

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Deputy Director-General, Development Assessment and Systems Performance of the Department of Planning and Infrastructure under delegation of the Minister for Planning and Infrastructure dated 23 September 2011, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2 and Statement of Commitments in Schedule 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts.
- set standards and performance measures for acceptable environmental performance.
- maintain the amenity of the local area.
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Marcus Ray
A/Deputy Director-General
Development Assessment & Systems Performance
Department of Planning and Infrastructure

Sydney

13 January 2012

SCHEDULE 1

Application No:	08_0045
Proponent:	Lake Macquarie Yacht Club
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot 973, 974, 975 DP755233 and 7019, 7020 DP1055579.
Project:	Redevelopment of the existing yacht club to make provision for a total of 167 berths, replacement of the existing clubhouse with a new facility, reconfiguration of existing parking to accommodate a total 169 car spaces, including formalisation of parking spaces at Cullen Park foreshore reserve and along the southern boundary of Ada Street as well as associated landscaping.

PART A- ADMINISTRATIVE CONDITIONS

A1. Development in Accordance with Plans and Documentation

The Proponent shall carry out the project in accordance with:

- a) Major Project Application 08_0045.
- b) The *Environmental Assessment* for the *Proposed Redevelopment and Marina Extension, Lake Macquarie Yacht Club, 9 Ada Street, Belmont*, prepared by deWitt Consulting on behalf of the owners (Lake Macquarie Yacht Club) dated 26 August 2010.
- c) The *Proposed expansion at Lake Macquarie Yacht Club, 9 Ada Street, Belmont NSW – Response to Submissions* prepared by EJE Architecture on behalf of the owners (Lake Macquarie Yacht Club) dated 8 November 2010.
- d) Proposed Redevelopment of the Lake Macquarie Yacht Club Amended Statement of Commitments, prepared by EJE Architecture and dated 8 November 2010.
- e) The following drawings:

Architectural (or Design) Drawings prepared by EJE Architecture			
Drawing No.	Revision	Name of Plan	Date
A12	C	Proposed Clubhouse Ground Floor Plan	02 March 2011
A13	D	Proposed Clubhouse Level 1 Floor Plan	08 April 2011
A14	D	Clubhouse North & East Elevations	08 April 2011
A15	D	Clubhouse South & West Elevations	08 April 2011
A16	D	Sections A-A & B-B	08 April 2011
A16+	B	Sections C-C & D-D	08 April 2011

except for:

- a) 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 in the *BCA*.
- b) Otherwise provided by the conditions of this approval.

A2. Inconsistencies between Documents

In the event of any inconsistency between conditions of this approval and the drawings and documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval shall prevail.

A3. Post Approval Compliance

The Proponent shall comply with any requirement(s) of the Director-General arising from the Department's assessment of:

- a) Any reports, plans or correspondence that are submitted in accordance with this approval.
- b) The implementation of any actions or measures contained in these reports, plans or correspondence.

A4. Statutory Requirements

The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation of the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.

A5. Prescribed Conditions

The Proponent shall comply with the prescribed conditions of approval in relation to the requirements of the BCA.

A6. Road Works

All road works associated with the proposal will be at no cost to Council or the RTA.

A7. Construction Staging

The Proponent may elect to construct the project in stages. In this case, these conditions of approval may be complied with separately for each stage as relevant, unless otherwise specified by these conditions of approval.

A8. Lapsing of Approval

This project approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval have been physically commenced on or before that time.

A9. Limits of Approval

In accordance with Drawing A09, Revision B, Site Plan dated 10 February 2010 contained in Appendix 8 of the EA under Condition A1. The Proponent shall not wet or dry berth more than the following vessels at the site at any one time:

- a) 161 vessels permanently.
- b) 6 vessels at the area referred to as 'temporary short term berths for day visitors' during the hours of operation of the Club.

For the purpose of this condition, the term 'vessels' does not include dinghies to be stored on dingy racks as denoted in Drawing A09.

A10. Modifications to the Scope of the Project

Pursuant to section 75J(4) of the Environmental Planning and Assessment Act 1979 the project is modified to delete the proposed foreshore pathway from Cullen Park Foreshore Reserve to Anderson Place, as identified by Drawing L02, Revision A, Proposed Foreshore Pathway, dated 2 December 2008, contained in Appendix 9 of the EA under condition A1. This approval does not authorise construction of this path.

End of this Section

PART B- PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1. Construction Environment Management

A **Construction Environment Management Plan** is to be submitted to and approved by the CA prior to the commencement of any building works, demolition or excavation. The site management plan must include the following measures, as applicable to the type of development:

- a) A description of all relevant activities to be undertaken on the site during construction and their timing including an indication of stages of construction, where relevant. Where feasible piling shall occur by screwing piles into the lake bed.
- b) Statutory and other obligations that the Proponent is required to fulfil during construction including all relevant approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies.
- c) Details of how environmental performance of the construction works will be monitored, and what actions will be taken to address identified potential adverse environmental impacts.
- d) A description of the roles and responsibilities for all relevant employees involved in the construction of the project.
- e) Complaints handling procedures during construction.
- f) Location and construction of protective fencing / hoardings to the site's perimeter, site storage areas/sheds/equipment, building materials for construction, site access.
- g) Provisions for public safety.
- h) Any other measures related to construction and contained in the conditions of approval.

Construction management measures are to be implemented prior to the commencement of any works and be maintained throughout construction, so that public health and safety is maintained. A copy of the approved Plan shall be maintained on site and made available upon request.

B2. Construction Noise and Vibration Management Plan

The Proponent shall prepare a **Construction Noise and Vibration Management Plan** in order to minimise noise and vibration impacts resulting from construction of the project. The Plan shall be prepared by a suitably qualified expert to the satisfaction of the CA prior to the issue of a *Construction Certificate*. The Plan is to include but not be limited to the following:

- a) Construction noise shall be limited to 56 dB(A) with a maximum noise level of 75 dB(A) in accordance with the *Interim Construction Noise Guideline (DECC)*.
- b) Provision to inform and engage the community regarding the timing and duration of construction that is likely to produce annoying levels of noise above the prescribed maximum noise level of 75 dB(A).
- c) Construction vibration shall comply with acceptable vibration levels recommended in the *Assessing Vibration: A Technical Guideline (DECC, February 2006)*.

All feasible and reasonable noise mitigation measures are to be implemented where construction noise levels exceed the above limits including community notification, silencing and/or the use of alternative construction techniques as well as timing of works.

B3. Ada Street Causeway Maintenance Plan

Prior to the issue of a construction certificate the Proponent shall prepare an **Ada Street Causeway Maintenance Plan** in order to maintain the Ada Street causeway at a depth of 0.8m at its centre and 200 millimetres along its edges for the entire length of the causeway. The Plan shall be provided to the satisfaction of the CA. The plan shall include but not be limited to the following:

- a) Provision for regular monitoring of the channel depth commencing from the start of construction.
- b) Siltation or the accumulation of seagrass rack above these dimensions shall trigger the need for maintenance to return the channel to the required dimensions.
- c) Maintenance shall occur within one month of the monitoring result being recorded.
- d) All monitoring results shall be recorded including water depths.

