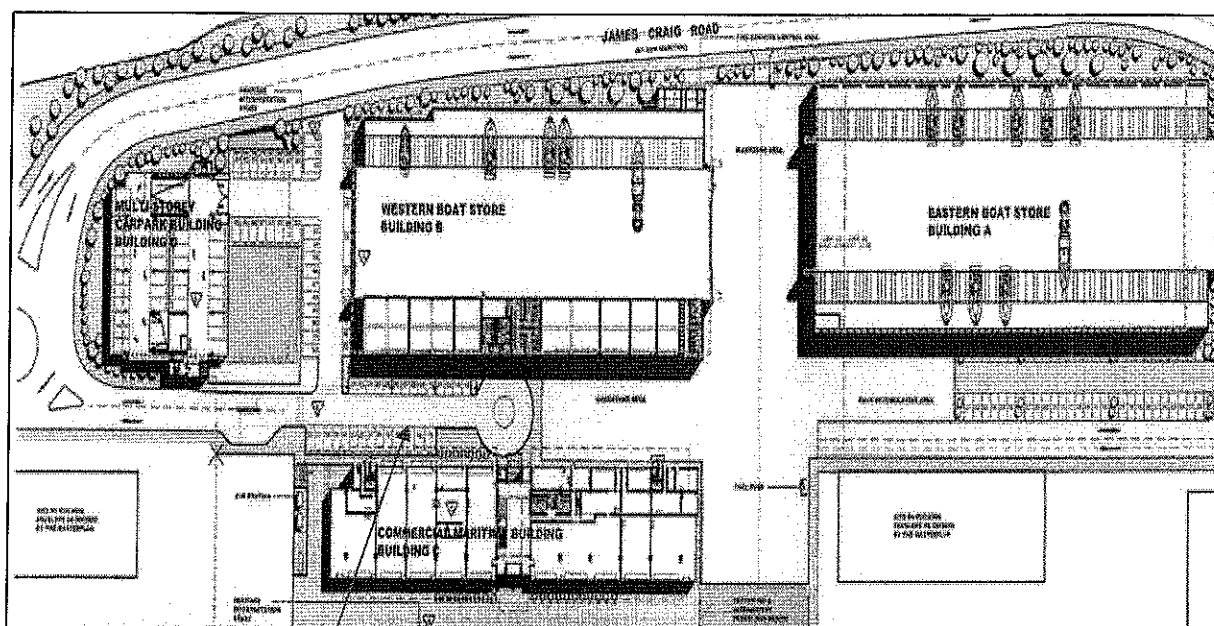


Figure 5 – Proposed parking between the western boat store & commercial maritime building.

The proponent submits that 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. Pedestrians will be able to use the central portion of the plaza as a shared zone as well as a footpath on either side immediately adjacent to the shopfronts. The Department raises no objection to these spaces being utilised for short-term car parking as it will service the shop tenants and will be convenient for the general public.

The total number of car spaces proposed reflects the conditions of approval A9, which imposes maximums should construction be staged. The total number of car spaces is not to exceed 272 under Condition A8, while Condition A9 requires the following number of car parking spaces to be provided as follows:

"A9 In the event of the Project being constructed in stages the car parking is to be provided on the site for the relevant buildings as follows:

(a) The maximum number of car parking spaces required to be provided for each stage is as follows:

Commercial Maritime Building	A maximum of 76 spaces
Western Boat Store	A maximum of 105 spaces
Eastern Boat Store	A maximum of 91 spaces"

The resulting amendment for car parking will not increase the total number of spaces permitted.

4.2 STAGED DEVELOPMENT

The proponent has requested new conditions to provide for three phases of the staged construction. The proponent submits that due to the current economic climate, the staging of the project has been revised to provide for a more economically sustainable development. The submitted plans illustrate the proposed construction program. The three stages are as follows:

- Stage 1, Phase 1: Construction of floating boat brokerage and layover berths. Parking for 27 cars would also be provided in the north-west corner of Lot 29, while temporary

