



Mr Anthony Ellis
Sydney Superyacht Marina Pty. Ltd.
James Craig Road
ROZELLE NSW 2039

Notice of Modification of Development Consent

Issued under section 80(1)(a) of the *Environmental Planning and Assessment Act 1979*, and pursuant to sections 96(1) and 96(1A).

Reference No.	10/17798-1
Modification Application Number	DA 084-04-2002 MOD 7
Development Application Number	DA 084-04-2002
Application Details	
Name of Applicant	Sydney Superyacht Marina Pty. Ltd.
Address of Applicant	James Craig Road, Rozelle.
Address of land to be developed	Lot 2, James Craig Road, Rozelle.
Approved Development	Temporary facility for visiting vessels
Original DA Determination Date:	24 June 2002
Proposed Modification	Amendment to error on previous modification and extension of consent validity to 24 March 2012.
Determination Date	7 September 2010
Determination	Approval
Details of conditions	See attached schedule

Note:

- (1) This notice should be read in conjunction with any approved plans endorsed as part of this determination.
- (2) This consent becomes effective from the endorsed determination date.
- (3) This consent to the modification application does not affect the time period in which this consent will lapse.

Other approvals

Nil

Right of appeal

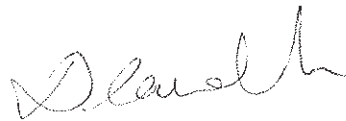
If you are dissatisfied with this decision, section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Further information

If you have any queries regarding this matter, please contact Amy Ravitz-Williams on (02) 9228-6557 or email amy.ravitz-williams@planning.nsw.gov.au

Signed

Under delegated authority from the Minister for Planning, and pursuant to section 96(1) and section 96(1A) of the *Environmental Planning and Assessment Act 1979*, I hereby modify the consent in accordance with the attached schedule.



Daniel Cavallo
A/Director
Government Land & Social Projects

Sydney 7 SEP 2010

ADDRESS:	Lot 2, James Craig Road, Rozelle.
MODIFICATION NUMBER:	DA 084-04-2002 MOD 7
DA CONSENT NUMBER:	DA 084-04-2002
FILE NUMBER:	10/17798-1
DESCRIPTION OF MODIFICATION SOUGHT:	Amendment to error on previous modification and extension of consent to 24 March 2012.

The application to modify the above development consent has been approved by the Department of Planning under delegation from the Minister for Planning under the *Environmental Planning and Assessment Act 1979*, as follows:

- Condition 2 has been amended to extend the period of consent until 24 March 2012.
- Incorrect Reference to 'Lot 4 James Craig Road' has been amended to 'Lot 2 James Craig Road'

The modified development consent conditions are attached with additional wording shown in ***bold and italics*** with deletions shown ~~struck through~~.

All other conditions remain as previously approved.

NOTE:

Any reference to the Sydney Harbour Foreshore Authority, the Foreshore Authority or the Authority in this determination is to be read as the Department of Planning, its predecessors or relevant consent authority commencing 1 May 2009, aside from the Heritage Council's General Terms of Approval.

Any reference to the Planning Assessment Manager of the Sydney Harbour Foreshore Authority in this determination is to be read as the Director, Government Land & Social Projects commencing 25 January 2010.

SCHEDULE 1

PART A—TABLE

Application made by:	Sydney Superyacht Marina Pty. Ltd.
Application made to:	Minister for Planning
Development Application:	DA 084-04-2002 MOD 7
On land comprising:	Lot 2 James Craig Road
For the carrying out of:	Extension of consent and amendment of errors
Estimated Cost of Works	\$0
Determination:	Approval, subject to conditions
Date of commencement of consent:	This development consent commences on the date on which the consent is signed.
Date consent is liable to lapse	This consent will lapse on 24 March 2012, or when the development has commenced in accordance with the relevant statutory requirements.

PART B—NOTES RELATING TO THE DETERMINATION OF DA 084-04-02

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid for a development application, within 12 months after the date on which the applicant received this notice.