- e) The plan shall be reviewed 2 years post completion of construction of stage 2 works to determine its need, effectiveness and any possible improvements.
- f) All relevant approvals prior to the commencement of maintenance works including waste removal shall be obtained.
- g) The plan shall consider the disturbance of acid sulfate soil in accordance with condition B4.

B4. Acid Sulfate Soil Management Plan

Prior to the disturbance of any acid sulfate soils, the Proponent shall prepare and implement an **Acid Sulfate Soil Management Plan**. The Plan shall be prepared to the satisfaction of the CA prior to the issue of a *Construction Certificate*. The Plan shall:

- a) Be consistent with the Acid Sulfate Soils Manual (ASSMAC 1998).
- b) Include details of measures to be implemented in relation to the management and handling of any acid sulfate soils identified during construction or operation including but not limited to maintenance of Ada Street Causeway and landscaping of Cullen Park Foreshore Reserve.

B5. Stormwater Management Plan

The Proponent shall prepare and implement a **Stormwater Management Plan**. The Plan shall be in accordance with Drawing C02, Issue C, Stormwater Concept Plan contained in Appendix 20, dated 10 June 2010 of the EA under condition A1, Australian Runoff Quality prepared by Engineers Australia and the requirements of Council's Development Control Plan 1. The Plan shall be submitted to and approved by the CA prior to the issue of a *Construction Certificate*. The Plan shall include, but not necessarily be limited to:

- a) Detailed engineering designs for stormwater drainage and water sensitive urban design measures at the site that also includes measures for proposed works on Ada Street. Pipe systems are to be designed in accordance with AS3500 *National Plumbing and Drainage Code*.
- b) The Proponent shall install a stormwater pit as described in the Proponent's Stormwater Concept Plan within Cullen Park foreshore car park to treat all runoff directed towards the infiltration trap.
- c) The Proponent shall redirect the storm water drainage located adjacent to the northern side of Ada Street to flow into the stormwater pit described above in b).
- d) A contingency plan for any events during construction that have the potential to pollute or contaminate surface water or groundwater, including threshold levels, remediation actions and communication strategies for the effective management of such an event.
- e) Stormwater drainage structures and infiltration trenches, as well as any other water quality control measures, shall be designed so as to prevent interception and/or connection with and/or infiltration of the underlying ground water table.
- f) The design of infiltration trenches shall take into consideration potential disturbance of acid sulfate soils in accordance with condition B4.
- g) The Plan shall include a Maintenance sub-plan in accordance with Council's "Stormwater Treatment Framework and Stormwater Quality Improvement Device Guidelines".

B6. Sediment Erosion Control Plan

The **Sediment and Erosion Control Plan** contained in Drawing C01, Issue C, Sediment and Erosion Control Plan Park, Appendix 20, dated 10 June 2010 of the EA under Condition A1 is to be submitted to, and approved by CA prior to the issue of a *Construction Certificate*. The Plan shall also be in accordance with Council's Development Control Plan 1, the Manual for Managing Urban Stormwater – Soils and Construction (Landcom, 2004) and also include the following:

- a) Indicate the present and proposed drainage systems.
- b) Location of existing vegetation to be retained and proposed revegetation areas.
- c) Location of material stockpiles and storage areas.
- d) Provision for the Plan to be updated on a daily basis in relation to the state of erosion controls and all maintenance and cleaning undertaken.

B7. Flood Warning and Evacuation Plan

The Proponent shall prepare a **Flood Warning and Evacuation Plan** in accordance with the Preliminary Flood Evacuation Plan contained within Appendix 20 of the EA under Condition A1. The Plan shall be prepared to the satisfaction of the CA prior to the issue of a *Construction Certificate*.

B8. Marina Management and Maintenance Plan

Prior to commencing stage 2 of construction the Proponent shall prepare and implement a **Marina Management and Maintenance Plan** to control the management and use of the marina. The Plan shall be prepared to the satisfaction of the CA prior to the issue of a *Construction Certificate*. The plan shall also demonstrate the following matters have been implemented, including but not be limited to:

- a) Maintenance of vegetation.
- b) Maintenance of any malicious damage caused by vandalism.
- c) Graffiti management. Any graffiti is to be removed within 24 hours.
- d) Litter control.
- e) Lighting if damaged or broken shall be restored within 24 hours.

B9. Design

The approved plans and the *Construction Certificate* plans and specifications, required to be submitted to the CA, shall include the following:

- a) The ground floor level of the proposed clubhouse shall be 1.98m AHD. In the event that the water level of Lake Macquarie increases above a trigger level of 1.2m AHD at the site, the Proponent shall raise the ground floor level to 2.37m AHD. The ground floor level shall be raised no later than 6 months after the trigger level has been breached. Provision shall be made in the construction of the club house to raise the ground floor level in accordance with the **Adaptable Floor Level Plan**, described under condition B10.
- b) Within 3 months of the date of this approval a 1.2m AHD marker shall be installed and maintained at the site to be used as the trigger point for enacting the raising of the ground floor level. In the event that the 1.2m AHD trigger level is breached prior to the construction of the proposed clubhouse, the clubhouse ground floor level shall be constructed at 2.37m AHD.
- c) Written assurance from a structural engineer that the approved project will be constructed to best practice to a standard that withstands increased storm intensity and maximum sea level rise of 0.4m, 2050 benchmark level.
- d) Marina design including pile cut-off heights shall be designed to take into account predicted sea-level rise to the 0.4m, 2050 benchmark level, the half wave height appropriate to the site, the 1:100 year lake surge, and the pontoon freeboard height. Written confirmation from a suitably qualified expert shall be provided to ensure the design heights satisfactorily take into account these matters.
- e) Where reasonable and feasible the Proponent shall use non-reflective materials in the construction of the project.
- f) Lighting to the clubhouse shall be designed in accordance with AS4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting" so as not impact on the amenity of nearby residents.
- g) The Proponent shall ensure all recommendations contained in its Noise Impact Assessment contained in Appendix 17 of the EA under Condition A1 will be incorporated into the design and construction of the development. A suitably qualified expert shall ensure that these recommendations have been implemented in the projects final design plans.
- h) Any warm water systems and/or cooling towers shall be designed, installed and maintained in accordance with the requirement of the Public Health Act 1991 (Part 4 Microbial Control) and Regulations.
- i) Provide for clear legible directional signage around the site including car parking areas.

