



**Planning &
Environment**

***MODIFICATION REQUEST
Dry Boat Storage and Marine
Facility, Rozelle Bay
MP 06_0210 MOD 6***

***Introduction of mezzanine level within Western
Boat Store***



Secretary's Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

November 2014

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a section 75W modification application lodged by Rozelle Bay Pty Ltd (the Proponent), seeking to modify the project approval (MP 06_0210) for the Dry Boat Storage and Marine Facility at James Craig Road, Rozelle Bay. The modification (MOD 6) seeks approval to introduce a mezzanine level within the commercial maritime and ancillary maritime area of the Western Boat Store Building.

1.2 The Site

The site is bounded by James Craig Road to the north, the Sydney Super Yacht Marina to the east and Rozelle Bay to the south. The site is located within the Leichhardt Local Government Area (LGA). A Location Plan is provided at **Figure 1** below.

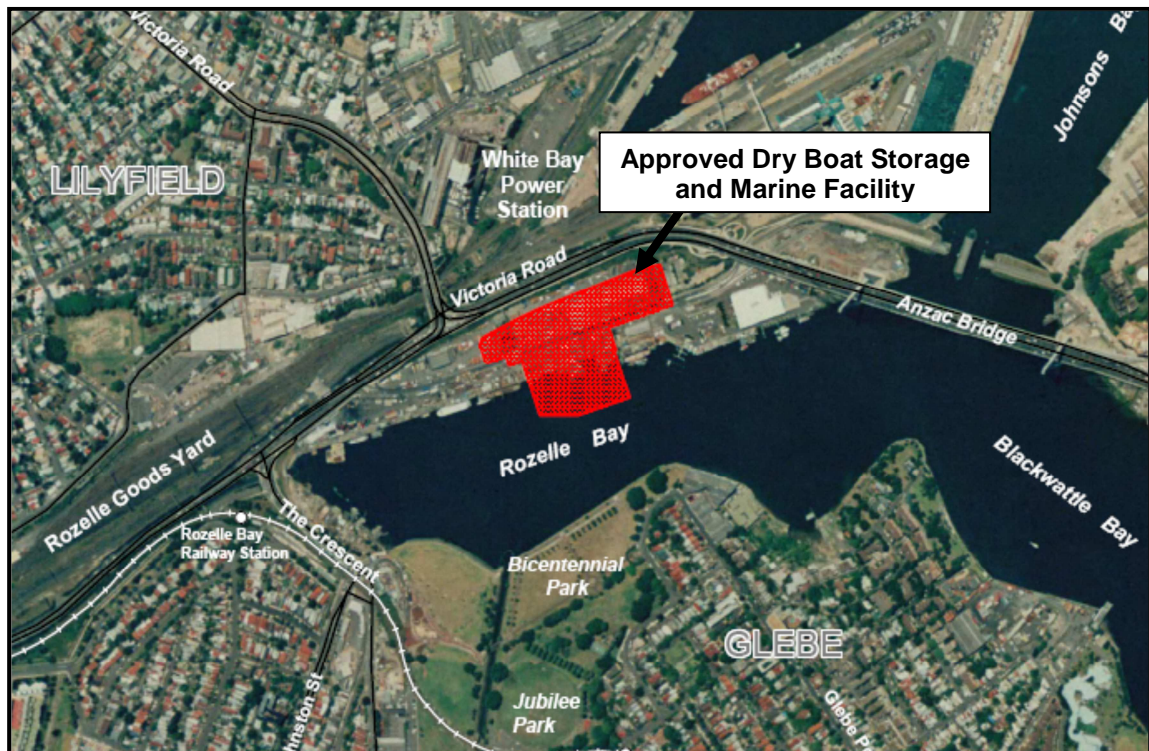


Figure 1: Location Plan

1.3 Approval History

MP 06_0210

On 21 May 2007, the then Minister for Planning approved a project application for a dry boat storage and marine facility (MP 06_0210). The approved project comprises:

- two boat storage buildings with a total capacity of 670 boats and 852 m² of commercial maritime and ancillary maritime floor space;
- a commercial maritime building with 3,024 m² 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 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
- signage, landscaping and rainwater tanks.

The project approval has been modified on five occasions. Specific details of the modifications are provided in Appendix C of this report.

2. PROPOSED MODIFICATION

2.1 Modification Description

The section 75W application (MOD 6) seeks approval to introduce an internal mezzanine level directly above the ground floor commercial maritime and ancillary maritime floor space along the eastern side of the Western Boat Store Building. No changes are proposed to the exterior of the building. The mezzanine level would comprise 426 m² of floor space.

