DETERMINATION OF A DEVELOPMENT APPLICATION
UNDER SECTION 80
OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Under Section 80 of the *Environmental Planning and Assessment Act* 1979, I, the Minister for Planning approve the development application in Schedule 1 subject to the conditions in Schedule 2.

These conditions are necessary to:
(i) Minimise any adverse environmental impacts associated with the development; and
(ii) Provide for regular monitoring and reporting on the development

Andrew Refshauge MP
Minister for Planning

Sydney, 2002 File No: S01/01669

Schedule 1

Development Application:	DA No. 176-6-2002-i.
Applicant:	Clontarf Marina Pty Ltd.
Consent Authority:	Minister for Planning.
Land:	1 Sandy Bay Road, Clontarf
Proposed Development:	The proposed development involves the refurbishment of the existing slipway and erection of a concrete containment platform.
State Significant Development:	The Minister's declaration on marina development in the Sydney region, which was gazetted on 6 April 2001, applies to the proposed development. Consequently, it is classified as State Significant Development under Section 76A(7)(b)(iii) of *the Environmental Planning and Assessment Act 1979.*
Integrated Development:	The proposed development requires an additional approval from the Waterways Authority under the *Rivers and Foreshores Improvement Act 1948* and is therefore

	classified as Integrated Development under Section 91 of the *Environmental Planning and Assessment Act 1979*.
BCA Classification:	Concrete platform - Class 10b

SCHEDULE 2

CONDITIONS OF CONSENT

DEFINITIONS

The Act	Environmental Planning and Assessment Act 1979
The Applicant	Clontarf Marina Pty. Ltd.
Council	Manly Council
DA	Development Application
The Department	Department of Planning
The Director-General	Director-General of the Department of Planning, or her delegate.
SEE	Statement of Environmental Effects

GENERAL

Obligation to Minimise Harm to the Environment

1. The Applicant shall implement all practicable measures to prevent or minimise harm to the environment during the construction and operation of the development

Terms of Approval

2. The Applicant shall carry out the development generally in accordance with the:
(a) DA submitted to the Department by the Applicant, dated 28 May 2002;
(b) SEE, titled *Clontarf Marina : Construction of Waste Water Collection Platform Under Slipway Work Area and Refurbishment of Slipway Piles and Rails* prepared by Clontarf Marina Pty. Ltd., dated September 2001; and
(c) Conditions of this consent.

3. If there is any inconsistency between the above, or between these conditions and any previous conditions of consent for the marina, the conditions of this consent shall prevail to the extent of the inconsistency.

4. The Applicant shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
(a) Any report, plan or correspondence submitted in accordance with the conditions of this consent; or
(b) The implementation of any actions or proposal contained in these reports, plans, or correspondence.

Part 3A Permit

5. No works are to commence at the site prior to a Part 3A Permit under the *Rivers and Foreshores Improvement Act 1948* being obtained from the Waterways Authority.

Water Quality

6. The works are to be carried out so that:
   (a) No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of Sandy Bay; and
   (b) No materials are likely to be carried by natural forces to the bed, shore or waters of Sandy Bay.

7. Any pollutants that enter Sandy Bay shall be removed immediately.

8. In relation to the above, best practice methods shall be adopted for the on-site control of runoff, sediment and other pollutants during, and post, construction. A plan to manage soil, water and other pollutants during the construction process is to be prepared by a suitably qualified person and submitted to the Waterways Authority prior to issue of the Part 3A Permit.

The methods shall be in accordance with the relevant specifications and standards contained in the manual *Managing Urban Stormwater – Soils & Construction* issued by the NSW Department of Housing in 1998 and other relevant Council requirements.

9. The erosion, sediment and pollution controls shall be installed and stablised before commencement of site works. This does not include the works associated with the construction of the appropriate controls.

10. The erosion, sediment and pollution control system is to be effectively maintained at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

11. No dredging works are to be undertaken.

12. Any material that is to be stockpiled on site is to be stabilised to prevent erosion or dispersal of the material.

13. All piles that are proposed for removal are to be completely removed from the bed of Sandy Bay and not cut off.

14. The sandy inter-tidal area and seagrass beds are to be fully protected for the duration of the works. To this effect use of the barge and works in the inter-tidal area are to be suitably managed. Satisfactory information on management measures to be implemented during the works to protect the inter-tidal area and seagrass beds are to be provided to the Waterways Authority prior to a Part 3A Permit being issued for the works.