- j) Provide for a CCTV monitoring system to be installed within the interior of the building. The system shall have the capacity to identify individual facial characteristics.
- k) Provision for a minimum of five bicycle racks to be included in the building design. The rack shall be located and designed in accordance with Austroads 14 Bicycle Standards.
- l) A public access Slop-Hopper shall be included in the design of the project. Construction and location of the Slop-Hopper shall be to the Council's satisfaction.
- m) Berth dinghies are to be stored at the site only within designated storage areas depicted in Drawing A09, Revision B, Site Plan Appendix 8 of the EA under condition A1.
- n) Any refrigerated or cooling chamber or vault included in the design of the project that is of sufficient size for a person to enter shall be designed to Council specifications.
- o) Access and facilities for people with disabilities shall be provided in accordance with the BCA.

B10. Adaptable Floor Level Plan

Prior to the issue of a *Construction Certificate*, the Proponent shall prepare an **Adaptable Floor Level Plan** in accordance with the Submissions Report and Appendix 20 of the EA under condition A1. The Plan shall be prepared by a suitably qualified person to the satisfaction of the CA and include the following:

- a) Include the method and procedure for raising the ground floor level of the proposed club house to 2.37m AHD. All services and utilities are to maintain their function and achieve their intended design performance throughout the life of the building.
- b) Upon completion of the raising of the ground floor level, the floor's concrete formwork and the finished level shall be verified by a Registered Surveyor and a certificate confirming compliance with the floor levels defined in a) of this condition shall be submitted for approval to the CA prior to any further construction work occurring.

B11. Traffic Management Plan

Prior to the issue of any Construction Certificate, a Traffic Management Plan in accordance with AS1742 *Manual of Uniform Traffic Control Devices* and *Traffic Control at Works Sites, Version 2*, RTA, shall be prepared by an RTA accredited person. The Plan shall be submitted to the satisfaction of the CA. The Plan shall address, but not be limited to, the following matters:

- a) Ingress and egress of vehicles to the site.
- b) Loading and unloading, including construction zones.
- c) Predicted traffic volumes, types and routes.
- d) Pedestrian and traffic management methods to ensure safe public access is provided to the site at all times.

B12. Ada Street Design Plan

Prior to the issue of a *Construction Certificate* the Proponent shall prepare an **Ada Street Design Plan** for works proposed to occur on Ada Street. The Plan is to be prepared by a suitably qualified person to the satisfaction of Council and shall include but not be limited to details of design and construction for the following:

- a) The right turn out of the intersection of the Pacific Highway and Ada Street shall be prohibited by undertaking the following works within Ada Street:
 - A painted median / island shall be provided.
 - A left turn only sign shall be installed.
 - Advanced warning signs of the turn restriction shall be provided.
 - Include a concept line marking/sign posting sub-plan to the satisfaction of the RTA.
- b) Design and construction details of kerb and guttering and associated stormwater drainage to be undertaken on both sides of Ada Street in accordance with Council's Development Control Plan 1.
- c) Design and construction details for a concrete pedestrian path, 1.2m wide from the site to the Pacific Highway adjacent to Ada Street along Cullen Park.

- d) Design and construction details for 18 angle car parking spaces on the southern side of Ada Street, adjacent to Cullen Park. The works shall take place during stage 2 of construction.

The Plan shall be completed in accordance with the following:

- a) Australian Rainfall and Runoff, 1987.
- b) A guide to the Design of new Pavements for Light Traffic, AUSTROADS 1998.
- c) Guide to Traffic Engineering Practice, AUSTROADS.
- d) Council's Development Control Plan 1 (Volumes 1 and 2) and supporting guidelines.
- e) Road Design Guide, RTA.
- f) Interim Guide to Signs and Markings, RTA.
- g) Manual for Managing Urban Stormwater – Soils and Construction (Landcom 2004).
- h) Australian Standard AS/NZS 2890.1 – 2004 "Parking Facilities Part 1: Off-street car parking.

Where an inconsistency exists between these documents the Proponent shall verify in writing to the satisfaction of Council, the relevant standard to be adopted.

B13. Car parking

Car parking at the site and at Cullen Park foreshore reserve shall be provided and maintained according to Drawing A10, Revision C, Car Park Alterations Plan, dated 9 November 2010, contained in the Response to Submissions under Condition A1 and Drawing L01, Revision B, Car Park Landscape – Cullen Park Plan, dated 2 December 2008 contained in Appendix 9 of the EA under condition A1. Details of the proposed car parking shall be provided to the satisfaction of the CA prior to the issue of a *Construction Certificate*. Car Parking shall also accord with the following requirements:

- a) All parking areas and access ways shall be constructed, sealed and drained in accordance with the Council's Development Control Plan 1 and associated Engineering Guidelines and in accordance with AS/NZS 2890.1 – 2004 *Parking Facilities Part 1: Off-Street Car Parking*.
- b) Cullen Park Foreshore Reserve car park shall be bitumen sealed.
- c) On-site car parking shall be identified by line-marking and shall be numbered upon completion of works.
- d) Other than the stored 19 etchells and berth dinghies, no other vehicles or vessels are to be stored on the car park.
- e) Disabled car park spaces shall be designed in accordance with AS1428.1 - *Design for Access and Mobility*.
- f) The existing access through Cullen Park Foreshore Reserve to the registered charity, Meals on Wheels Incorporated shall be maintained and available for access at all times.
- g) The Proponent shall ensure that no vehicular access to 658 Pacific Highway, Belmont is permitted via Cullen Park Foreshore Reserve.

B14. Peak Use Car Park Management Plan

Prior to the issue of a *Construction Certificate* the Proponent shall provide to the Council's satisfaction a **Peak Use Car Park Management Plan** to manage parking at the club during times of peak car park demand. For the purposes of this condition peak demand is considered to be between 5.00pm to 8.00pm, Fridays and 12.00pm to 6.00pm, Saturdays and Sundays between the 1st of September and 1st of April. The Plan shall include but not be limited to the following:

- a) Identify measures to monitor, direct and regulate the rate of parking infill during times of peak demand.
- b) Once car parking capacity during peak demand has been reached at the yacht club car park and at Cullen Park Foreshore Reserve car park, the Proponent shall direct any vehicles wishing to park at the site, to the Belmont TAFE car park as described by the license agreement dated 31 August 2007 between the TAFE Commission (licensor) and the Proponent (licensee).
- c) The Proponent shall provide a regular courtesy bus during these times to transport people to and from the Belmont TAFE car park during times of peak demand.

- d) Prior to the commencement of peak car park demand, the Proponent shall make all club members aware of the Plan's details.
- e) The Proponent shall inform visitors and members of the Plan's details during times of peak demand.
- f) The Plan shall make provision for the current license as discussed in b) to be renewed after its expiration or provide an alternative location with the same number of car spaces to be used during times of peak car park demand.
- g) The Plan shall make provision for specific sub-plans to be developed to the satisfaction of Council prior to the occurrence of irregular yacht race events at the site and implemented during such events. The sub-plans shall be based on the 2010 Australian Championship Management Plan for launching and retrieving etchells and parking arrangements dated 5 January 2010.
- h) The Plan shall include a provision to periodically review its effectiveness after the conclusion of every peak park demand season. With the permission of Council, the Plan shall be updated to expand or contract the time period defined as peak demand and include any adaptive management measures required to accommodate for any increases or decreases in car park use during peak demand.
- i) The Plan or any sub plans may be altered with the prior consent of Council in Consultation with TAFE and the RTA.

