

Modification of Project Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I modify the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 20 April

2018

SCHEDULE 1

Project Approval:	MP 06_0210 granted by the Minister for Planning on 21 May 2007
For the following:	Dry boat storage and marine facility
Proponent:	Rozelle Bay Ltd
Approval Authority:	Minister for Planning
The Land:	Lots 29 and 30, James Craig Road, Rozelle, and Part of Lot 33, being the water area of Rozelle Bay
Modification:	MP 06_0210 MOD 8: the modification includes: • amendment of Stage 1, Phase 2, including: ○ relocation and reconfiguration of the temporary dry boat storage and car parking spaces ○ increase of one temporary car parking space from 135 spaces to 136 spaces ○ reduction of 31 temporary surface boat storage spaces from 78 spaces to 47 spaces ○ reconfiguration of vehicular circulation areas • retention and amendment of the temporary demountable office building, including: ○ change the use of the building from office, to part office / café use, including internal alterations and fitout ○ construct a new deck, access ramp and remove existing windows • installation of an internally illuminated sign.

SCHEDULE 2

The above approval (MP 06_0210) is modified, as follows:

- (a) Schedule 2 Part A – Administrative Conditions, Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold and struckout~~ words / numbers, as follows:

Terms of Approval

A2 The Proponent must carry out the Project generally in accordance with:

- a) the conditions of this approval;
- b) Major Project Application 06_0210, submitted to the Sydney Harbour Foreshore Authority on the 27 July 2006;
- c) *Environmental Assessment: Rozelle Bay Marine Centre, prepared by URS Australia Sydney, July 2006;*
- d) *Preferred Project Report and Statement of Commitments; Rozelle Bay Marine Centre, MP06_0210, prepared by JBA Urban Planning Consultants Pty Ltd, January 2007;*
- e) Response to Submissions contained within the *Preferred Project Report and Statement of Commitments; Rozelle Bay Marine Centre, MP06_0210, prepared by JBA Urban Planning Consultants Pty Ltd, January 2007;* this is
- f) *Rozelle Bay Marine Centre Environmental Assessment Addendum Business Identification Signage Assessment, prepared by JBA Urban Planning Consultants, 7 September 2006.*
- g) **the following modification applications:**
 - i) **Section 75W Modification Application MP 06 0210 MOD 1, prepared by JBA Urban Planning, dated 10 March 2010**
 - ii) **Section 75W Modification Application MP 06 0210 MOD 2, prepared by JBA Urban Planning, dated December 2009**
 - iii) **Section 75W Modifications Application MP 06 0210 MOD 3, prepared by JBA Urban Planning, dated 18 November 2011**
 - iv) **Section 75W Modification Application MP 06 0210 MOD 4, prepared by JBA Urban Planning, dated 21 May 2012**
 - v) **Section 75W Modification Application MP 06 0210 MOD 5, prepared by Sydney Boat House, dated 9 January 2014**
 - vi) **Section 75W Modification Application MP 06 0210 MOD 6, prepared by DFP Planning Pty Ltd, dated 14 August 2014**
 - vii) **Section 75W Modification Application MP 06 0210 MOD 7, prepared by DFP Planning Pty Ltd, dated 6 August 2014, as amended by Response to Submissions, dated 6 November 2014**
 - viii) **Section 75W Modification Application MP 06 0210 MOD 8, prepared by DFP Planning Pty Ltd, dated 18 December 2017, as amended by email dated 12 February 2018, and Response to Submissions, dated 28 March 2018.**
- h) the following approved plans, except where these plans are amended by Condition A2(~~h~~ **i**);

Architectural Plans prepared by Michael Fountain Architects, as follows:

Drawing Ref	Name of Plan	Revision	Date
MP-001-DA	Site Plan Stage 2 Final Development	Issue P	July 2010
MP-015-75W	Site Plan 75W Phase 1 Stage 1	A	Nov 2011
MP-012-DA	Site Plan Phase 3 of Stage 1	Issue Q	March 2012
MP-016 b -75W	Site Plan 75W Phase 2 b Stage 1	A <u>Issue F</u>	Nov 2014 <u>Jan 2018</u>
MP-017-75W	Site Plan 75W Phase 3 Stage 1	A	Nov 2011
MP-001-DA	Site Plan Stage 2 Final Development	Issue P	July 2010
MP-001a-DA	Site Plan Stage 2 Final Development	Issue P	July 2010