-
- VICTORIA ROAD
- JAMES CRAIG ROAD
- LOT 29 LOT 30
- AS EXISTING
- AS EXISTING
- AS EXISTING
- SINGLE STOREY TEMPORARY OFFICE BUILDINGS
Area = 162m sq
- ON-GRADE CAR PARK
27 cars
Area = 614m sq
- AS EXISTING
- Car Parking Phase 1 of Stage 1**
Improve Parking 131
Marked Parking for Stage 1 140
Net Area 271
- Crash/Impact**
1000 kg car impacting with the Easternmost Road Reserve at a 90 degree angle. Car speed not less than 100 km per hour commercial & private.
Scale 1:100
Plan No. 1001
- ROZELLE BAY MARINE CENTRE PHASE 1
11/01/2010
Eaton
11/01/2010
- | | | |
|--|---------------------------------|--------------------------|
| Rozelle Bay Marine Centre
James Craig Road,
Rozelle Bay, NSW | She Plan:
Phase 1 of Stage 1 | 1:1000 @ A3
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Figure 6 – Stage 1 Phase 1

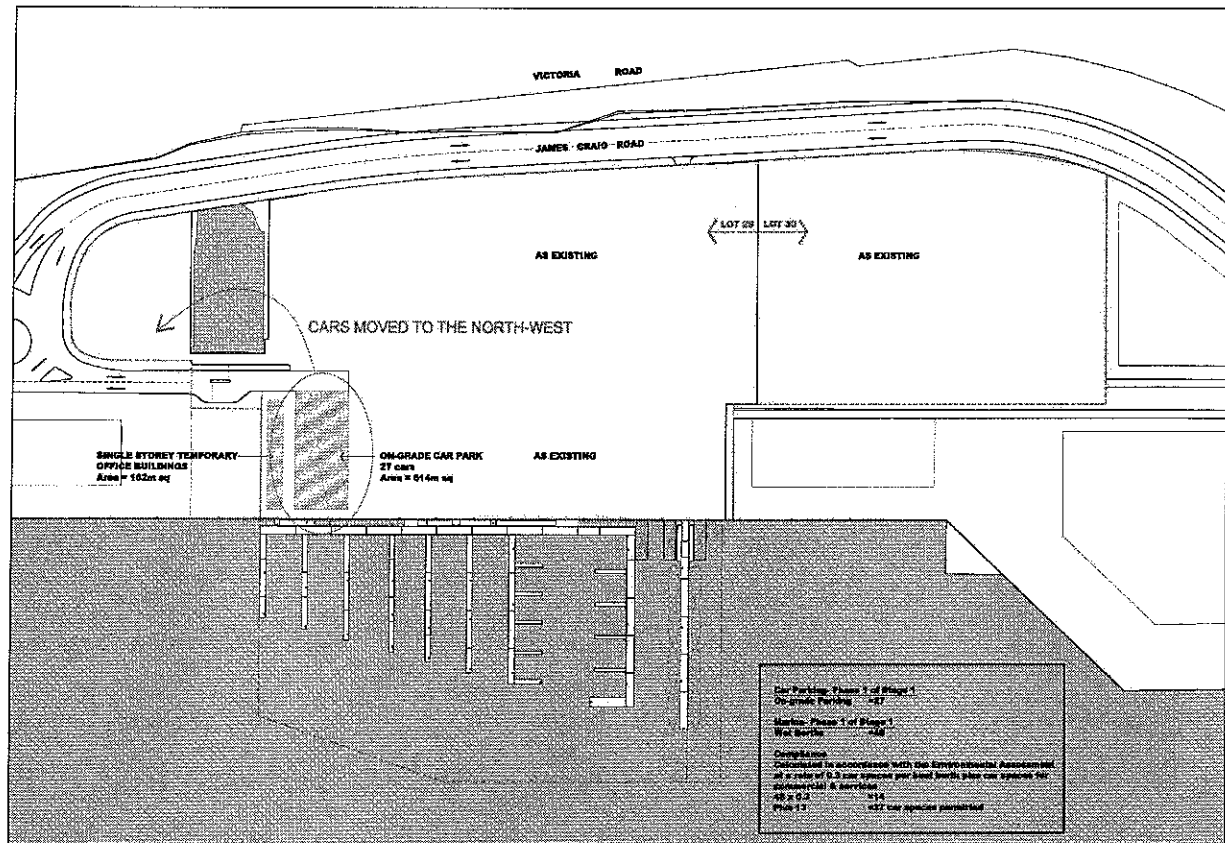


Figure 7 – Stage 1 Phase 2

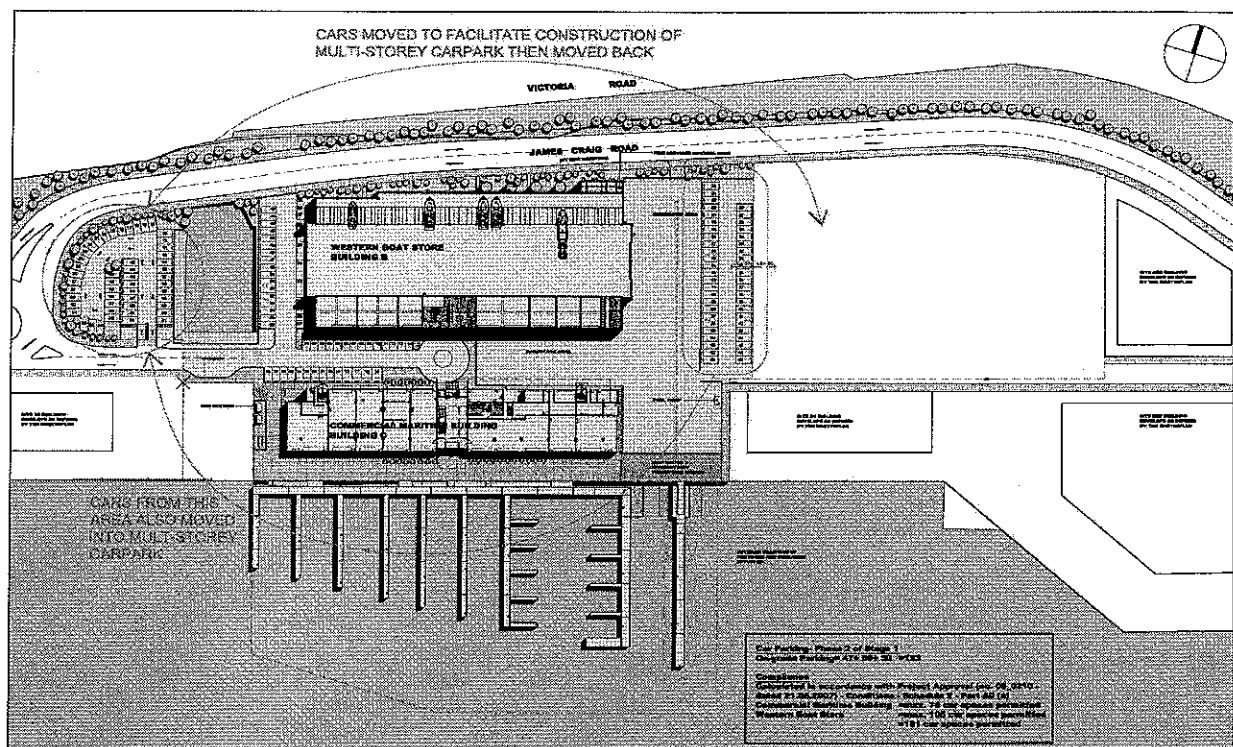


Figure 8 – Stage 1 Phase 2 Illustrates the parking relocations within the site

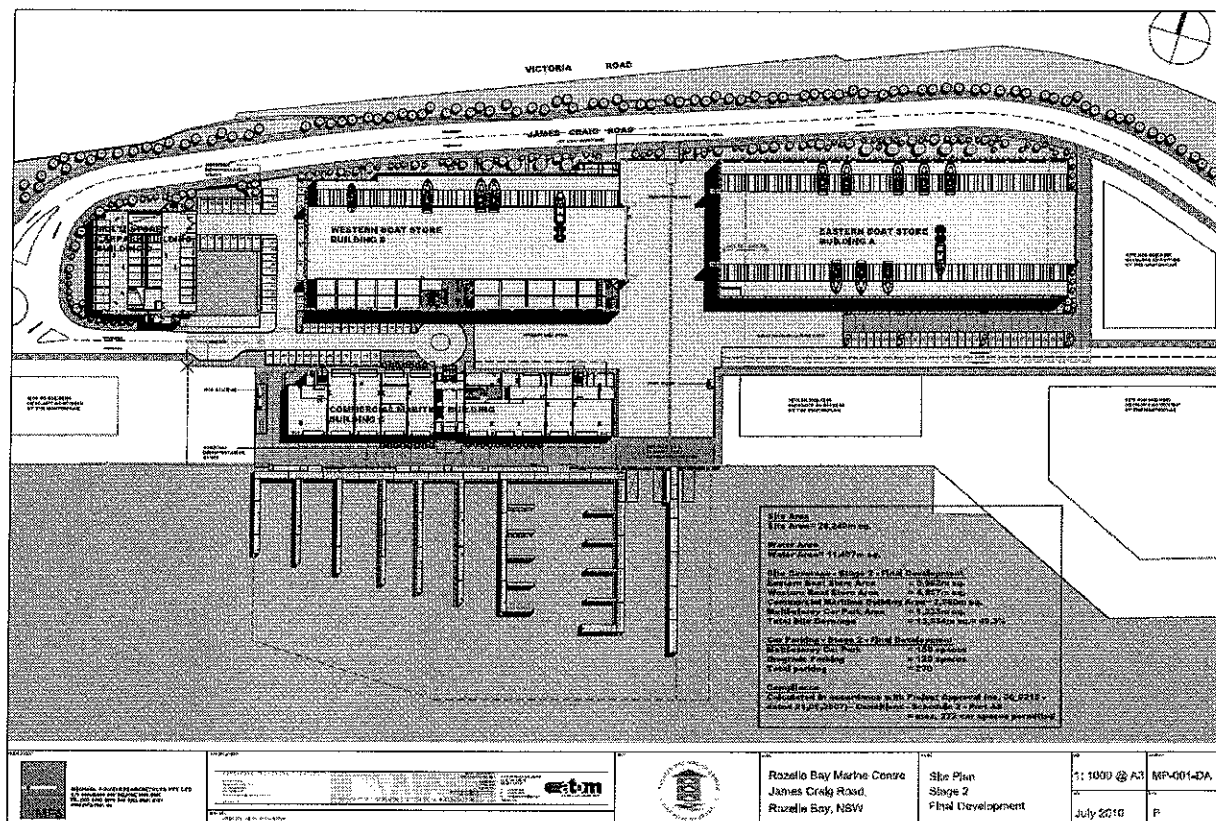


Figure 9 – The completed development

4.3 WESTERN BOAT STORE