B15. Landscaping

Details of proposed landscaping in accordance with the **Landscape Plan** contained in Drawing L01, Revision B, Car Park Landscape Plan – Cullen Park, dated 2 December 2008 contained in Appendix 9 of the Environmental Assessment under Condition A1 is to be submitted to, and approved by the CA prior to the issue of a *Construction Certificate*. The Plan shall also include the following:

- a) A planting schedule shall be included, listing all plants by botanic and common names. Planting of vegetation shall be undertaken in accordance with Council's Foreshore Stabilisation and Rehabilitation Guidelines (2004) and Lake Macquarie Streambank and Foreshore Planting Guide (2000).
- b) Details showing the final drainage, edging, paving, surface finishes, retaining wall and any other landscape elements in sufficient detail to fully describe the proposed landscape works.

B16. Food Premises

Prior to the issue of a *Construction Certificate* the Proponent shall submit for approval to the CA, appropriately detailed working plans of internal finishes, fitments and appliances for food premises. The design of food premises including their construction and fitout shall be in accordance with the, *Food Act 2003, the Food Regulation 2004, the Local Government Act 1993* and *AS 4674-2004 Design Constructions and Fit Out of Food Premises* and Council's policies related to food premises.

B17. Waste Storage Areas

Prior to the issue of a *Construction Certificate* the Proponent shall supply construction details relating to operational waste storage areas to Council's satisfaction. Details shall include the following:

- a) Waste storage areas are to be constructed of, or lined with materials that are durable, impervious to moisture and capable of being cleaned.
- b) Waste storage areas are to be supplied with hot and cold water, roofed and floor bunded, graded and drained to a sump that shall be connected to the sewer in accordance with any requirements of the relevant utility service.
- c) Waste storage areas shall be provided on site in a screened location for the separate storage of recyclable and non-recyclable material.

B18. Swing Moorings

The Proponent shall relinquish to NSW Maritime the four swing moorings referred to in the EA and make good its commitment to install seagrass friendly moorings at any remaining swing moorings owned by the Proponent at no cost to Council. Documentation of compliance with this condition shall be provided to the satisfaction of the CA prior to the issue of a *Construction Certificate*.

B19. Pre-Construction Dilapidation Reports

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads. The report shall be submitted to the satisfaction of the CA prior to the issue of the *Construction Certificate*.

B20. Geotechnical Certification

Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be obtained prior to commencement of work, certifying the suitability and stability of the site for the proposed buildings and certifying the suitability and adequacy of the proposed design and construction of the buildings for the site. A copy of the engineers report is to be submitted to the CA prior to the issue of a *Construction Certificate*.

B21. Heritage

Prior to the issue of a *Construction Certificate* the Proponent shall prepare a heritage interpretation of the site. The interpretation shall be consistent with the *Heritage Interpretation Policy (Heritage Council of NSW 2005)*.

The Proponent shall subsequently provide and implement to the satisfaction of Council a **Heritage Interpretation Plan** that includes the form and type of interpretation measures to be undertaken at the site. Such measures include but are not limited to historic photos in suitable prominent public spaces within the clubhouse.

End of this Section

PART C- PRIOR TO CONSTRUCTION

C1. Notification Requirements

The CA and Council shall be given written notice, at least 48 hours prior to the commencement of any construction, excavation, shoring or underpinning works on the site.

The CA is to be given a minimum of 48 hours notice prior to any critical stage inspection or any other inspection nominated by the CA via the notice under Section 81A of the *Environmental Planning and Assessment Act 1979*.

Prior to the commencement of construction of the project, the Proponent shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

C2. Structural Details

Prior to the commencement of construction, the Proponent shall submit to the satisfaction of the CA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- a) The relevant clauses of the *BCA*.
- b) The relevant project approval.
- c) Drawings and specifications comprising the *Construction Certificate*.
- d) The relevant Australian Standards listed in the *BCA*.

C3. Appointment of Accredited Certifier

Prior to the commencement of any building works, a suitably qualified person (i.e. a BPB qualified accredited certifier) must be appointed for the development to monitor compliance with the relevant standards of construction, the Major Project approval and the approved construction plans. The critical stages of construction are to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the appointed Certifier or other suitably qualified person, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

C4. Payment of Long Service Levy

The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to commencement of work, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*.

C5. Protection of Adjoining Land and Buildings

Driven type piles and or shoring work must not commence unless a geotechnical engineer's report is obtained, which demonstrates that damage should not occur to any adjoining premises or public places as a result of the works. Any practices or recommendations specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises or land must be fully complied with and incorporated into the documentation for the construction drawings. A copy of the engineers report is to be submitted to the CA.

C6. Aboriginal Cultural Heritage

An Aboriginal Cultural Education Program shall be developed for the induction of personnel and contractors involved in the construction activities on site. The program shall be developed in collaboration with the local Aboriginal community as identified by the EA under condition A1.

Impacts to areas containing Aboriginal Cultural heritage values are to be avoided. Should unavoidable impacts be expected to occur, mitigation measures shall be arranged to the satisfaction of the local aboriginal community and OEH.

Prior to the commencement of construction, the Proponent shall invite the local Aboriginal community as identified in the EA under condition A1, to monitor earth moving/construction activities associated with vegetation clearance and topsoil disturbance at the site.

C7. Seagrass Management Plan

The Proponent shall implement the **Seagrass Management Plan** as contained in Appendix 12 of the EA and the Statement of Commitments under Condition A1 to the satisfaction of I&I. The Plan shall outline measures to protect and minimise loss to seagrass communities found within and surrounding the site as a result of construction and operation of the project. The Plan shall also include but not necessarily be limited to the following:

- a) Seagrass warning buoys shall be placed and maintained by the Proponent along the identified edge of the *Posidonia Australis* seagrass beds as shown in Appendix 11 of the EA under Condition A1.
- b) Information regarding the importance of seagrass shall be provided to club members and boat owners in order to raise awareness and ensure ongoing management of the seagrass beds as required under this condition.
- c) In consultation with I&I, provide a sub plan to regularly monitor seagrass species health and cover within and surrounding the site commencing from the start of construction and continuing for a period of three years. The Plan shall be reviewed at the end of this period to assess its need in consultation with I&I.
- d) In consultation with I&I, provide appropriate mitigation measures to be implemented in the event that construction and/or operation of the project cause unforeseen adverse impacts to occur to seagrass species health and cover in their pre-construction state.

C8. Pollution of Waters

The Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters from the construction or operation of the project including any actions taken by any associated vessels.