15. Machinery, equipment, construction materials and waste receptacles are not to be stored in the inter-tidal area during the construction works.

16. Any works to be undertaken on land owned by the Waterways Authority are to be undertaken in accordance with the land owners consent that was issued by the Authority on 24 May 2002.

Construction Requirements

17. The road and footways adjacent and nearby are not to be obstructed by construction vehicles or workers vehicles so that the safety and amenity of the area is maintained.

18. No building materials may be stored on the road reserve without approval from the Council.

19. Building or construction work shall be confined to the following hours:

(a) From 7.00AM to 6.00PM, Monday to Friday;
(b) From 7.00AM to 1.00PM on Saturdays; and
(c) At no time on Sundays and Public Holidays.

20. The operation of mechanical services shall not give rise to an offensive noise within the meaning of the *Protection of the Environment Operations Act 1997.*

21. An adequate security fence shall be erected around the perimeter of the site prior to commencement of any excavation or construction works. The fence shall be maintained in a state of good repair and condition until completion of the work.

Construction Management Plan

22. The Applicant shall prepare and implement a Construction Management Plan for the proposed development. This plan shall:

(a) Describe the proposed construction works;
(b) Outline the proposed construction program;
(c) Set standards and/or performance measures for the relevant environmental issues associated with the construction work;
(d) Describe what actions and measures will be implemented to mitigate the potential impacts of these construction works, and ensure that these works will comply with the relevant standards and/or performance measures;
(e) Describe what procedures will be implemented to:
- Register, report, and respond to any complaints during the construction works; and
- Ensure the operational health and safety of construction workers;

(f) Identify the key personnel who will be involved in the construction works, and provide contact numbers for this personnel;
(g) Explain how the environmental performance of the construction works will be monitored, and what actions will be taken if any non-compliance is detected;
(h) Include a detailed:

- Construction Erosion and Sediment Control Plan;
- Construction Waste Management Plan;
- Construction Noise Management Plan;
- Construction Spill Management Plan;
- Construction Traffic Management Plan.

23. The Applicant shall not carry out any site works, demolition works, or construction works on the site before the Director-General has approved the Construction Management Plan for the proposed development.

Environmental Management Plan

24. The Applicant shall prepare and implement an Environmental Management Plan for the operations of the marina. This plan shall:
(a) Describe the marina operations;
(b) Identify all the relevant statutory requirements that apply to these operations;
(c) Set standards and/or performance measures for each of the relevant environmental issues;
(d) Describe what actions and measures will be implemented to mitigate the potential impacts of the marina's operations, and to ensure that these operations meet the relevant standards and/or performance measures;
(e) Describe what measures and procedures will be implemented to register, report, and respond to complaints during operations;
(f) Describe the role, responsibility, authority, and accountability of all key personnel involved in the proposed marina's operations; and
(g) Include a detailed:
- Berthing Management Plan;
- Noise Management Plan;
- Water Quality Management Plan;
- Waste Management Plan; and
- Emergency Management Plan.

25. The Applicant shall submit this plan to the Director-General for approval within one month of completing the proposed construction works.

26. The Applicant shall make a copy of this Environmental Management Plan available to the public on request.

27. The Applicant shall review and update this Environmental Management Plan regularly, or as directed by the Director-General.

Annual Environmental Audit

28. Within twelve months of completing the repair and refurbishment of the marina, and annually thereafter, unless the Director-General directs otherwise, the Applicant shall commission, and pay the full cost of an independent environmental audit of the marina. This audit shall:
(a) Be conducted by a suitably qualified, experienced, and independent person whose appointment has been endorsed by the Director-General before the audit starts;
(b) Assess the environmental performance of the marina's operations, and its impacts on the surrounding environment;

(c) Assess whether the marina is complying with the relevant standards, performance measures and statutory requirements;

(d) Review the adequacy of the marina's Environmental Management Plan; and if necessary

(e) Recommend measures or actions to improve the environmental performance of the marina, and/or the marina's Environmental Management Plan

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29. Within 1 month of commissioning the audit, the Applicant shall submit a copy of the Independent Environmental Audit report to the Director-General

Sydney Water

30. The Applicant shall obtain a Section 73 Compliance Certificate from Sydney Water.