MP-001b-DA	Site Plan Stage 2 Final Development	Issue P	July 2010
TO-001-DA	Temporary Offices – Phase 1 of Stage 1	Issue A	Sept 2010
DA 901	Floor Plan Cafe	Issue B	25.09.17
DA 920	Sections & Elevations Cafe	Issue C	25.09.17
CC 101	Proposed Plan	Revision 01	Undated
MP-200-DA	Site Combined Elevations	Issue G	March 2012
A-100-DA	Eastern Boat Store – Floor Plan	Issue F	Jan 2007
A-101-DA	Eastern Boat Store – Roof Plan	Issue F	Aug 2006
MP-200-DA	Site Combined Elevations	Issue G	May 2012
A-200-DA	Eastern Boat Store - Elevations	Issue G	May 2012
A-201-DA	Eastern Boat Store - Elevations	Issue G	May 2012
A-210-DA	Eastern Boat Store - Sections	Issue F	Aug 2006
B-100-DA	Western Boat Store – Floor Plan	Issue G	March 2012
B-101-DA	Western Boat Store – Roof Plan	Issue G	March 2012
B 103 DA	Western Boat Store Plan – Mezzanine Floor	A	7/8/2014
B-200-DA	Western Boat Store - Elevations	Issue G	March 2012
B-201-DA	Western Boat Store - Elevations	Issue G	March 2012
B-210-DA	Western Boat Store - Sections	Issue G	March 2012
B-211-DA	Western Boat Store – Sections	Issue G	March 2012
B 218 DA	Western Boat Store Section FF – West	A	7/8/2014
B 219 DA	Western Boat Store Section FF – East	A	7/8/2014
C-101-DA	Commercial Maritime Building – Floor Plans	Issue F	Jan 2007
C-102-DA	Commercial Maritime Building – Roof Plan	Issue F	Jan 2007
C-200-DA	Commercial Maritime Building – Elevations	Issue F	Jan 2007
C-210-DA	Commercial Maritime Building – Sections	Issue F	Jan 2007
D-100-DA	Multi-Storey Car Park – Floor Plans	Issue H	July 2009
D-101-DA	Multi-Storey Car Park – Floor Plans	Issue H	July 2009
D-200-DA	Multi-Storey Car Park – Floor Elevations	Issue H	July 2009
DA-210-DA	Multi-Storey Car Park – Sections	Issue H	July 2009
EX-360-DA	Signage Plan	Issue F	Jan 2007
EX-361-DA	Signage – Site Elevations	Issue F	Jan 2007
EX-363-DA	Signage Elevations – Building B	Issue F	Jan 2007
EX-364-DA	Signage Elevations – Building C	Issue F	Jan 2007
EX-365-DA	Signage Elevations – Building D	Issue F	Jan 2007
EX-366-DA	Signage Details	Issue F	Jan 2007
EX-367-DA	Signage Details	Issue F	Jan 2007
B 700	Western Boat Store Signage (Major Building)	Issue E	20.07.2016
W-101	Marina Layout Plan Stage 2 – Final Development	V	11/12/14
Landscape Concept Plan, prepared by Mark Eriksson Landscape Design, August 2006, Amend A/1.			

- (h.i) the Proponent must submit amended plans showing amendments identified in the table below, and these amended plans must be approved by the Director-General prior to the issue of any Construction Certificate. The Project must be carried out in accordance with the amended plans approved by the Director-General under this condition.

Amended Component	Description of Amendment
Eastern Boat Store	A 2.2 metre reduction in the height of the eastern boat store that will result in a maximum roof height of RL 26 and maximum wall height of RL 22 measure to the eave line of the building.
Carparking building	Deletion of all lighting poles on the carpark building, with all lighting to be low level 'bollard type' lights or lights below the parapet of the carpark building or on the lift overrun.

Parking & Boat Accumulation Area	▪ The boat accumulation area may be reduced in area to accommodate a further seven on grade car parking spaces adjacent to the eastern boat store, to result in a maximum number of on site carparks of 272 spaces, subject to the provisions of Condition A10.
Signage	▪ Deletion of banners signs referred to as 08f, 09f, 12f and 13f. The remaining banner signs (14f, 15f, 16f, 17f, 18f, 19f and 20f) are to be reduced in height to a maximum height of five metres.
Landscaping	▪ Deletion of all planter boxes along the foreshore adjacent to the commercial maritime building.
Schedule of Finishes	▪ The schedule of finishes should be revised to include all new materials approved under MOD 4. In addition, the colour palette of the modified finishes should be revised to include highlight colours to emphasise the underlying structure of the building and articulate the individual building elements as per the provisions of the Master Plan for Rozelle and Blackwattle Bay Maritime Precincts.