C9. Odour

The Proponent shall not cause or permit the emission of offensive odours from the site in accordance with the provisions of Section 129 of the *Protection of the Environment Operations Act 1997*.

C10. Excavation

Retaining walls, shoring, or piling must be designed and installed in accordance with appropriate professional standards and the relevant requirements of the *BCA* and Australian Standards. Details of proposed retaining walls, shoring or piling are to be submitted to and approved by the CA prior to commencing such excavations or works.

C11. Erosion and Sediment Control

Prior to commencement of work on the site, all erosion and sedimentation control measures contained in the Sediment and Erosion Control Plan under condition B6 are to be installed and operational to the satisfaction of the CA.

The Proponent shall install and maintain a floating boom and silt curtain around construction areas over the water. The floating boom and silt curtain shall be retained and suitably maintained until the proposed works have been completed and the water quality inside the silt curtain and boom is equal to the water quality of Belmont Bay.

C12. Site Amenities

Toilet facilities to be used during construction shall be provided prior to construction at the site at a rate of one toilet per 20 persons employed at the site. Each toilet shall be installed as follows:

- a) In a sewered area, connect the toilet to the appropriate authority's sewerage system.
- b) In an unsewered area an application shall be provided to Council for the use of a chemical closet.

C13. Existing Services

The Proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and advise the CA of its location and depth prior to commencing works and ensure there shall be no conflict between the proposed development and existing infrastructure prior to start of any works.

End of this Section

PART D- DURING CONSTRUCTION

D1. Provision of Electronic Information

Prior to the commencement of construction of the project, the Proponent shall maintain dedicated pages within its existing website for the provision of electronic information associated with the project. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:

- a) The current implementation status of the project.
- b) A copy of this approval and any future modification to this approval.
- c) A copy of each relevant environmental approval, licence or permit required and obtained in relation to the project.
- d) A copy of each plan, report, or required monitoring program under this approval.
- e) Details of the outcomes of compliance reviews and audits of the project.

D2. Complaints Procedure

Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):

- a) A 24 hour telephone number on which complaints about construction and operational activities at the site may be registered.
- b) A postal address to which written complaints may be sent.
- c) An email address to which electronic complaints may be transmitted.
- d) Name, address, contractor licence number and telephone number of the principal contractor, including a telephone number at which the person may be contacted outside working hours.
- e) Name, address and telephone number of the Project Manager.

The telephone number, the postal address and the e-mail address shall be advertised in a newspaper circulating in the locality on at least one occasion prior to the commencement of construction and of operation of the project. These details shall also be provided on the Proponent's internet site. The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public.

The Proponent shall record details of all complaints received through the means listed under condition D2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:

- a) The date and time, where relevant, of the complaint.
- b) The means by which the complaint was made (telephone, mail or email).
- c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect.
- d) The nature of the complaint.
- e) Any action(s) taken by the Proponent in relation to the complaint, including timeframes for implementing the action.
- f) If no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General or Council upon request.

The Proponent shall provide an initial response to any complaints made in relation to the project during construction or operation within 48 hours of the complaint being made. The response and any subsequent action taken shall be recorded in accordance with condition D3.

D3. Incident Reporting

Within 24 hours of detecting an exceedance of the limits/performance criteria in this approval, or the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Council and other relevant agencies of the exceedance/incident.

(Within 6 days of notifying the Council and other relevant agencies of an exceedance/incident, the Proponent shall provide Council and those agencies with a written report which:

- a) Describes the date, time, and nature of the exceedance/incident.
- b) Identifies the cause (or likely cause) of the exceedance/incident.
- c) Describes what action has been taken to date.
- d) Describes the proposed measures to address the exceedance/incident.

D4. Protection of Trees – Street and On-site Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

No trees shall be removed from the site, unless prior approval from Council. All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

D5. Aboriginal Cultural Heritage

If during the course of construction the Proponent becomes aware of any previously unidentified significant Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the OEHL shall be informed. A suitably qualified archaeologist, representative of the local Aboriginal Community and the OEHL shall be consulted to determine the significance of the object and an appropriate management strategy shall be developed and implemented. Relevant works shall not recommence until written authorisation from the OEHL is received by the Proponent.

The Proponent shall consult with and involve the local aboriginal community in the ongoing management of the sites Aboriginal Cultural Heritage values. Evidence of this consultation shall be collated and provided to the Director-General upon request.

D6. Noise and Vibration Management

During construction of the project the Proponent shall implement the Noise and Vibration Management Plan described in condition B2 and adhere to the following:

- a) Noise and vibration emissions during the construction of the site shall not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant provisions of the *Protection of the Environment Operations Act 1997* must be satisfied at all times.
- b) Vibration resulting from construction of the project must not exceed the evaluation criteria presented in the *Environmental Noise Management – Assessing Vibration: A Technical Guide* (DEC, 2006).
- c) The hours of construction of the project, including the delivery of materials to and from the site, shall be restricted as follows:
 - Between 7:00 am and 6:00 pm, Mondays to Fridays inclusive.
 - Between 8:00 am and 1:00 pm, Saturdays.
 - No work on Sundays and public holidays.
- d) Hours of construction piling shall be restricted as follows:
 - Between 9:00 am and 11:00 am and then 1:00 pm and 4:00 pm Mondays to Fridays inclusive.
 - Between 9:00 am and 12:00 pm, Saturdays.
 - No piling work on Sundays and public holidays.
- e) Works may be undertaken outside these hours where:
 - The delivery of materials is required outside these hours by the Police or other authorities.

- It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - Agreement has been reached with all affected receivers to conduct construction activities outside of these hours.
- f) Noise monitoring and vibration monitoring shall occur at receivers identified in the Proponent's Noise Impact Assessment contained in Appendix 17 of the EA under Condition A1 when construction activities occur within nominated distances as described by Table 1. Where management measures as described by the Construction Noise and Vibration Management Plan under condition B2 have not been implemented and construction noise criteria exceedances occur, all construction shall cease until those measures have been implemented.

Table 1: Noise and Vibration Monitoring Triggers

Activity/Process	Receiver Type	Distance to Receiver (m)
Piling	Residential	150
	Heritage structure	200
	Commercial building	180
Ripping (Dozer)	Residential	80
	Heritage structure	100
	Commercial building	50
Earthworks (track machine)	Residential	80
	Heritage structure	100
	Commercial building	50
Vibrating roller	Residential	60
	Heritage structure	80
	Commercial building	100
Smooth drum roller	Residential	20
	Heritage structure	30
	Commercial building	10
Truck movements	Residential	20
	Heritage structure	30
	Commercial building	10

D7. Dust Mitigation

The Proponent shall construct and operate the project in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all feasible dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

D8. Compliance with Approval

A Registered Surveyor's survey certificate is to be obtained and provided to the CA detailing compliance with the approval at the following stage/s of construction:

- Prior to construction of the first completed floor/floor slab (prior to pouring of concrete), showing the area of land, building and boundary setbacks and verifying that the building is being constructed at the approved levels.
- On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying the building has been constructed at the approved levels.