The existing approved layout of the development is shown in **Figure 2**, and the approved and proposed modified internal changes to the Western Boat Store Building are shown in **Figure 3, 4 and 5**.



Figure 2: Approved Site Layout

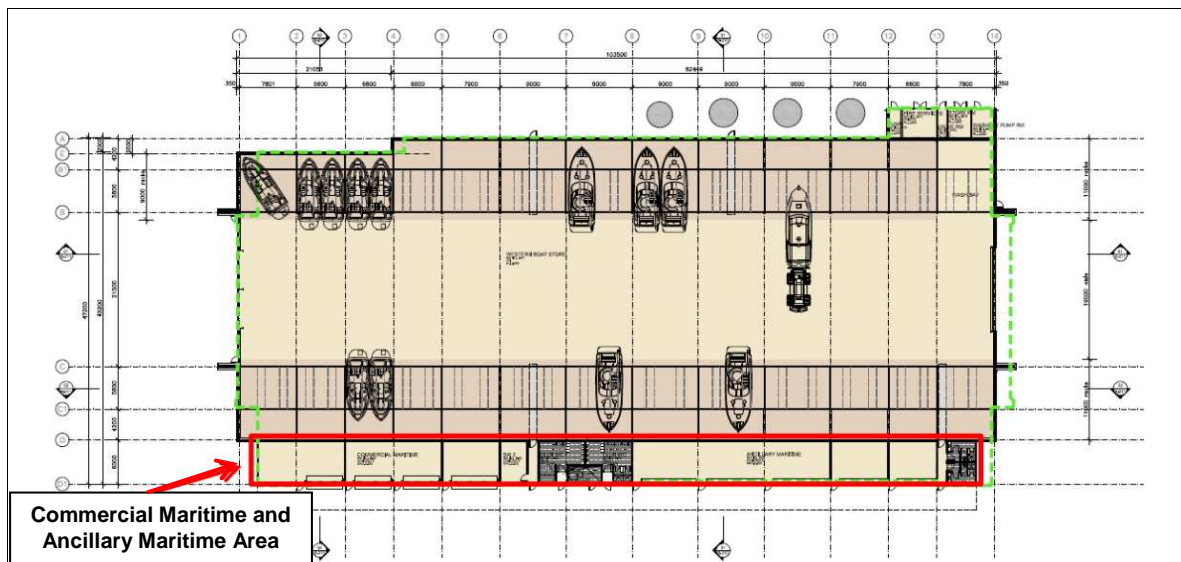


Figure 3: Approved Floor Plan of Western Boat Store (MOD 4)

