

MODIFICATION REQUEST:

Lot 29 and 30, James Craig Road, Rozelle

MP 06_0210 MOD 3 – Modification to enable temporary use of site for hardstand boat storage and associated temporary car parking



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

March 2012

© Crown copyright 2012
Published March 2012
NSW Department of Planning & Infrastructure
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

TABLE OF CONTENTS

| | | |
|-------------------|---|----------|
| 1. | BACKGROUND | 1 |
| 1.1 | The site | 1 |
| 1.2 | Previous Approvals | 1 |
| 1.3 | Application under Assessment on Adjoining Site | 2 |
| 2. | PROPOSED MODIFICATION | 2 |
| 3. | STATUTORY CONTEXT | 4 |
| 3.1 | Continuing Operation of Part 3A to Modify Approvals | 4 |
| 3.2 | Modification of the Minister's Approval | 4 |
| 3.3 | Environmental Assessment Requirements | 4 |
| 3.4 | Delegated Authority | 5 |
| 4. | CONSULTATION AND SUBMISSIONS | 5 |
| 5. | ASSESSMENT | 5 |
| 5.1 | Interim storage of boats | 5 |
| 5.2 | Car parking | 6 |
| 6. | CONCLUSION AND RECOMMENDATION | 6 |
| APPENDIX A | MODIFICATION REQUEST | 7 |
| APPENDIX B | SUBMISSIONS | 8 |
| APPENDIX C | RECOMMENDED MODIFYING INSTRUMENT | 9 |

1. BACKGROUND

1.1 The site

The subject site is bounded by James Craig Road to the north, the Sydney Super Yacht Marina to the east and Rozelle Bay to the south (refer **Figure 1**). The site includes two allotments, being Lot 29 and 30, with a total site area of 28,240m² within the Leichhardt Local Government Area.



Figure 1: Location Plan

1.2 Previous Approvals

On 21 May 2007, the Minister for Planning approved a 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.

The approval has been modified as follows:

- **MOD 1** approved by the Director of Government Land and Social Projects on **31 March 2010** extended the validity of the approval period from three to four years.
- **MOD 2** approved by the Acting Director of Government Land and Social Projects on **16 September 2010** approved a reduction to the height of the multi-storey car park in line with the approval, modified the hours of operation and modified the design of the western boat store and car parking areas. The modification also included staging of the construction into two stages as follows:

- Stage 1, Phase 1: Construction of the floating boat brokerage, layover berths, temporary offices located in the south-western corner and parking at grade for 27 vehicles.
- Stage 1, Phase 2: Construction of the western boat store, commercial maritime building and parking at grade for 153 vehicles. The temporary offices will remain in place. On the water, the layover berth 'Arm I' located to the north will be constructed, which will see the completion of Stage 1 of the development.
- Stage 2: Construction of eastern boat store, multi-storey car park (catering for 150 vehicles) and parking at grade for 120 vehicles.

1.3 Application under Assessment on Adjoining Site

The Department is currently assessing a Project Application (MP 09_0165) for the redevelopment of the land based component of the Sydney Super Yacht Marina located adjacent the north-eastern corner of the site. The proposal includes construction of 2 x two-storey buildings for mixed uses including, maritime (brokerage, chandlery), a marine club, dormitory accommodation, retail, commercial, cafes and restaurants, function facilities, hotel (tavern), liquor outlet, as well as a four-storey car park and public domain works.

2. PROPOSED MODIFICATION

The application seeks to modify the approved staging of the development with the inclusion of an additional Phase in Stage 1. The proposed staging is as follows:

- Stage 1, Phase 1: Construction of the floating boat brokerage, layover berths, temporary offices located in the south-western corner, interim storage of 78 boats and parking at grade for 66 vehicles (**Figure 2**).
- Stage 1, Phase 2: Construction of the western boat store, western car park (ground level containing 50 vehicles), interim storage of 78 boats and parking for 135 vehicles (**Figure 3**). The temporary offices will remain in place. On the water, the layover berth 'Arm I' located to the north will be constructed.
- Stage 1, Phase 3: Construction of the commercial maritime building, interim boat storage of 45 boats and parking at grade for 181 vehicles, which will see the completion of Stage 1 of the development (**Figure 4**).
- Stage 2: Construction of eastern boat store, multi-storey car park (catering for 150 vehicles) and parking at grade for a maximum of 272 vehicles on site.