D9. Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D10. Demolition, Handling and Disposal of Materials

The demolition, removal, storage, handling and disposal of materials and all building work shall be carried out by a licensed contractor in accordance with the following requirements (as applicable):

- a) AS2601 (2001) – Demolition of Structures.
- b) Occupational Health and Safety Act 2000.
- c) Occupational Health and Safety (Hazardous Substances) Regulation 2001.
- d) Occupational Health and Safety (Asbestos Removal Work) Regulation 2001.
- e) WorkCover NSW – Guidelines and Codes of Practice.
- f) The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.

D11. Asbestos Removal

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of WorkCover NSW and the OEH (formerly the Environment Protection Authority), including:

- a) Occupational Health and Safety Act 2000.
- b) Occupational Health and Safety (Hazardous Substances) Regulation 2001.
- c) Occupational Health and Safety (Asbestos Removal Work) Regulation 2001.
- d) WorkCover NSW Code of Practice for the Safe Removal of Asbestos.
- e) Australian Standard 2601 (2001) – Demolition of Structures.
- f) The Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 1996.
- g) Relevant Department of Environment & Conservation (DEC) / Environment Protection Authority (EPA) and WorkCover NSW Guidelines.

A Work Cover licensed demolition or asbestos removal contractor must undertake removal of more than 50 m² of bonded asbestos (or as otherwise specified by Work Cover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence.

On demolition sites involving the removal of asbestos, a professionally manufactured sign must be clearly displayed in a prominent visible position at the front of the site, containing the words **'DANGER ASBESTOS REMOVAL IN PROGRESS'** and include details of the licensed contractor. The sign shall measure not less than 400mm x 300mm and the sign is to be installed prior to demolition work commencing and is to remain in place until such time as all asbestos has been safely removed from the site.

Asbestos waste must be stored, transported and disposed of in compliance with the Protection of the *Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 1996*.

Adjoining residents shall be notified in writing five working days prior to the demolition of any structure that contains asbestos.

D12. Construction Waste Management

The Proponent shall implement the **Waste Management Plan** included in Appendix 25, of the EA under Condition A1. The plan shall also comply with the following requirements:

- a) Storage of waste shall occur within the boundaries of the site, by way of a screened area of silt stop fabric, shade cloth or waste disposal bin; provided to Council specifications.
- b) Any waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- c) The Proponent shall maximise the treatment, reuse and/or recycling on the site of any excavated soils, slurries, dusts, aggregate and sludges associated with the project, to minimise the need for treatment or disposal of those materials outside the site.

- d) The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997, if such a licence is required in relation to that waste.
- e) Ensure that all liquid and/or non-liquid waste generated and/or stored on the site is assessed and classified in accordance with Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (DEC, 2004).

D13. Fill

The applicant shall arrange for any fill imported to the site to be placed in accordance with AS 3798 *Guidelines on Earthworks for Commercial and Residential Developments*. No additional fill shall be placed outside the site. Only 'Virgin Excavated Natural Material' (VENM) is to be imported to the site. No fill or retaining walls shall be located within any drainage easement located within the site.

D14. Maintenance of Vehicular and Pedestrian Safety and Access

Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements shall be complied with:

- a) The roadway, footpath and nature strip must be maintained in a good, safe condition and free from any obstructions, materials, soils or debris at all times. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.
- b) Temporary disturbance of Road/footpath is permitted for the installation of any utilities. Any damage caused to the road, footway or nature strip must be repaired immediately, to the satisfaction of Council.

D15. Sediment and Erosion Control Measures

The Sediment and Erosion Control measures under the Sediment and Erosion Control Plan contained in condition B6 shall be maintained at or above design capacity for the duration of the construction 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. A copy of the Plan shall be retained on-site and be available to Council and/or any other government agencies

During construction, the Proponent shall implement and maintain all erosion and sediment control measures in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1*, 4th Edition (Landcom).

D16. Seagrass Avoidance

The Proponent shall not anchor any construction barges in areas of seagrass and avoid areas of *Posidonia Australis* as identified by the seagrass management plan under condition C7.

D17. Setting Out of Structures

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the CA certifying that structural works are in accordance with the approved project application.

End of this Section

PART E- PRIOR TO ISSUE OF OCCUPATION CERTIFICATE/ PRIOR TO OPERATIONS

E1. Acoustic Certification

A report, prepared by a suitably qualified and experienced acoustic consultant shall be submitted to the Principle Certifying Authority prior to an *Occupation Certificate* being issued for the development, which demonstrates and certifies that noise and vibration mitigation measures, have been completed in accordance with the Proponent's noise assessment, Appendix 17 of the EA and their desired acoustic performance has been achieved.

E2. Certification of Civil Works

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Principle Certifying Authority, prior to the issuing of a final *Occupation Certificate* for the development.

E3. Repair to Council Property

The Proponent shall meet the full cost for Council or a Council approved contractor to repair, replace and/or relocate Council property damaged due to construction and/or operation of the project.

E4. Utilities

Prior to issue of the *Occupation Certificate*, written evidence shall be submitted to the Principle Certifying Authority from the relevant service providers for telecommunication, electricity and water, that satisfactory arrangements have been made for the provision of their respective services to the site.

E5. Landscaping

Upon completion of landscape works, and prior to the issue of an *Occupation Certificate*, documentary evidence is to be obtained from a suitably qualified professional in the Landscape/Horticultural industry, and submitted to and approved by the Principle Certifying Authority that certifies landscaping has been completed in accordance with the approved landscaping plan contained in condition B15. The Proponent shall be responsible for implementing strategies under condition B15 to ensure that this landscaping is maintained in accordance with the approval and in a healthy and vigorous state until maturity.

E6. Suitable for Occupation

A statement confirming that the building is suitable for occupation must be obtained from a suitably qualified person (i.e. a BPB qualified accredited certifier) prior to any occupation of the building work encompassed in this approval. The statement must not be issued if the development is inconsistent with the approval and the relevant conditions of approval shall be satisfied prior to occupation. Details of critical stage inspections carried out, together with any other certification relied upon shall be provided to Council prior to occupation.

E7. Flood Warning and Evacuation

The **Flood Warning and Evacuation Plan** contained under Condition B7 shall be implemented prior to the issue of an *Occupation Certificate*.

E8. Marina Management and Maintenance Plan

Prior to the issue of an *Occupation Certificate* proof that the **Marina Management and Maintenance Plan** under Condition B8 has been implemented and/or installed where relevant shall be provided to the satisfaction of the Principle Certifying Authority.

E9. The **Design** requirements contained under Condition B9 shall be implemented prior to the issue of an *Occupation Certificate* to the satisfaction of the Principle Certifying Authority.