A repositioning of the western boat store slightly to the east is proposed to accommodate new infrastructure. The infrastructure includes stormwater pipes required to service the new development and allows for some at-grade parking in the north-west corner. In doing so, the building location has increased the setback from James Craig Road boundary from 1.19m to 2.58m at its north-west corner (**Figure 10**). The Department has no issue with the building repositioning and increase in boundary setback.

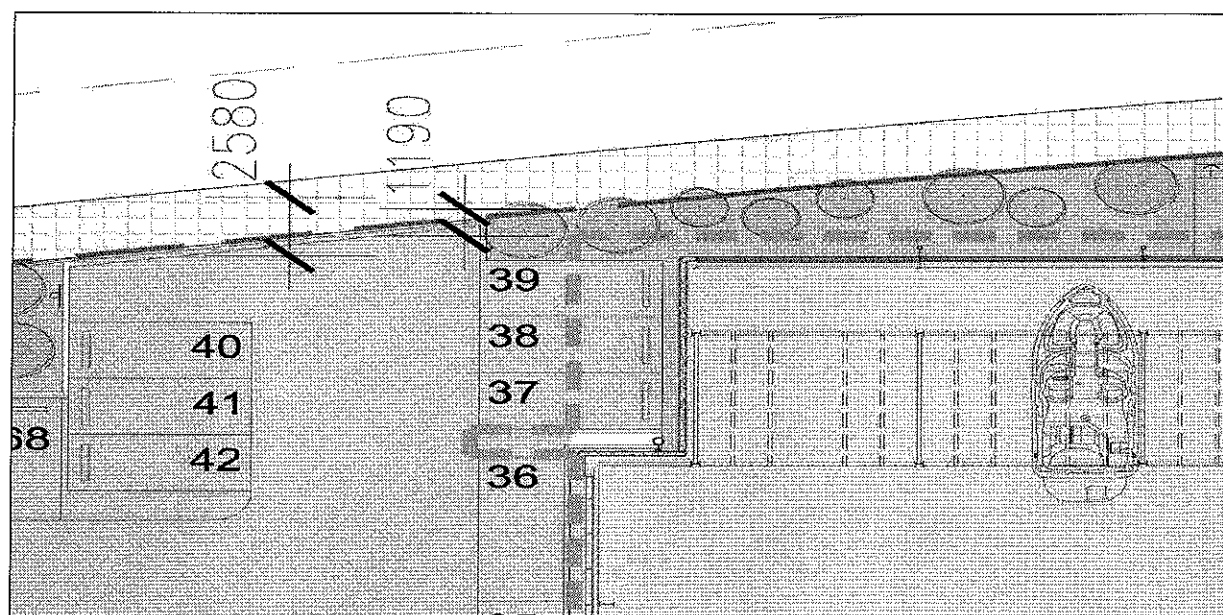


Figure 10 – Western boat store setback.