In addition, the following elements are sought:

- interim dry boat storage of 78 boats during Phase 1 and 2 of Stage 1 across Lot 29 and 30;
- interim dry boat storage of 45 boats on Lot 30 for Phase 3 of Stage 1;
- interim car parking for 66 private vehicles during Phase 1 of Stage 1;
- interim car parking for 135 private vehicles during Phase 2 of Stage 1;
- interim car parking for 181 private vehicles during the operation of Phase 3 of Stage 1; and
- temporary mobile crane usage.

The storage of boats as proposed is to allow for the final tender and design development of the main facility, which is now proposed to be constructed during Phase 3 of Stage 1. The temporary storage of boats is proposed for a period up to three years, with temporary car parking provided only during Stage 1 works. No change is proposed to the approved hours of operation or the marina section, with the modification only relating to works above the water line.

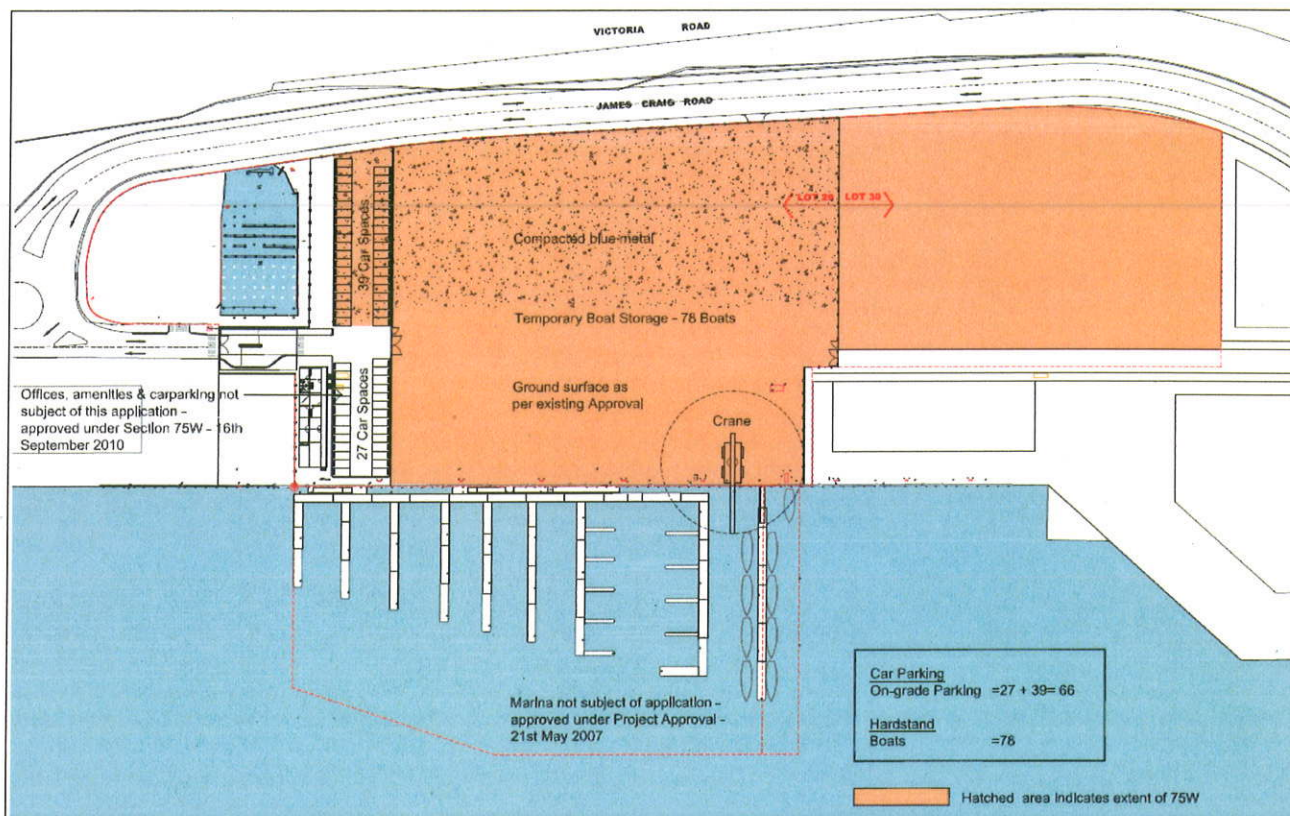


Figure 2: Phase 1 of Stage 1 (Source: Proponent's Section 75W Report)