E10. Disabled Access

Prior to the issue of an *Occupation Certificate* documentary evidence shall be provided to the Principle Certifying Authority to demonstrate that disabled access is in accordance with condition B9 n).

The Proponent shall provide evidence to the Principle Certifying Authority confirming that the tidal range is such that any access ramp will not have a slope greater than 1 in 14 at the worst tide over a maximum 9m length. This is to ensure that structures accessible to the public are designed in accordance with AS1428 *Suite Design for Access and Mobility* and the *Disability Standards for Accessible Public Transport Guidelines 2001*.

E11. Food Premises

Prior to commencement of operation an inspection of the food premises shall be conducted by an "authorised officer", as defined in the Food Act 2003 to ensure the premises including the construction and installation of all relevant equipment fixtures and fittings and finish comply with Standard 3.2.3 – Food Premises and Equipment, of the Australia New Zealand Food Standards Code, AS 4674-2004 *Design, construction and fit-out of food premises* and Council's policies related to food premises.

Following the issue of an *Occupation Certificate*, Council's Environmental Management Sections shall be notified within seven days, for the premises to be registered as a food business.

E12. Liquid Contaminant Management

Prior to the issue of an *Occupation Certificate* the Proponent shall supply the following details relating to the management and disposal of liquid wastes to the satisfaction of the Principle Certifying Authority:

- a) Mitigation measures to prevent any fuel spillage resulting from the operation of the site from discharging through the site's stormwater drainage system or directly into Lake Macquarie.
- b) Management measures to prevent sewage spillage from entering into Lake Macquarie and spill management procedures for containment and clean up of any spills, such as emergency shut off details for sewage and sullage pump outs and use of floating booms.
- c) Details of kitchen grease trap and/or coalescing treatment units to be used at the site in order to prevent oil and grease discharge to sewers. Evidence of a trade waste agreement with Hunter Water Corporation is also to be provided.
- d) Management measures regarding the cleaning and maintenance of hardstand areas at the site including but not limited to any balconies/decks and methods to prevent washdown water and other pollutants draining into lake Macquarie.
- e) Procedures for staff training in response to emergency spills, accidents and any other emergencies.
- f) Details of the location of spillage control equipment
- g) Notification procedures in the event of a spill or emergency including emergency contact detail

E13. Road Design

All works required by the Ada Street Design Plan under Condition B12 shall be completed before an *Occupation Certificate* (interim or final) is granted. A **Work as Executed Plan**, certified by the Consulting Civil Engineer supervising the works or the Registered Surveyor in charge and certified by the Principle Certifying Authority shall be provided to Council for all works undertaken on a public road, public reserve or car park. The plan shall show limits and depths of any filling, location of service conduits and street names.

E14. Stormwater

Prior to the issue of an *Occupation Certificate*, the Proponent shall provide a **Work as Executed Plan** to the Certifying Authority that shows relevant construction works required under the Stormwater Management Plan under condition B5 have been satisfactorily completed. The Work as Executed Plan shall be endorsed by a Registered Surveyor or Designing Engineer.

E15. Finished Floor Levels

A certificate of finished floor height shall be provided by a Registered Surveyor and be submitted to the Principle Certifying Authority prior to the issue of an *Occupation Certificate*.

E16. Pre-Operation Compliance Audit

Prior to the commencement of operations, the Proponent shall submit work-as-executed plans to the Department for all development associated with the project. The plans must be prepared by a suitably qualified and experienced expert, and include plans showing the work-as-executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.

The Director-General may require an update on compliance with all, or any part, of the conditions of this approval. Any such update shall meet the reasonable requirements of the Director-General and be submitted within such period as the Director-General may agree.

E17. Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the Certifying Authority for all the essential fire or other safety measures forming part of this approval prior to issue of any *Occupation Certificate*. A copy of the Fire Safety Certificate shall be submitted to the approval authority and Council.

E18. Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

E19. Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the issue of any *Occupation Certificate* and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- a) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings.
- b) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E20. Heritage

Nominated heritage interpretation measures contained in the Heritage Interpretation Plan under condition B20 shall be installed prior to the issue of an *Occupation Certificate*.

End of this Section

PART F- DURING OPERATIONS

F1. Operating Hours

Operating hours of the yacht club are as follows:

- a) Office and administration activities shall operate between 9.00am and 5.00pm, Monday, Tuesday, Wednesday, Friday and 9.00am and 7.00pm, Thursday.
- b) The bar, gaming area and restaurant shall operate between 10.00am and 11.00pm Monday, Tuesday, Wednesday, Thursday, Friday, Sunday and 10.00am and midnight, Saturday.
- c) The marina shall operate between 7.00am and 6.00pm everyday.

F2. Noise Control

- a) The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.
- b) The operating noise level of the registered part of the project as administered by the Liquor Administration Board Criteria shall comply with the following:
 - The L_{A10} noise level emitted from the clubhouse shall not exceed L_{90} background noise level in any octave band frequency (31.5Hz to 8kHz) by more than 5dB(A) between 7.00am and 12.00am (midnight) at the boundary of any affected resident's dwelling.
 - The L_{A10} noise level emitted from the clubhouse shall not exceed the background noise level in any octave band frequency (31.5Hz to 8kHz) between 12.00am (midnight) and 7.00am at the boundary of any affected resident's dwelling.
 - Notwithstanding compliance with the above, the noise from the clubhouse shall not be audible within any habitable room in any resident's dwelling between the hours of 12.00am (midnight) and 7.00am.
 - A 5db(A) penalty is to apply to any noise that has a low frequency tone between 31.5Hz to 250Hz.

For the purpose of this condition, the L_{A10} can be taken as the average maximum defection of the noise emission from the premises.

- c) Noise limits presented in Table 2 shall apply to all activities conducted on the marina including servicing and maintenance of boats, shipwright work, any noise resulting from boats being moored including any slapping of rigging. It does not include any activities of the registered yacht club.

Table 2: Noise Impact Assessment Criteria dB(A) $L_{Aeq}(15min)$

Location	Day (7.00am to 6.00pm, Monday to Saturday and 8.00am to 6.00pm, Sunday and Public Holidays)	Evening (6.00pm to 10.00pm, daily)	Night (10.00pm to 7.00am, Monday to Saturday and 10.00pm to 8.00am, Sunday and Public Holidays)	Night ($L_{A1}(1min)$) (10.00pm to 7.00am, Monday to Saturday and 10.00pm to 8.00am, Sunday and Public Holidays)
At any residence	51	48	41	51

Compliance with the noise criteria contained in Table 2 shall be determined by measuring noise at the most affected point within the residential boundary, or at the most affected point within 30m of the dwelling where the dwelling is more than 30m from the boundary. The modification factors in section 4 of the *NSW Industrial Noise Policy* shall be applied to the measurement of noise.

