

Appendix B1

Proposed amendments to Project Approval Conditions Dated 26 November 2012

SCHEDULE 1

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Amend:

Land: Part Lot 32 ~~in the Rozelle Bay Draft Plan of Subdivisions of Lots 2, 3 and 4 of DP 873379, Lot 100 DP101367 and Lot 1 DP1049334 DP1151746 and Part Lot 33 DP 1151746~~, Sydney
Superyacht Marina, 2 Maritime Court ~~James Craig Road~~, Rozelle Bay, Sydney

Project: ~~Land-based~~ Redevlopment of Super Yacht Marina comprising:

- Construction of two commercial maritime buildings with ancillary uses
- Construction of a multi-level car parking building
- Off street car parking and associated landscaping
- Reconfiguration of pontoons and approval for 43 vessels plus a maximum of 36 tenders on the water.

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DEFINITIONS

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Add "MOD1" Modification application pursuant to section 75W of the Environmental Planning & Assessment Act 1979 lodged [] and approved [].

Add "MOD2" Modification application pursuant to section 75W of the Environmental Planning & Assessment Act 1979 lodged 22 January 2014

Add "Secretary" The secretary of the Department of Planning and Environment, or delegate.

Amend "Statement of Commitments" The proponent's Statement of Commitments contained in the PPR Addendum set out in Schedule 3 as amended by MOD 1 and MOD 2.

SCHEDULE 2

Part A – TERMS OF APPROVAL

A1 Development Description

Project application approval is granted only to the development as described below:

- Demolition of existing buildings
- Construction of commercial maritime building with ancillary uses known as the 'eastern building' with a maximum parapet height of RL 15.2541.9m with GFA of not more than 3,5703,300m²
- Construction of a commercial maritime building known as the 'western building' with a maximum parapet height of RL12.9m with GFA of not more than 26402.990m²
- Construction of ~~four~~five-level car parking building a maximum parapet height of RL 13.611.4m for 140245 car spaces, including lift overrun at maximum height of RL 1918.6m

- Up to a maximum of 670m² within the car parking building may be enclosed for maritime commercial uses, including storage
- Erection of a pennant crane measuring 5.1m above ground level
- Provision of 7962 on-street at grade car parking spaces outside the car parking building and associated landscaping
- Amendment to pontoons and approval of berthing for not more than 43 vessels at the marina, plus a maximum of 36 tenders on the water.

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A2 Project Staging

Construction of the project is to be undertaken in stages generally described in the *PPR Addendum dated August 2012*, and MP09-0165 (MOD2) and MP09-0165(MOD1) and comprises one of two scenarios:

- 1) Stages 4 and 5 in any order (western building) followed by Stage 6 (car park building), then Stages 1, 2 and 3 in any order (eastern building), or
- 2) Stages 1, 2 and 3 in any order (eastern building), followed by Stage 6 (car park building), then Stages 4 and 5 in any order (western building).

Stage 7 (reconfiguration of berths and pontoons) may occur before, after or during any Stage.

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A3. Development in Accordance with Plans and Documentation

The development shall be undertaken in accordance with MP09_0165 and the *Environmental Assessment dated December 2010*, prepared by Urban Perspectives Pty Ltd, except where amended by the PPR dated November 2011, and the PPR Addendum dated August 2012, and the following architectural and landscape drawings.

Architectural Drawings prepared by Scott Carver Architects			
Drawing No.	Revision	Name of Plan	Date
DA00	<u>CE</u>	Title Sheet	<u>7/2/1426/9/12</u>
DA01	A	Site Analysis	<u>7/2/1426/9/12</u>
DA02	<u>BD</u>	Location Plan	<u>7/2/1426/9/12</u>
DA03	<u>BC</u>	Perspectives – Sheet 1	<u>7/2/1426/9/12</u>
DA04	<u>BE</u>	Site Plan	<u>7/2/1426/9/12</u>
DA05	<u>CF</u>	Ground Floor Plan	<u>7/2/1426/9/12</u>
DA06	<u>CE</u>	First Floor Plan	<u>7/2/1426/9/12</u>
<u>DA06.1</u>	<u>B</u>	<u>Second Floor Plan</u>	<u>7/2/14</u>
DA07	<u>CE</u>	Roof Plan	<u>7/2/1426/9/12</u>
DA08	<u>CF</u>	Elevations – Sheet 1	<u>7/2/1426/9/12</u>
DA09	<u>EE</u>	Elevations – Sheet 2	<u>7/2/1426/9/12</u>
DA10	<u>EE</u>	Sections	<u>7/2/1426/9/12</u>
DA11	<u>BC</u>	Shadow diagrams	<u>7/2/1426/9/12</u>
DA12	<u>BC</u>	Perspectives – Sheet 2	<u>7/2/1426/9/12</u>
DA13	<u>AD</u>	Tenancy Diagram	<u>7/2/1426/9/12</u>
<u>DA19</u>	<u>C</u>	<u>Outdoor seating diagram</u>	<u>7/2/14</u>

Except for:

- Any modifications which are 'Exempt and Complying Development' as identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated within the BCA
- Otherwise provided by the conditions of this approval.

