

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I approve the modification of the project application referred to in Schedule 1, subject to the amendments to conditions in Schedule 2.



Acting Director
Key Site Assessments

Sydney

27 MAY

2015

SCHEDULE 1

Application No.:	MP 09_0165
Proponent:	Sydney Super Yacht Marina Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Part Lot 32 DP 1151746 Sydney Super Yacht Marina 2 Maritime Court/Lot 2 James Craig Road Rozelle Bay
Project:	Land based redevelopment of Super Yacht Marina comprising: <ul style="list-style-type: none"> • Construction of two commercial maritime buildings with ancillary uses; • Construction of a multi-level car parking building; and • Off-street car parking and associated landscaping.
Modification Number:	MP09_0165 MOD 2
Modifications:	The modification to the Western Building only including: <ul style="list-style-type: none"> • design amendments to the building design and siting; • reduction in the building GFA by 255m² to 2,645m²; • amendments to the location of the ground floor uses; • the addition of two external fire stairs; and • deletion of 13 car parking spaces.

**SCHEDULE 1
AMENDMENTS TO DEFINITIONS**

1. Delete the description of the 'site' in its entirety and insert the following:

*Part Lot 32 DP 1151746
Sydney Super Yacht Marina,
2 Maritime Court or Lot 2 James Craig Road
Rozelle Bay, Sydney*

2. In the Definitions, amend the definition of 'Project' as shown in bold italics:

The project described in Schedule 2, Part A, Condition A1 and accompanying plans and documentation described in Schedule 2, Part A, and Condition ***A2-A3***.

END OF SCHEDULE 1 AMENDMENTS

SCHEDULE 2 AMENDMENTS TO CONDITIONS

1. In Part A, amend Condition A1, as shown in bold italics:

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 RL11.9m with **a maximum** GFA of 3,300m²
- construction of a commercial maritime building known as the 'western building' with a maximum parapet height of RL12.9m with **a maximum** GFA of ~~2,990m²~~ **2645m²**
- construction of four-level car parking building a maximum parapet height of RL11.4m for 140 car spaces, including lift overrun at maximum height of RL19.6m.
- erection of a pennant crane measuring 5.1m above ground level
- provision of ~~79-66~~ on-street car parking spaces and associated landscaping.

2. In Part A, amend Condition A3 as shown in bold italics:

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 PPR Addendum dated August 2012, and the following architectural and landscape drawings **except as amended by the Environmental Assessment Report for MP09_0165 MOD2 titled "Environmental Assessment s75W- Western Building, Sydney Superyacht Marina, MP09_0165" prepared by Urban Perspectives dated 15/07/2014 and as amended by email submissions from Urban Perspectives dated 22/7/2014 and 14/4/2015 and the plans referenced in Table 1B below.**

Table 1A			
Architectural Drawings prepared by Scott Carver Architects			
Drawing No.	Revision	Name of Plan	Date
DA00	C	Title Sheet	26/09/12
DA01	A	Site Analysis	26/09/12
DA02	B	Location Plan	26/09/12
DA03	B	Perspectives – Sheet 1	26/09/12
DA04	B	Site Plan	26/09/12
DA05	C	Ground Floor Plan	26/09/12
DA06	C	First Floor Plan	26/09/12
DA07	C	Roof Plan	26/09/12
DA08	C	Elevations – Sheet 1	26/09/12
DA09	C	Elevations – Sheet 2	26/09/12
DA10	C	Sections	26/09/12
DA11	B	Shadow Diagrams	26/09/12
DA12	B	Perspectives – Sheet 2	26/09/12
DA13	A	Tenancy Diagram	26/09/12

Drawing No.	Revision	Name of Plan	Date
20090002-AD-SK931	C	Wharf Setback	13/08/2013
20090002-AD-SK932	D	Cross Section	1/08/2014
20090002-AD-SK942	C	Ground Floor West	1/08/2014
20090002-AD-SK943	C	First Floor West	1/08/2014
20090002-AD-SK944	C	Roof Level West	1/08/2014
20090002-AD-SK945	C	West Elevation	1/08/2014
20090002-AD-SK946	A	Proposed Use	3/04/2014
DA08*	F	Elevations- Sheet 1	07/02/2014
DA12*	C	Perspectives- Sheet 2	07/02/2014
20090002-AD-002**	4	Site Plan	03/04/2014

*Drawings DA08 and DA12 are approved only in respect to details shown for the south and north elevations of the Western Building. The RL's shown on DA08 are not approved and are superseded by those heights nominated on plan SK932-D.