Noise limits set out in Table 2 apply under all meteorological conditions except any one of the following:

- Wind speeds greater than 3m a second at 10m above ground level.
 - Stability category F temperature inversion conditions and wind speeds greater than 2m/second at 10m above ground level.
 - Stability category G temperature inversions.
- d) Vessel maintenance activities at the site that cause audible noise beyond the boundary of the premises shall only occur during the day, between 7.00am and 6.00pm Monday to Friday and 8.00am to 4.30pm on weekends and public holidays. Signs containing this information shall be prominently erected in conspicuous locations for the instruction of boat owners.

F3. Vibrations

The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage to other premises.

F4. Emissions/ Discharges

There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.

F5. Loading/ Unloading

All loading and unloading, including deliveries to and from the site in connection with the use must be carried out between 7am and 7pm, Monday to Friday.

F6. Stormwater Drainage

All stormwater run-off naturally draining to the site must be collected and discharged through this property's stormwater system.

F7. Bunding Spill Areas

Chemicals stored in bulk form or work areas where spillages are likely to occur, are to be suitably bunded in accordance with "Storing and Handling Liquids: Environmental Protection – Participants Manual" (DECCW 2007) and "Environmental Compliance Report: Liquid Chemical Storage, Handling and Spill Management – Part B Review of Best Practice and Regulation (DEC 2005).

F8. Slipways

No slipway activities are permitted at the site including but not limited to anti fouling, abrasive sanding, sand blasting, hull scrapping and sanding, major mechanical or refit operations.

F9. Waste Management during Operation

All activities at the site must be carried out in a manner that prevents waste from polluting waters. The Proponent shall provide facilities to ensure the collection and disposal of waste generated at the premises in order to prevent occurrence of such events. Facilities may include but not be limited to tarpaulins, waste bins, pump-out facilities, signage and agreements with those operating at the site. Waste generated on the site during operation of the project is classified in accordance with the OEH's *Waste Classification Guidelines* and disposed of to a facility that can lawfully accept the waste.

Arrangements shall be made to recycle to the maximum feasible extent all waste that is generated during operation of the site. For the purposes of this condition, waste generated at the premises includes waste collected from vessels at the premises and may include but not be limited to contaminated bilge water, litter, garbage, fuel, oil and waste from abrasive cleaning, sanding, scraping and painting.

Arrangements shall be made for the regular removal and disposal of waste materials during operation of the site.

All wastes that contain organotin biocides shall also be collected, stored and disposed of in accordance with the Organotin Waste Chemical Control Order 1989. Guidance information relating to the Order and other solid and liquid waste is provided in the *Environmental Guidelines – Best Management Practice for Marinas and Boat Repair Facilities 1999*.

F10. Annual Fire Safety Certification

The Proponent shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

F11. Unobstructed Driveways and Parking Areas

All driveways (other than those which are obsolete) and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

F12. Discharges

The Proponent shall ensure that all bilge water is treated and disposed of in accordance with a Trade Waste Permit/Agreement with Hunter Water Corporation.

F13. Operation of Plant and Equipment

The Proponent shall ensure that all plant and equipment use on site is maintained in a proper and efficient condition; and operated in a proper and efficient manner.

F14. Storage of Hazardous or Toxic Material

Any hazardous or toxic materials must be stored in accordance with WorkCover NSW requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area. The bund(s) shall be designed and installed in accordance with the:

- a) Requirements of all relevant Australian Standards.
- b) DECCW's Storing and Handling Liquids: Environmental Protection manual.

The Proponent shall ensure that spillage control equipment, such as absorbent pads and absorbent booms, are available at all times, and stored in a location where they can be employed quickly if spills occur.

Whilst private vessels are being worked on within the wet berth area, temporary spill containment pallets shall be used to store chemicals being used on the vessel. Each pallet should be capable of capturing the contents of the largest container plus 10% if there is a leak.

If the spill containment pallets are to be used, the drums must be stored in a level area (to ensure full spill storage capacity), and they must be covered so that the pallets do not fill with rainwater. Spill clean-up kits are to be placed on each arm of the marina.

F15. Sewage Pump-Out

The sewage pump-out facility shall be provided free of charge and be publicly accessible at all times.

End of this Section

ADVISORY NOTES

AN1 Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a Subdivision Certificate, a Compliance Certificate shall be provided to the approval authority showing that the project has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- (1) The certifying authority before release of the Construction Certificate,
- (2) The approval authority before the release of the Subdivision Certificate, and
- (3) The principal certifying authority prior to occupation.

AN2 Requirements of Public Authorities for Connection to Services

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

AN3 Compliance with Building Code of Australia

The Proponent is advised to consult with the Certifying Authority about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN4 Mine Subsidence Board

The Proponent is advised to seek the approval of the Mine Subsidence Board for the erection of any structures associated with the approved project.

AN5 Groundwater

Any excavation which involve temporary dewatering will require a bore licence under Part 5 of the Water Act 1912 (NSW) and consideration of the objects and water management principles of the Water Management Act 2000 (NSW). Bore licence application enquiries should be directed to Bruce Westbrook, Licensing Officer, Licensing North Branch, NSW Office of Water, telephone 4904 2578.

Any discharge of extracted groundwater from dewatering is required to be in accordance with the conditions of approval under the *Protection of the Environment Operations Act 1997* (NSW).

AN6 Structural Capability for Existing Structures

The structural capabilities of any existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN7 Use of Mobile Cranes

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) At least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions.
 - (b) At least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN8 Construction Certificate

A Construction Certificate is obtained by completing and submitting the approved form to Council or an accredited certifying authority for approval. If the application form is approved by a certifying authority other than Council, the Proponent is required to lodge the Construction Certificate and other approved documents with Council a minimum two days prior to the commencement of work.

AN9 Occupation Certificate

- 1) Prior to the occupation and/or use of a new or altered building, an Occupation Certificate must be issued by the accredited certifier. Where Council is the accredited certifier, an Occupation Certificate will be produced after a satisfactory completion inspection using the information:
 - (a) Contained in the application for Construction Certificate.
 - (b) Required in accordance with clause 149 of the *Environmental Planning & Assessment Regulation 2000* (NSW).
- 2) Where the Occupation Certificate has been issued by a certifying authority other than Council, a copy of the Occupation Certificate and supporting documentation is to be submitted to Council within 2 days after the date of determination of the Occupation Certificate together with the document registration fee (in Council's pricing policy).

AN10 Temporary Structures

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN11 Signage

The Proponent should liaise with Council regarding the erection of signs adjacent to the Nanda Street foreshore directing people to swim only in the passive recreation zone adjacent to the foreshore and advising of water safety generally.

AN12 NSW Maritime Better Boating Program

The Proponent is advised that they may be eligible to apply for 50% funding for the provision of a sewer pump-out and a tethered mooring mechanism (on Booragul Reserve) through the NSW Maritime Better Boating Program.

AN13 Disability Discrimination Act

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

AN14 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Proponents responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

End of this Section