Legal Notices

Any advice or notice to the consent authority shall be served on the Director-General of the Department of Planning.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act 1979* (as amended).

Applicant means Sydney Superyacht Marina Pty. Ltd. or any party acting upon this consent.

Authorised officer means an officer of the Department of Planning or other government Agency.

BCA means the Building Code of Australia.

DG means the Director-General of the Department of Planning, or delegate.

Certifying Authority has the same meaning as Part 4A of the Act.

DA 084-04-2002 means the development application and supporting documentation submitted by the applicant on 10 August 2010.

Minister means the Minister for Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations mean the *Environmental Planning and Assessment Regulations 2000*

Relevant Authority means the Department of Planning

Subject Site has the same meaning as the land identified in Part A of this schedule.

the Department means the Department of Planning.

**CONDITIONS OF CONSENT
DEVELOPMENT APPLICATION No. 084-04-02**

[As amended by MOD 84-04-02(1) on 23 June 2004, MOD 84-04-02(2) on 10 June 2005, MOD 84-04-02(3) on 21 July 2006, MOD 84-04-02(4) on 10 July 2007, MOD 84-04-02(5) on 9 July 2008, MOD 084-04-02 (6) on 14 April 2009 **and MOD 084-04-02 (7) on 7 September 2010.**]

1. The development must be in accordance with Development Application No.84-04-2002 , relating to LGA Leichhardt Lot 2 James Craig Road Rozelle Bay, and drawings and documentation:

Statement of Environmental Effects	Issued 18 March 2002
Site Plan 3370-05 A	Issued 29 June 1999
Site Plan 3370-04 A	Issued 29 June 1999
Site Plan A1-960 1B	Issued May 1996

And by the following conditions:

DURATION OF CONSENT

2. This consent is valid until ~~24 September 2010~~ **24 March 2012**

[As amended by MOD 84-04-02(1) on 23 June 2004, MOD 84-04-02(2) on 10 June 2005, MOD 84-04-02(3) on 21 July 2006, MOD 84-04-02(4) on 10 July 2007, MOD 84-04-02(5) on 9 July 2008, MOD 084-04-02 (6) on 14 April 2009 **and MOD 084-04-02 (7) on 7 September 2010**]

HOURS OF OPERATION (THE RESTAURANT)

3. The hours of operation for the restaurant shall be as follows:

Monday - Sunday : 8:00am – 12:00 midnight

TEMPORARY STRUCTURES

4. Temporary structures, other than the marquee referred in Condition 6, must be associated with sail expos/motor boat displays and must be erected no more than six (6) times during the period of this consent. Design details of temporary structures (tents, marquees, buildings) including the size, type, material, colour, and location of such structures must be submitted for the approval of the Director General, prior to the commencement of erection works.

Note: This includes brochures of commercially available structures such as marquees and tents.

5. Temporary structures (tents, marquees, buildings, fencing, landscaping) must be removed from the site within 30 days of the date this consent lapses.

TEMPORARY RESTAURANT MARQUEE

6. The temporary marquee, which is associated with the restaurant, must be erected no more than four (4) times during the period of this consent. At least two (2) weeks prior to the erection of marquee, the applicant shall notify the Department about the dates and other details of the relevant event. All events shall comply with the Noise Management Plan. (refer to Condition 11)

7. The temporary marquee shall be erected a maximum of seven (7) days for each event.
8. The hours of operation for the temporary marquee shall be as follows:

Monday - Sunday : 8:00am – 12:00 midnight

EXTERNAL LIGHTING

9. All lighting shall generally comply, where relevant, with Australian Standards AS/NZ 1158 3.1:1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.
10. Details of lighting structures for the temporary facility (type, location, illumination levels and distribution) of external lighting is to be submitted for the approval of the Director-General, within one (1) month of the date of this consent.

