

**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 Infrastructure and Planning approve the development application in Schedule 1 subject to the conditions in Schedule 2.

These conditions are necessary to:

- (i) Minimise the impacts of the development on the environment of the area; and
- (ii) Protect the environment and amenity of the area while construction works are in progress.

Craig Knowles MP
**Minister for Infrastructure and
Planning**

Sydney,

2004

File No: S00/01289

Schedule 1

Development Application:	DA-449-10-2003-i.
Applicant:	JS Parsons Structural Consultants Pty Ltd
Consent Authority:	Minister for Infrastructure and Planning
Land:	Lot 1 DP 89565 and Lot 5 DP 208274, 33 Peel Street, Kirribilli
Proposed Development:	Extension to an existing pontoon and breakwater and replacement of the inner pontoon.
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 <i>Environmental Planning and Assessment Act 1979</i> .
BCA Classification:	Pontoon/breakwater structures - Class 10b

Note:

- (1) To ascertain the date upon which this consent becomes effective, refer to section 83 of the Act.
- (2) To ascertain the date upon which this consent is liable to lapse, refer to section 95 of the Act.
- (3) If the Applicant is dissatisfied with this determination, section 97 of the Act grants him or her right of appeal to the Land and Environment Court, which is exercisable within 12 months of receiving notice of this determination

SCHEDULE 2

CONDITIONS OF CONSENT

DEFINITIONS

The Act	Environmental Planning and Assessment Act 1979.
The Applicant	JS Parsons Structural Consultants Pty Ltd or any person(s) authorised to act on the consent.
AS	Australian Standard.
Council	North Sydney Council.
DA	Development Application.
The Department	Department of Infrastructure, Planning and Natural Resources.
The Director-General	Director-General of the Department of Infrastructure, Planning and Natural Resources, or 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 dated 17 April 2000, submitted to Council by the Applicant and the SEE, titled *Proposed Breakwater Extension at 33 Peel Street Kirribilli NSW for Royal Sydney Yacht Squadron*, prepared by the Applicant and dated 3 December 1999;
 - (b) Document titled *Submission With Regard To Schedule 3 Of The Environmental Planning And Assessment Act For: Proposed Breakwater Extension at 33 Peel Street Kirribilli NSW for Royal Sydney Yacht Squadron*, prepared by the Applicant and dated 6 March 2000;

- (c) Report titled *Impacts of Extensions to the RSYS Breakwater System on Waves and Currents*, prepared by the Manly Hydraulics Laboratory and dated 20 February 2001;
 - (d) Traffic and Parking Study titled *Breakwater Upgrade*, prepared by Masson, Wilson and Twiney and dated March 2001;
 - (e) Visual Impact Assessment titled *Proposed Extensions to Existing Breakwater and Installation of New Pontoons*, prepared by Design Collaborative Pty Ltd and dated June 2001;
 - (f) Letter dated 5 December 2003 from Design Collaborative Pty Limited to the Department about the revised documentation;
 - (g) Letter dated 19 December 2003 from Design Collaborative Pty Limited to the Department about the activities of the Squadron;
 - (h) Letter dated 23 January 2004 from the Royal Sydney Yacht Squadron to the Department about environmental protection measures; and
 - (i) 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 land, the conditions of this consent shall prevail to the extent of the inconsistency.
- 4.** The Applicant shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent
- 5.** 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.

Compliance

- 6.** Prior to the construction and occupation of the development, the Applicant shall provide to the Director-General and Council the following:
- (a) Written notification of the appointment of a Principal Certifying Authority;
 - (b) Copies of all Construction Certificates issued for the development;
 - (c) Written notification of the intention to commence construction work, to be received at least two working days prior to the commencement of construction. In the event that more than one Construction Certificate is issued, notification shall be provided prior to the commencement of construction the subject of each Certificate;
 - (d) Copies of all Occupation Certificates issued for the development; and
 - (e) Written notification of the intention to occupy the development, to be received at least two working days prior to occupation. In the event that more than one Occupation Certificate is issued, notification shall be provided prior to the occupation the subject of each Certificate.
- 7.** The Applicant shall provide all information necessary for the Principal Certifying Authority to determine that the development will comply with:
- (a) The *Building Code of Australia* and *AS 3962-2001 – Guidelines for the Design of Marinas*; and

- (b) All relevant provisions of the Act, including the payment of a long service levy under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*.