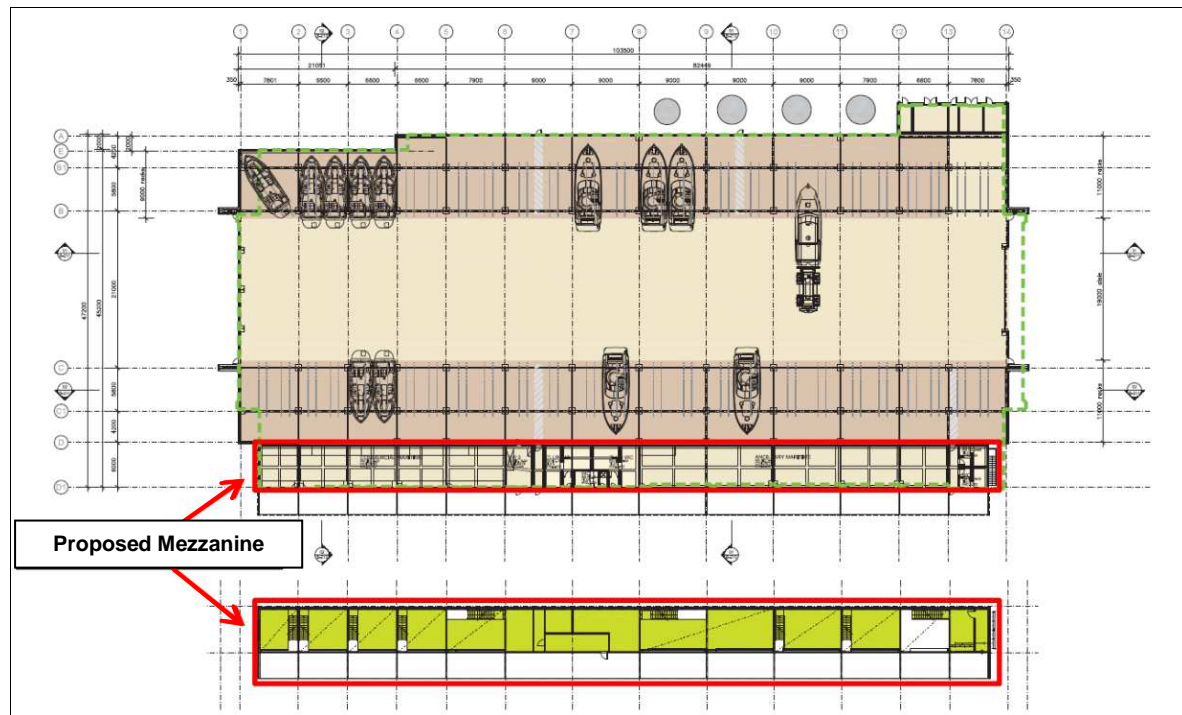


Figure 4: Proposed Floor Plan of Western Boat Store

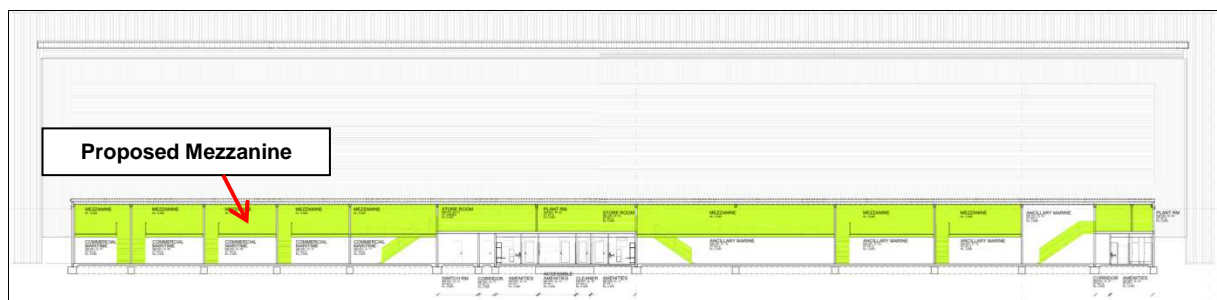


Figure 5: Proposed Section Plan

2.2 Justification for Modification

The proposed modification comprises minor internal building changes which are intended to increase the capacity of storage space within the building. The proposed modification does not fundamentally alter the existing approved development and no changes are proposed to the built form or external appearance of the building, the boat storage capacity, hours of operation or car parking.

3. STATUTORY CONTEXT

3.1 Changes to Part 3A

In accordance with clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (the Act), section 75W of the EP&A 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 her delegate) may approve or disapprove of the carrying out of the project under section 75W of the EP&A Act.

3.2 Modification of the Minister's Approval

Section 75W(2) of the EP&A Act provides that a Proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project, as modified, would be consistent with the original

approval. As the proposed modification seeks to alter the description of the development and the approved drawings, the modification will require the Minister's approval.

3.3 Secretary's Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides the Secretary with scope to issue Environmental Assessment Requirements (SEARs) that must be complied with before the matter will be considered by the Minister. SEARs were not issued for this modification as it is relatively minor and the Proponent has addressed the key issues related to the modification requests.

3.4 Delegated Authority

The Minister for Planning delegated responsibility for the determination of section 75W modification applications to Directors and Managers who report to the Executive Director, Infrastructure and Industry Assessments where:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

The proposal complies with the terms of the delegation as Leichhardt Council did not object to the proposal, a political disclosure statement has not been made in relation to the application, and no public submissions were received in the nature of objections. Accordingly, the Acting Director, Industry and Key Sites may determine the application in accordance with the Minister's delegation.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the EP&A Act and clause 8G of the *Environmental Planning & Assessment Regulation 2000*, the modification request was made publicly available on the Department of Planning and Environment's (the Department) website. The Department also notified Leichhardt Municipal Council (Leichhardt Council) and the City of Sydney Council (City of Sydney).

4.2 Submissions by public agencies

Leichhardt Council and the City of Sydney raised no objection to the proposed modification.

4.3 Public Submissions

No public submissions were received from the public.

5. ASSESSMENT

The Department considers that the key issue related to the proposed modification relates to the gross floor area of the development.

5.1 Gross Floor Area

The introduction of the mezzanine level would increase the floor space of the commercial maritime and ancillary maritime area within the Western Boat Store Building by 426 m² from 431 m² to 857 m².

By way of background, the original approved development included 852 m² of commercial maritime and ancillary maritime floor space within the Western Boat Store. MOD 4 amended the design of the Western Boat Store by separating the commercial maritime and ancillary maritime area from the boat storage racking area for fire and safety reasons. In doing so, MOD 4 also reduced the commercial maritime and ancillary maritime floor space by 421 m² from 852 m² to 431 m². **Table 1** below provides a breakdown of the changes that have occurred in the commercial maritime and ancillary maritime floor space since the original approved development.