A 4 & A5 unchanged

A6 Approved Land Uses and GFA

(a) Approval is granted for the following land uses and GFA:

Building	Land Use	GFA (m ²)	% of total GFA
Western Building	Commercial maritime ^{1, 2}	517 430m ²	Between 6.9-6.3 8.3%
	Yacht Club (maritime) ³	193 21745m ²	Between 28.1-25.4 31.2%
	Provedore	541 465m ²	Between 7.5-6.8 7.3%
Eastern Building	Commercial maritime ^{1, 2}	233 42078m ²	Between 33.5-30.2 37.6%
	Restaurants, cafes, bars (Ancillary uses) ⁴	966 m ² 952m ²	Between 15.3-13.8 15.6%
<u>Car Parking Building</u>	<u>Commercial maritime</u> ⁵	<u>Between 0 and 670m²</u>	
<u>Decks, balconies and terraces</u>	<u>Outdoor seating as set out in Plan DA19C</u> ⁶		
Total		6200 <u>Between 6210m² and 6880m²</u>	100%

¹Commercial maritime uses may include maritime offices, maritime workshops, chandlery, maritime retail, provisioning, maritime operations, maritime related storage and dormitory style accommodation.

²Dormitory style accommodation is restricted to 3 dormitories servicing commercial maritime operations only (refer to condition F11)

³Yacht Club is a registered club organised to promote yachting and boating, and may hold a club licence under the Liquor Act 2007.

⁴Ancillary uses include restaurants, cafes or bars.

A restaurant or café means a small building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

A bar means a licensed premises under the Liquor Act 2007 (Hotel licence designated as a General Bar) the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not food is sold or entertainment is provided on the premises.

⁵Commercial uses in the car parking building may comprise up to 450m² of marine related storage and up to 220m² of marine commercial uses as set out in footnote 1 above. Because of the potential variation in GFA, the % of total GFA is variable.

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⁶Outdoor seating on level 2 of the eastern building is restricted to use by marine commercial uses.

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- (b) Variation may be sought for minor changes to the approved commercial maritime GFA totals other than for provedore and ancillary uses which at no time shall exceed 1,417m² of 22.9% of total GFA.
- (c) At no time shall the staging of the project outlined in Condition A2 result in each respective stage of the project having more than 50% of its GFA allocated to ancillary and provedore uses. Ancillary and provedore uses must not exceed 1,417m² or 22.9% of total GFA approved for the project.

A7 Car Parking

(a) Approval is granted for ~~249~~307 car parking spaces, including ~~245~~140 spaces in the car parking building and ~~62~~79 at-grade car parking spaces. ~~A minimum of 43 car spaces shall be permanently allocated to commercial maritime related uses including offices/chandlery/workshops, but not including the yacht club. Twenty four (24)~~Forty three (43) car spaces shall be permanently allocated to the super yacht marina berths.

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(b) Various car parks may be flexibly used for other uses, namely:

- i. Up to 20 car spaces along the foreshore may be used for tender boat or other watercraft storage;
- ii. Up to 17 car spaces (comprising 220m²) of the ground floor of the car parking building may be used for maritime commercial uses as set out in the approved plans; and
- iii. Up to 33 car spaces (comprising 450m²) of levels 1, 2 and 3 of the car parking building may be used for maritime commercial uses for the purpose of maritime storage as set out in the approved plans.

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A8-A13 unchanged

A14 Surrender of Consent

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Within seven (7) days of receipt of the final occupation certificate for all of the works comprised in Stage 1 to 7 inclusive the Proponent will surrender in writing, the Part 4 Consent number 088-05-08 dated 29 August 2008 in relation to part lots 32 and 33 James Craig Road Rozelle.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

~~B1~~ **Design Modifications**

~~The plans and specifications shall be amended to reduce the height of the car park building lift overrun to a maximum height of RL 16.9m. The amended plans shall be submitted to and approved by the Director General, prior to the issue of any Construction Certificate.~~

B2-B7 unchanged

B8 GFA Certification

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of the buildings approved by this major project does not exceed 6, ~~880~~290m². Details shall be provided to the Certifying Authority

demonstrating compliance with this condition prior to the issue of the relevant Construction Certificate.

B9-10 unchanged

PART C unchanged

PART D unchanged

PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

E1-~~E3 and E5~~-E7 unchanged

E4 Incident Reporting

The Proponent must notify the Director-General or any ~~i~~ incident with actual or potential off-site impacts on people or the biophysical environment as soon as practicable upon the Proponent becoming aware of the ~~i~~ incident. The Proponent must provide full written details of the ~~i~~ incident to the Director-General within 7 days of the date on which the ~~i~~ incident occurred.

E8 GFA and Height Certification

Prior to the release of the final Occupation Certificate, a registered surveyor is to certify that the GFA of the development does not exceed 6,~~880,200~~m² in total and does not exceed 1,417m² or 22.9% of the total GFA for ancillary uses.

A registered surveyor is to certify that the ~~parapet~~ height of the development does not exceed RL~~15.2511.9~~m and RL12.9m for the eastern and western buildings respectively, and that the height of the lift overrun does not exceed RL ~~18.66.9~~m. Details shall be provided to the PCA and to the Department demonstrating compliance with this condition prior to the issue of the final Occupation Certificate.

E9-E17 unchanged.

PART F – DURING OPERATIONS

F1 Hours of Operation

The hours of operation of the site and its respective uses are restricted as follows:

Use	Hours of Operation
Commercial maritime (offices, storage and dormitory accommodation)	24 hours-a-day, Monday to Sunday
Commercial maritime (chandlery, provisioning, workshops and retail)	7am – 7pm Monday to Friday 7am – 8pm, Saturday and Sunday
Yacht Club	7am – 12 midnight, Monday to Sunday (From 10pm everyday balconies must not be used and doors and windows must be closed).
Ancillary uses (Restaurants, bars etc) and Provedore	7am – 11pm Sunday to Wednesday 7am – 12 midnight, Thursday to Saturday (From 10pm everyday balconies must not be

	used and doors and windows must be closed)
<u>Use of outdoor seating areas</u>	<u>7am – 10pm Monday to Sunday</u>

F2-F12 unchanged