(i) the following drawings and plans contained in the EA are excluded from the plans approved under this Approval:

- Engineering Plan prepared by Robert Bird and Partners Pty Ltd, Drawing Ref: S8.01, 'Wharf Details – Slab Sections – Sheet 3', Rev G, dated July 1999.
- Architectural Plan prepared by Michael Fountain Architects, Drawing No. C-100-DD, Rev A, 'Commercial Maritime Building with Site', Dated 1.10.2003.

Note: Condition A15 deals with the relevant construction requirements for water based construction work.

- (b) Schedule 2 Part A – Administrative Conditions, Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words / numbers as follows:

Limits on Approval

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

- (b) ~~Prior to the construction of the multi storey car park 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 P July 2010 a Construction Certificate being issued for Phase 2 of Stage 1, Within 3 months of the approval of modification application MP 06 0210 MOD 8,~~ the Proponent is to provide the following **in relation to the Stage 1, Phase 2 works** to the satisfaction of the **Director-General Secretary**:

- (i) an interim landscape plan for this part of the site;
- (ii) an interim public access and pedestrian management plan; and
- (iii) details of compliance with any relevant Conditions of this Approval as determined by the **Director-General Secretary**.

- (c) In the event of approval to stage the provision of carparking on site ~~in accordance with clause (b) of this condition~~, the construction of the carpark building is to be complete prior to the issue of an Construction Occupation Certificate for the Eastern Boat Store.
- (d) Notwithstanding (a) above, the use of the temporary at-grade car parking of 27 spaces on Lot 29 as illustrated on drawing MP-011-DA expires on 16 September 2015.
- (e) The use of ~~the~~ single storey temporary ~~office~~ buildings ~~for a café and office~~ on Lot 29 as illustrated by Drawings ~~MP-011-DA and TO-001-DA DA-901 B and DA-920 C~~ expires ~~on 16 September 2015~~ six years from the date of approval of modification application MP 06 0210 MOD 8, or until the construction of the Commercial Maritime Building (Stage 1, Phase 3) is completed, whichever occurs first.

The single storey temporary building and all associated site improvements shall be demolished / removed from the site upon the expiry of the use, as required by this condition.

- (f) Temporary Use of the Site
The temporary use of the site for hardstand storage of ~~78~~ 47 boats is permitted during Phase 1 and Phase 2 of Stage 1 and 45 boats during operation of Phase 3 of Stage 1 of the construction of the Rozelle Bay Marine Centre located on James Craig Road, Rozelle Bay.

~~The temporary storage of boats will be permitted for a period of no more than three years from the date of this modification approval.~~

- (g) Limits on Approval
Notwithstanding (a) above, temporary at-grade car parking of 39 spaces on Lot 29 as illustrated on drawing MP-015-75W is permitted until the completion of Phase 1 of Stage 1.
- (h) Limits on Approval
Notwithstanding (a) above, at-grade car parking of 108 spaces on Lot 29 and 58 28 spaces on Lot 30 as illustrated on Drawing MP-016**b**-75W issue F is permitted until the completion of Phase 2 of Stage 1.
- (i) Limits on Approval
Notwithstanding (a) above, at-grade car parking of 20 spaces on Lot 30 as illustrated on Drawing MP-017-75W is permitted until the completion of Phase 3 of Stage 1.

- (c) Schedule 2 Part B – Specific Environmental Conditions, Condition B1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold and struckout~~** words / numbers, as follows:

Hours of Construction and Operation

- B1 (a) The Proponent must comply with the construction and operation hours in the table below, except where those hours are modified in (b) and (c) below:

Activity	Day	Time
Construction	Monday – Friday	7.00am to 7.00pm
	Saturday	7:00am to 3:00pm
	Sunday and Public Holidays	Nil
Boat Handling Activities including loading and unloading of vessels	Monday – Friday	1 May to 31 August 7:00am to 6:00pm 1 September to 30 April 7:00am to 7:00pm
	Saturday and Sunday	1 May to 31 August 7:00am to 6:00pm 1 September to 30 April 7:00am to 8:00pm
Marine chandlery, brokerage and retail outlets		
Boat Departures (including boats that may be loaded into the water on a prior day)	All days	1 February to 30 September 7:00am to 5:30am 1 October to 31 January No restriction
Restaurant/ Café / Take-away food premises	Sunday – Wednesday	7:00am to 10:30pm
	Thursday, Friday and Saturday	7:00am to 11:00pm *Subject to the trial period specified in clause (f) of this Condition
Boat Maintenance Activities	Monday – Saturday	7:00am to 6:00pm
	Sundays	8:00am to 4:00pm
Commercial office space tenancies	All days	Any time

(b) Special Event Days:

A maximum of 10 Special Event Days are permitted per calendar year.