Table 1: Breakdown - Commercial Maritime and Ancillary Maritime Floor Space – Western Boat Store

	Original	MOD 4	Proposed (MOD 6)
Floor Space (in m²)	852 m ² (western boat store building footprint 4,972 sqm)	431 m ² (western boat store building footprint 4,843 sqm)	857 m ² (western boat store building footprint 4,843 sqm)

As identified in **Table 1** above, MOD 6 would effectively reinstate the floor space of the commercial maritime and ancillary maritime area back to the level of the original approved development. Specifically, MOD 6 would result in the commercial maritime and ancillary maritime floor space being 5 m² larger than the original approved development. The minor increase in floor space would be inconsequential in the context of the overall development, and the proposal would not give rise to any additional discernible environmental impacts over the existing approved development. The proposed changes are contained within the building therefore there are no changes to the built form or external appearance of the building.

It is also noted that the *Sydney Regional Environmental Plan No 26—City West and Rozelle and Blackwattle Bays Maritime Precincts Masterplan* (which apply to the site) do not contain any gross floor area or FSR controls for the site.

Additionally, given the additional floor space would primarily be used for storage purposes, and that the proposal effectively reinstates floor space back to the levels of the original approved development, the proposal would not result in any discernible additional traffic generation impacts or car parking demand from the existing approved development. The proposal therefore does not require any changes to the existing approved car parking provisions to service the development.

The Department is therefore satisfied the proposed modification would not result in any significant environmental impacts and therefore considers it to be acceptable.

6. CONCLUSION

The Department concludes that the proposed introduction of the mezzanine level within the commercial maritime and ancillary maritime area of the Western Boat Store Building is wholly internal, would not result in any discernible additional environmental impacts over the existing approved development, and would provide additional storage capacity within the development.

It is therefore recommended that the modification application be approved, and relevant conditions of the project approval be amended accordingly.

7. RECOMMENDATIONS

It is recommended that the Acting Director, Industry and Key Sites:

- Consider** the findings and recommendations of this report;
- Approve** the modifications to MP 06_0210 MOD 6, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act 1979*; and
- Sign** the attached Instrument of Modification (**Tag A**).

Prepared by: Ben Eveleigh


Endorsed by:



13/10/14

Cameron Sargent
Team Leader
Key Sites

Approved by:



13/11/14

Ben Lusher
Acting Director
Industry and Key Sites

APPENDIX A MODIFICATION REQUEST

Available on the Department of Planning and Environment's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6678

APPENDIX B SUBMISSIONS

Available on the Department of Planning and Environment's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6678

APPENDIX C MODIFICATIONS TO PROJECT APPROVAL

MP 06_0210 MOD 1

On 31 March 2010, the then Director, Government Land and Social Projects approved a section 75W application to extend the validity of the approval period from 3 to 4 years.

MP 06_0210 MOD 2

On 16 September 2010, the then Acting Director, Government Land and Social Projects approved a section 75W application comprising:

- amendments to the design of the multi-storey car park including:
 - the deletion of levels 5 and 5.5;
 - a reduction in the footprint of the car park building, and a 474 m² reduction in the gross floor area of the building; and
 - the re-positioning of the at-grade car park.
- increased construction and operation hours (from 9 am to 6 pm, to 8 am to 9 pm); and
- the introduction of new conditions to allow for staged construction of the development (Conditions A6(i), A9(d), A9(e) and A19).

MP 06_0210 MOD 3

On 27 March 2012, the then Acting Director, Metropolitan and Regional Projects South approved a section 75W application comprising the following changes to the staging of the development:

- the inclusion of the phase 3 works into Stage 1;
- 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 during 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 Phase 3 of Stage 1; and
- temporary mobile crane usage.

MP 06_0210 MOD 4

On 19 August 2012, the then Executive Director, Major Projects Assessment approved a section 75W application comprising:

- changes to the roof form of the eastern and western boat stores;
- changes to the extent of glazing on the eastern and western boat stores;
- changes to the materials used on facades of the eastern and western boat stores; and
- increasing the width of the central aisle of the western boat store by 600 mm to separate the ancillary marine workshop and retail areas from the boat storage racking.

MP 06_0210 MOD 5

On 19 March 2014, the then Director, Industry, Key Sites and Social Projects approved a section 75W application permitting an extension of the use of Lot 29 for temporary car parking and office uses until the completion of Phase 2, Stage 1 of the project.

APPENDIX D RECOMMENDED MODIFYING INSTRUMENT