**Drawing 20090002-AD-002 is approved only in respect to the siting of Western Building.

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.

3. In Part A, amend Condition A6 as shown in bold italics:

A6 Approved Land Uses and GFA

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

Building	Land Use	GFA (m²)	% of total GFA
Western Building	Commercial maritime ^{1,2}	517m ²	8.3%
		430m ²	7.2%
	Yacht Club (maritime) ³	1932m ²	31.2%
		1779m ²	29.9%
	Providore	451m ²	7.3%
		436m ²	7.3%
Sub Total		2645m²	44.49%
Eastern Building	Commercial maritime ^{1,2}	2334m ²	37.6%
			39.26%
	Restaurants, cafes, bars (Ancillary uses) ⁴	966m ²	15.6%
			16.25%
Sub Total		3300m²	55.51%
Total		6200m²	100%
		5945m ²	

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

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

³ *Yacht club is a club organised to promote yachting and boating, and is a type of registered club that holds a club licence under the Liquor Act 2007.*

⁴ *Ancillary uses include restaurants, cafés 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.

- (b) Variation may be sought for minor changes to the approved commercial maritime GFA totals other than for providedore and ancillary uses which at no time shall exceed **1,417m²** ~~or 22.9% 1,402m² or 23.58%~~ of total GFA **approved for the project.**
- (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 **providedore and** ancillary uses. However, **providedore and** ancillary uses must not exceed **1,417m²** ~~or 22.9% 1,402m² or 23.58%~~ of total GFA approved for the project.

4. In Part A, amend Condition A7 as shown in bold italics:

Approval is granted for **219-206** car parking spaces, including 140 spaces in the car parking building and **79-66** at-grade car parking spaces. A minimum of 43 car parking spaces shall be permanently allocated to the commercial maritime related uses including office/ chandlery /workshops, but not including the yacht club. Twenty-four (24) spaces shall be permanently allocated to the super yacht marina berths.

5. In Part B, amend Condition B6 as shown in bold italics:

B8 GFA Certification

A Registered Surveyor is to certify that the **total** Gross Floor Area (GFA) of the buildings approved by this major project does not exceed **6,200m² 5,945m²**. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of the relevant Construction Certificate.

6. In Part C, insert new Condition C8 as follows:

Prior to the issue of the Construction Certificate for the Western Building, a suitably qualified acoustic consultant is to certify that the building design complies with the construction requirements recommended in the advice provided by Acoustic Logic titled "Sydney Superyacht Marina- Acoustic Review of Air Locks" dated 21/01/2014 (i.e. 10.38mm laminated glass and acoustic seals are to be installed on the first floor level of the building).

7. In Part E, amend Condition E4 as shown in bold italics:

E4 Incident reporting

The proponent must notify the Director-General of any **incident 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 **incident Incident**. The proponent must provide full written details of the **incident Incident** to the Director-General within 7 days of the date on which the **incident Incident** occurred.

8. In Part E, amend Condition E8 as shown *in bold italics*:

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 ~~6,200m²~~ **5,945m²** in total and does not exceed ~~1,417m² or 22.9%~~ **1,402m² or 23.58%** of total GFA for the **provedore** and ancillary uses.

Prior to the release of the final Occupation Certificate, a A registered surveyor is to certify that the ***maximum parapet*** height of the development does not exceed RL11.9m **and RL12.9m** for the eastern **and western** buildings **respectively**.

Prior to the release of the final Occupation Certificate for the western building, a registered surveyor is to certify the following:

- ***that the heights for the western building do not exceed the following:***
 - ***top of roof plant and plant screens: RL14.600 and RL13.580, respectively; and***
 - ***main roof parapet: RL12.900.***
- ***that the main roof of the western building (parapet, Level 1) is setback a minimum of 4.00 metres from the wharf edge.***

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.

END OF SCHEDULE 2 AMENDMENTS

**SCHEDULE 3
AMENDMENTS TO STATEMENT OF COMMITMENTS**

1. In Schedule 3, Statement of Commitments, commitment titled "*Land Use of the Site*" is amended by Condition A6, Schedule 2.

2. In Schedule 3, Statement of Commitments, commitment titled "*Noise- Closing of Doors and Windows*" is amended by deleting the words "and incorporate air locks".

END OF SCHEDULE 3 AMENDMENTS