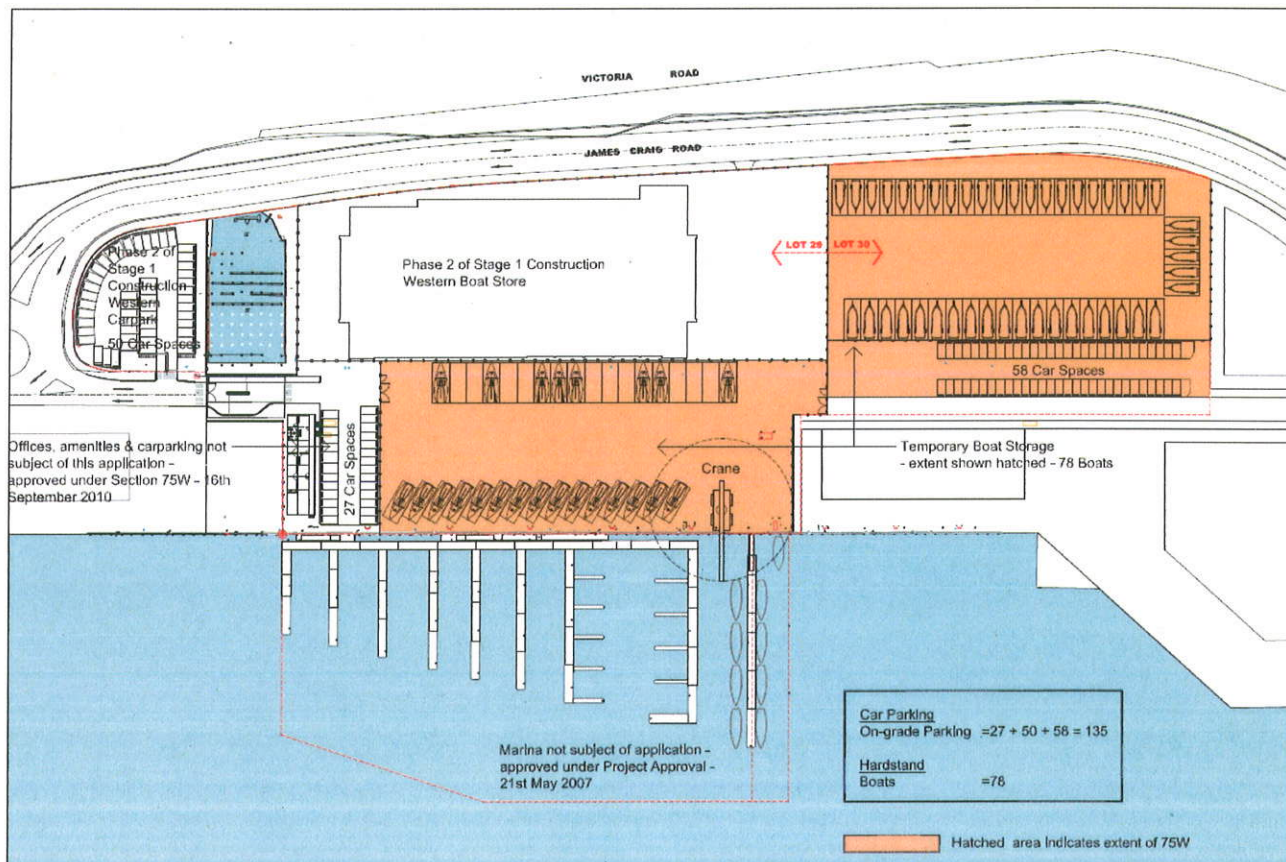


Figure 3: Phase 2 of Stage 1 (Source: Proponent's Section 75W Report)