Special Event Days include:

- (i) Christmas Day, Boxing Day, New Years Eve, New Years Day and Australia Day, and
- (ii) in addition to the days identified in (i) above, five additional Special Event Days per calendar year are permitted, provided that at least 21 days notice of each additional Special Event Day is provided to the Director-General, the NSW Maritime Authority and Boat User Groups.

24-hour operations for Boat Handling Activities and Boat Departures (as identified in table at (a) above, are permitted on Special Event Days.

- (c) Notwithstanding (a) above, the 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 8:00am to 9:00pm on any day.

- (d) Notwithstanding (a) above, the use of the outdoor seating areas is only permitted in conjunction with the adjoining Restaurant/Café/Take-away food premises. The use of these areas is limited to **7:00 am to 10:00 pm** on any day, and after **10:00 pm** all windows and doors from these tenancies are to be kept closed, except that needed for ingress/egress.
- (e) No amplified live entertainment is to be carried out at the subject site.
- (f) Restaurant/Café/Take-away food premises - Trial Period*:

Notwithstanding (a) above, the internal spaces of the Restaurant/ Café / Take-away food premises only may operate between 11:00pm and 12:00 midnight on Thursdays, Fridays and Saturdays for a trial period of 12 months from the date of the issue of the Occupation Certificate for either of the restaurant or cafe tenancies.

Separate trial periods (as above) shall be undertaken for the café uses within the:

- i) Stage 1, Phase 2 development; and**
- ii) final stage of development (Stage 2)**

Following the conclusion of the trial period the hours of operation for the Restaurant/Café/Take-away food premises must be in accordance with the hours identified in the table in clause (a) above, unless a further application or modification to this Approval is approved to continue the extended trading hours before the end of the trial period.

The Director-General's consideration of a proposed continuation and or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with Project Approval conditions, any substantiated complaints received and any views expressed by the Police.

- (d) Schedule 2 Part B – Specific Environmental Conditions, is amended by the insertion of the following new Condition B41:

Business and Building Identification Signage

B41 Business and building identification signage shall comply with the following:

- a) The approved signage shall be appropriately maintained at all times;**
- b) The signage shall be utilised as building and business identification signage only, and shall not be adapted or altered to be third party advertising signage without further consent; and**
- c) The signage shall not:-**
 - i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;**
 - ii) include any apparatus to provide any sound;**
 - iii) carry a message(s) which is offensive;**
 - iv) give instructions to traffic by the use of the words, 'Halt', 'Stop', or any other direction, or imitate traffic signs in respect to shape, layout or colour;**
 - v) contain interchangeable or movable parts; and**
 - vi) impair or distract the vision of a driver through the intensity of the illumination of the sign.**

- (e) Schedule 2 Part C – Environmental Monitoring and Management, Conditions C8 and C11 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold and underlined**~~ words / numbers, as follows:

Compliance

- C8 Prior to the commencement of construction and operations, of each phase of the project (as identified on drawing ~~MP-011-DA, MP-012-DA~~ **MP-015-75W, MP-016b-75W, MP-017-75W** and MP-001-DA) the Proponent must certify in writing to the satisfaction of the ~~Director-General~~ **Secretary**, that it has complied with all the applicable conditions of this Approval as relevant to that phase.
- C11 A noise compliance assessment must be undertaken within three months of commencement of operations at the premises. The assessment must be prepared by a suitably qualified and experienced acoustical practitioner and must assess compliance with noise limits in Conditions B2 and B3.

Separate noise compliance assessments (as required above) shall be undertaken for the:

- i) **Stage 1, Phase 2 development; and**
- ii) **final stage of development (Stage 2).**

Should the assessment indicate any non-compliance with the specified noise limits the Proponent must take appropriate measures to limit any impacts and must submit a further report upon the implementation of the measures. Further reporting must be undertaken every 12 months unless otherwise directed by the ~~Director-General~~ **Secretary**.

**End of Modification to MP 06_0210
(MP 06_0210 MOD 8)**