4.4 PART B - ENVIRONMENTAL CONDITIONS

The proponent wishes the Department to consider the removal of current restrictions on boat brokerage movements as outlined under condition B1 (c), which restricts the movements to between 9.00am and 6.00pm on any day.

The Department is of the opinion that the current hours of operation under the approval reflect the concerns raised by persons using Rozelle Bay in the early mornings, namely kayakers and dragon boaters. Subsequent to a meeting with the Department, the proponent revised the original request for the deletion of the time restriction by amending the hours to "...only between the hours of 8.00am and 9.00pm on any day."

The Department is satisfied that this amendment is reasonable and acceptable will not compromise the early morning users of Rozelle Bay and will enable the facility to operate as required.

4.5 PART C – ENVIRONMENTAL MONITORING AND MANAGEMENT

The amendment to Condition C8 of the approval reflects staging of the development and relevance of conditions to each stage. For instance, in Phase 1 of Stage 1 the only permanent facility to be constructed is the water-based marina structures.

The Department raises no objection to the amendment of Condition C8 to include wording to reflect the amended plans and requires certification in writing to the Director General that compliance with all applicable conditions have been met for that Phase.

4.6 TEMPORARY USES

Temporary Boat Storage on Layover Berths

The proponent wishes to utilise the temporary use of 20 layover berths on Arms G and H for boat storage prior to the completion of the western boat store (**Figure 11**). The full use of the berths for layover purposes will not be required during Phase 1 of Stage 2 of construction, and layover berths can be adequately provided on the eastern side of Arm H. When the western boat store is completed, the berths on Arms G and H would revert back to layover berths.

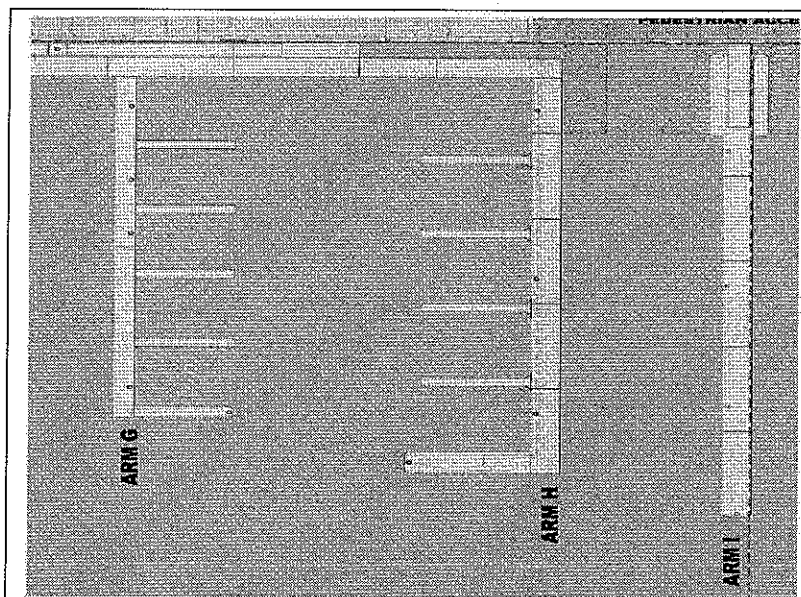


Figure 11 – Arms of the marina

Temporary Car Parking

During Phase 1 of Stage 1, temporary at-grade car parking is proposed for the boat store facility users, employees and visitors. In support of the temporary car parking, 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 14 spaces for the wet berths and 13 spaces for activities associated with the facility, employee and visitor parking.

The proponent has submitted that 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 under the current approval.

The Department raises no issue with the temporary car parking at the adopted rate as it enables the provision of car parking to be available during the construction of Phase 1 Stage 1 without compromising the current approval.