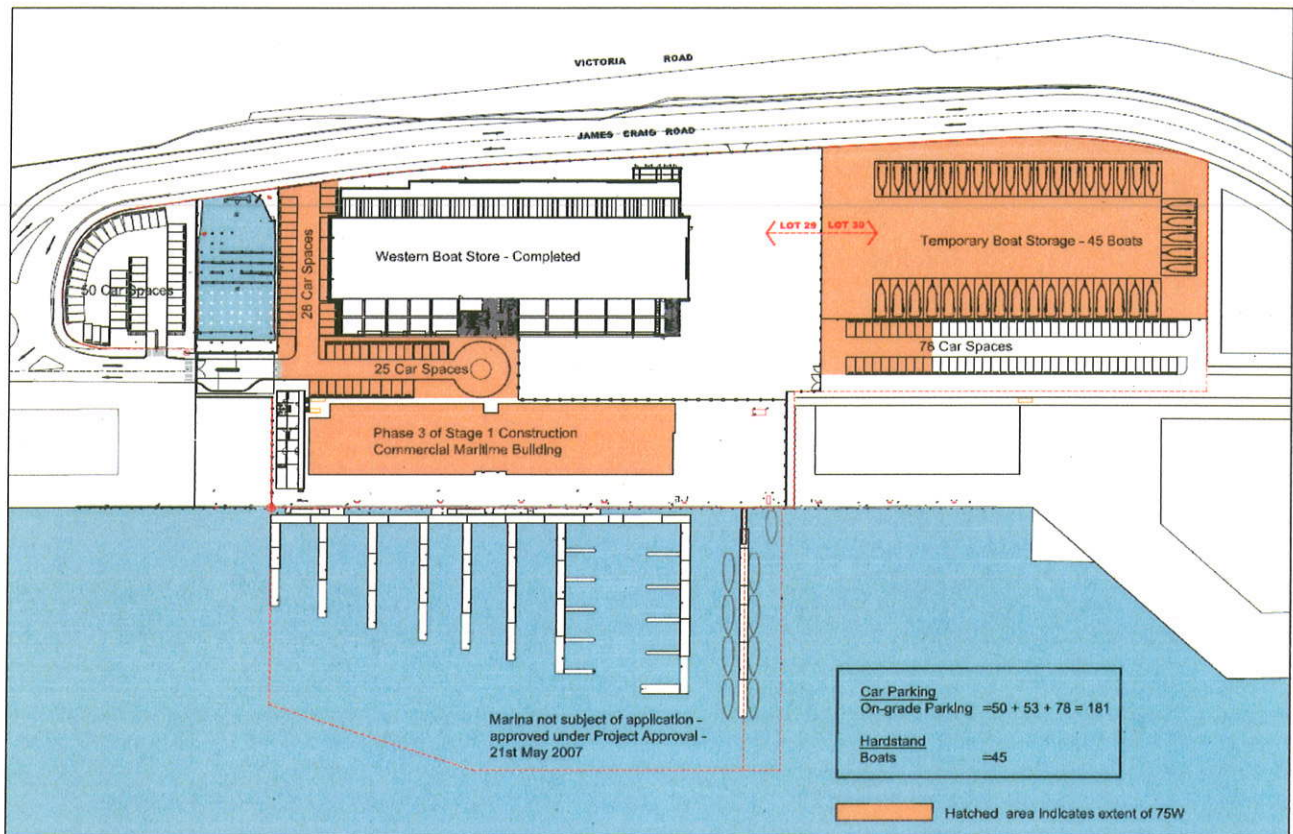


Figure 4: Phase 3 of Stage 1 (Source: Proponent's Section 75W Report)

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the Act.

3.2 Modification of the Minister's Approval

The modification of the Minister's Approval by way of section 75W of the Act is appropriate because the proposal is consistent with the original approval.

3.3 Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides that the Director-General may notify the proponent of environmental assessment requirements (DGRs') with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

In this instance, following an assessment of the modification request, it was not considered necessary to notify the proponent of environmental assessment requirements pursuant to Section 75W(3) with respect to the proposed modification, as suitable information was provided to the department to consider the application.

3.4 Delegated Authority

The Minister has delegated his functions to determine Section 75W modification requests to the Department where:

- the relevant Council has not made an objection; and
- a political donation statement has not been made; and
- there are less than 10 public submissions in the nature of objections.