OPERATIONAL NOISE

11. Prior to use of outdoor areas and marquees, the applicant shall submit for the approval of the Director-General a Noise Management Plan. The Noise Management Plan shall address, but not be limited to:
 - a) Types of activities;
 - b) Potential noise sources and levels;
 - c) Potential noise impacts on surrounding areas and mitigation measures;
 - d) Proposed noise monitoring; and
 - e) Proposed consultation with residences affected by noise generation from the use of the marquee
12. No amplified music is permitted in outdoor areas and marquees unless approved as part of the Noise Management Plan. (Refer to Condition 11)

CAR PARKING / SERVICING AREAS

13. Unless as otherwise approved by the Director General, all car parking spaces, vehicular access and servicing areas shall be allocated and marked in accordance with drawing nos. 3370-04 A, 3370-5 A and 06087 Drg 1 (during the approved periods of expos and displays) included in the Statement of Environmental Effects accompanying the application.

[As amended by MOD 84-04-02(3) on 21 July 2006]

14. Car parking is to be provided for people with mobility impairment in accordance with AS 2890.1

PUBLIC UTILITY SERVICES

15. Provision is to be made for visiting vessels to discharge sewage to Sydney Water sewer mains.

FOOD PREMISES FITOUT

16. The construction and fitout of the premises must comply with the requirements of the National Code for the Construction and Fitout of Food Premises and the Food Regulation 2001.
17. The sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.

CONSTRUCTION HOURS OF WORK AND NOISE

18. The hours of work for the erection of the marquees and other temporary structures shall be:-

Monday to Friday	7:00 am-6:00 pm
Saturday	8:00 am-1:00 pm if audible at residential premises, otherwise 7:00 am to 5:00 pm.

19. No work is to be carried out on Sundays or public holidays.

20. Noise levels during construction are to comply with the guidelines for Construction Site Noise (Chapter 171) set out in the NSW Environment Protection Authority *Environmental Noise Control Manual*.

OPERATIONAL CONTACT DETAILS

21. Details of a person or persons appointed to accept responsibility for the management of the facility and to be contactable on a 24 hour basis, are to be provided to the Director of Sydney Region Central and Leichhardt Council. These contact details are to be prominently displayed at all times on the site, and must be visible from James Craig Road, to allow members of the public to directly contact a person in authority to register any complaints or concerns.

WASTE MANAGEMENT

22. Appropriate arrangements are to be made for the storage and collection of garbage and waste from the facility. Details must be submitted for the approval of the Director General within one (1) month of the date of this consent.

ADVERTISING

23. This consent does not include any advertising. A separate application will be required for any commercial advertising signs.

FURTHER REQUIREMENTS

24. The development shall comply with all relevant prescribed conditions of development as per Section 78 of the Environmental Planning and Assessment Regulation 1994.

COMPLIANCE REPORTS

25. The applicant, or another party acting upon the consent, shall submit to the Director, Urban Assessments, reports documenting the compliance with this consent and each condition on a three (3) monthly basis for the duration of this consent.

PRESCRIBED CONDITIONS

26. The proposed development shall comply with the conditions prescribed by Clause 98 of the Environmental Planning and Assessment Regulation, 2000.

27. Before any works commence the applicant must appoint a Principal Certifying Authority ("the PCA") who will be responsible for ensuring that all works are carried out in accordance with the approved plans. The applicant is to notify the Director-General and the Council of the appointment of the PCA.

PLACE OF PUBLIC ENTERTAINMENT LICENCE

28. No use of the premises as a Place of Public Entertainment (POPE) is to occur until:

- a) a POPE licence pursuant to section 68 is obtained from Leichhardt Council; and
- b) all requirements of the POPE licence have been satisfied.

29. Any use of the premises for a POPE activity must cease at 10pm Sunday to Thursday inclusive, and 11pm on Friday and Saturday.

30. All POPE activities are to be directly associated with water based activities, or are to be ancillary to the dining function being conducted on the site. The use of the site for dance parties or similar concert type events is prohibited.
31. Prior to the carrying out of any POPE activity a minimum of 14 days notice is required to be given to the Sydney Harbour Foreshore Authority and Leichhardt Council. The notice must include specific details and nature of the activity, the number of persons likely to be attending, and the intended hours of the activities.
32. Any POPE licence is only to be granted for the term of the development consent, i.e. no more than 12 months.