Temporary Office Buildings

The proponent seeks the use of temporary office buildings until the completion of the commercial maritime building. They will be located east of the site on Lot 29 as depicted in **Figure 12** below. The structure will be single storey, have a length of 33 metres and width of 4.8 metres. The Department raises no objection to the use of the temporary buildings and will require removal on completion of the commercial building.

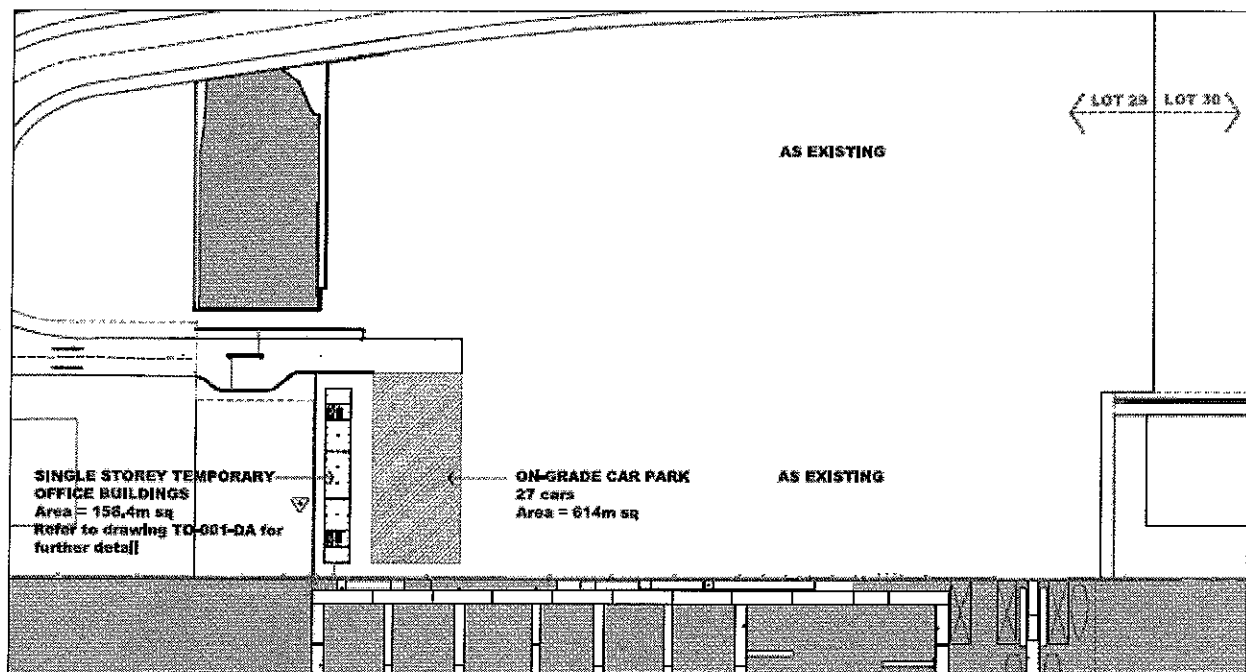


Figure 12 – Location of temporary office buildings.

4.7 SUMMARY OF AMENDMENTS

1. The multi-storey car park has been amended to reflect the project approval that required the removal of levels 5 and 5.5, including a reduction in height.
2. Condition A9 (b) will be amended to reflect the location and provision of at-grade car parking for the commercial maritime building and the western boat store prior to the construction of the multi-storey car park.
3. New additional Condition 'A19 – Staged Construction' to reflect the various phases and stages of construction.
4. Condition B1 (c) will be amended to reflect the amending hours for the operation for the boat brokerage operation from the current 9.00am to 6.00pm to "8.00am to 9.00pm".
5. Condition C8 will be amended to reflect the staging of the development.

6. New additional conditions, including A6 (i), A9 (d) and (e) that reflect the temporary uses comprising at-grade parking of 27 spaces on Lot 29, the use of the layover berths for storage of privately owned vessels and placement of temporary office buildings.

5. CONCLUSION

The Department considers the proposed modification is acceptable as the modifications are limited to the design of the approved multi-storey car park, the provision of car parking, some temporary uses, and staged development. Overall, the modification would not conflict with the current project approval and 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.

6. DELEGATION

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.

7. 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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