Casual Mooring

8. No permanent berthing of vessels, except for the tender/work vessels operated by the Royal Sydney Yacht Squadron, shall be permitted on the breakwater pontoon and the inner casual mooring pontoon.
9. Notwithstanding condition 8 of this consent, two vessels operated by the Royal Sydney Yacht Squadron may be permanently berthed on the outer breakwater pontoon directly fronting the Club's premises.

Inner Casual Mooring Pontoon

10. The Applicant shall seek the approval of the Director-General for the use of seabed anchors instead of piles for the construction of the inner casual mooring pontoon.
11. Prior to construction commencing, the Applicant shall submit detailed plans of the seabed anchoring system and an engineering report, certified by a qualified structural engineer, to the Director-General for approval.
12. The Director-General shall consult with Council and the Waterways Authority on the proposed anchoring system.

Demolition

13. All demolition work shall be carried out in accordance with *AS 2601-2001 The Demolition of Structures*.

Construction Hours of Operation

14. All construction work associated with the development, including the delivery of material to and from the site, shall only be carried out between the following hours:
- (a) Between 7.00AM and 6.00PM, Monday to Friday inclusive;
 - (b) Between 8.00AM and 1.00PM on Saturdays; and
 - (c) At no time on Sundays and Public Holidays
15. No plant, goods or materials shall be delivered to or from the site outside the specified construction hours unless that delivery is required by the Police or other authorities for safety reasons, and/or the operation or personnel or equipment are endangered.

Sediment Control – Construction Phase

16. The removal of the existing structures shall be carried out in a manner that minimises disturbance to the seabed.
17. A floating boom and silt curtain shall be installed and maintained around the areas where any construction activities are carried out. The floating boom

and silt curtain shall remain in place until the construction work has been completed.

18. A spill management plan shall be prepared and implemented in the event of any spillage of liquid wastes, in particular hydraulic oils, during the works. The Applicant shall ensure that all staff, contractors, sub-contractors and agents involved with the works are familiar with the spill management plan and are properly trained to use spillage equipment.
19. The Applicant shall ensure that spillage equipment such as absorbent booms and deployment facilities are in a convenient position for quick response and cleanup.

Construction Noise

20. The Applicant shall prepare and implement a Construction Noise Management Plan, including details of noise mitigation measures to reduce noise impacts from pile driving activities on adjacent residential properties.

Fuel Facility

21. The Applicant shall ensure that the fuel facility is adequately bunded and that spillage equipment such as absorbent booms and deployment facilities are located in close proximity for quick response and cleanup.

Rubbish Collection

22. Rubbish shall be regularly collected from the pond area.

Lighting

23. The Applicant shall ensure that all external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding properties or roads. The lighting shall be the minimum level of illumination necessary and shall comply with AS 4282 1997 - *Control of the Obtrusive Effects of Outdoor Lighting*.

Marine Vegetation and Fish Habitat

24. The Applicant shall ensure that no marine vegetation is shaded or damaged by structures or works without a permit from NSW Fisheries.

Note: Under the *Fisheries Management Act 1994*, it is an offence to remove, cut, damage, or destroy any marine vegetation without a permit. These offences carry penalties of up to \$55,000 for an individual and \$110,000 for a company or corporation plus the full cost of site restoration.

Construction Management Plan

25. 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 Soil and Water Management Plan;
 - Construction Waste Management Plan;
 - Construction Noise Management Plan; and
 - Construction Spill Management Plan
- 26.** 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.