Council has not objected to the proposed modification, however has requested the Department consider a number of matters during its assessment; no political disclosure statement has been made; and the Department did not receive any public submissions.

Accordingly, the application is able to be determined by the Acting Director of Metropolitan and Regional Projects South, under delegation.

4. CONSULTATION AND SUBMISSIONS

Under Section 75X(2)(f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The modification request was made available on the department's website and referred to Leichhardt Municipal Council, Roads and Maritime Services and Environment Protection Authority for comment. Due to the nature of the proposed modification, the modification request was not exhibited by any other means. No public submissions were received on the modification request.

Leichhardt Municipal Council provided a submission which set out that until the Bays Precinct Masterplan has been completed and a long-term strategic plan for the site has been finalised, no new development in this area should be considered. Rather than setting out any issues specific to the proposed modification, Council forwarded its recent submission made in respect of the nearby Super Yacht Marina (MP 09_0165), referred to above, and sought that the issues of cumulative impact of traffic/transport issues, foreshore access, strategic planning matters, urban design comments, social impact and community implications and environmental and noise impacts within the area, raised in this submission be considered by the Department in the assessment of the proposed modification.

The department is of the view that the issues raised by Council were addressed during the original assessment of the application and given that the proposal is for a modification of an existing approval relating to staging of works, the proposal is considered suitable for the locality.

Roads and Maritime Services (roads division) raised no concerns with the modification.

5. ASSESSMENT

The Department considers the key issues for the proposed modification to be:

- interim storage of boats; and
- car parking.

5.1 Interim storage of boats

The proposal to store boats on the site during construction is considered to be acceptable on the basis that the use will not have negative impacts (in terms of noise or visual) on adjoining marine orientated properties, such as the Sydney Super Yacht Marina. In addition, the nearest residential properties are located across Rozelle Bay, approximately 250 metres and partly screened by two large trees, from the proposed boat storage areas.

Also, the facility is already approved and the proposed storage is on a temporary basis only.

Boats are proposed to be lifted from the hardstand by a forklift truck (as approved) and lowered into the water by a mobile crane (proposed). Given the marine use of adjoining sites and the proximity to Victoria Road, the noise generated from the introduction of a mobile crane that is to support the approved forklift truck is not considered to impact upon the locality.

5.2 Car parking

Car parking associated with the development is proposed to be amended and provided as follows during the construction of Stage 1:

- interim parking for 66 vehicles (note 27 vehicles permitted under MOD 2) during Phase 1 of Stage 1 (**Figure 2**);
- interim parking for 135 vehicles (note 153 vehicles permitted under MOD 2) during Phase 2 of Stage 1 (**Figure 3**); and
- interim parking for 181 vehicles during Phase 3 of Stage 1 (**Figure 4**).

The introduction of additional car parking provided to support the temporary use of the site is not considered to negatively impact the use of the site or cause negative impacts upon the locality, as once the final stage of the development is constructed the approval provides for 270 vehicles to be provided on the site to support the uses.

6. CONCLUSION AND RECOMMENDATION

The department is satisfied that this modification application falls within the scope of Section 75W of the Act. The proposed modification does not change the original assessment as to the site's suitability for this development.

The proposed modification is generally consistent with the terms of the Project Approval (as modified) and is considered to be acceptable. It is therefore recommended that the application be approved subject to the modified condition.

It is recommended that the Acting Director of Metropolitan and Regional Projects South, as delegate for the Minister for Planning and Infrastructure:

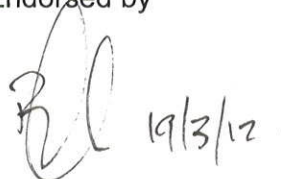
- (a) consider the findings and recommendations of this report; and
- (b) approve the modifications under delegated authority, under section 75W of the *Environmental Planning and Assessment Act 1979*; and
- (c) sign the attached Instrument of Modification Approval for MP 06_0210 (MOD 3).

Prepared by



Mark Brown
Senior Planner
Metropolitan & Regional Projects South
19.3.2012

Endorsed by



Ben Lusher
A / Team Leader
Metropolitan & Regional Projects South

APPENDIX A MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5129

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5129

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
