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# Development Consent

## Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

  
Daniel Keary  
Acting Executive Director  
Key Sites and Industry Assessments

Sydney 13<sup>th</sup> NOVEMBER 2015

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### SCHEDULE 1

<b>Application No.:</b>	SSD 6611
<b>Applicant:</b>	Sydney Harbour Foreshore Authority
<b>Consent Authority:</b>	Minister for Planning
<b>Land:</b>	Cockle Bay, Darling Harbour (Lot 11 in DP 1082970, Lot 1010 in DP 1147364 and Lot 63 in DP 1009964)
<b>Approved Development:</b>	Renewal of marine structures at Cockle Bay, Darling Harbour, including: <ul style="list-style-type: none"><li>• demolition and removal of the harbourside jetty, promenade and steps, convention wharf and marina;</li><li>• construction of a floating pontoon pedestrian walkway incorporating a 45 m pick-up and drop-off facility for passengers of charter and tourism vessels, private water transport services and water taxis; and</li><li>• construction of a floating pontoon marina providing 40 short stay berths, a water taxi pick-up and drop-off zone, and an event staging and event barge storage area.</li></ul>

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## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Sydney Harbour Foreshore Authority, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	The demolition of structures, the carrying out of works, including piling and erection of structures and other infrastructure covered by this consent
Council	City of Sydney Council
Certification of Crown Building works	Certification under s109R of the EP&A Act
Certifying Authority	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, Strata Schemes (Freehold Development) Act 1973 and Strata Schemes (Leasehold Development) Act 1986 or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment, or its successors
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement entitled ' <i>Cockle Bay Marine Structures Renewal</i> ' and accompanying appendices, prepared by Environet Consultancy Pty Ltd dated May 2015
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	Minister for Planning, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage, or its successors
PCA	Principle Certifying Authority
RTS	Response to Submissions report entitled ' <i>SSD 6611 Cockle Bay Marine Structures Renewal Response to Submissions</i> ' and accompanying appendices, ' <i>SSD 6611 Cockle Bay Marine Structures Renewal Response to Submissions – Addendum 1</i> ' and accompanying appendices, ' <i>SSD 6611 Cockle Bay Marine Structures Renewal Response to Submissions – Addendum 2</i> ' and accompanying appendices prepared by Sydney Harbour Foreshore Authority
RMS	Roads and Maritime Services, or its successors
Secretary	Secretary of the Department
Site	Land referred to in Schedule 1

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### TERMS OF CONSENT

- A1 Except as amended by the conditions of this approval, development approval is granted only to carrying out the development as described in Condition A2.
- A2 The Applicant shall carry out the project generally in accordance with the:
- a) State Significant Development Application SSD 6611;
  - b) Environmental Impact Statement entitled 'Cockle Bay Marine Structures Renewal' and accompanying appendices, prepared by Environet dated May 2015;
  - c) Response to Submissions report entitled '*SSD 6611 Cockle Bay Marine Structures Renewal Response to Submissions*' and accompanying appendices, '*SSD 6611 Cockle Bay Marine Structures Renewal Response to Submissions – Addendum 1*' and accompanying appendices, '*SSD 6611 Cockle Bay Marine Structures Renewal Response to Submissions – Addendum 2*' and accompanying appendices prepared by Sydney Harbour Foreshore Authority
  - d) The conditions of this consent; and
  - e) The following drawings, except for:
    - i) any modifications which are Exempt or Complying Development; and
    - ii) otherwise provided by the conditions of this consent.

<b>Schematic Design Drawings prepared by Mott MacDonald</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
MMD-341498-C-DR-3000	P5	General Arrangement Plan	19.08.15
MMD-341498-C-DR-3010	P5	Layout Plan – East Sheet 1 of 2	19.08.15
MMD-341498-C-DR-3011	P1	Layout Plan – East Sheet 2 of 2	19.08.15
MMD-341498-C-DR-3020	P5	Layout Plan – West Sheet 1 of 3	19.08.15
MMD-341498-C-DR-3021	P1	Layout Plan – West Sheet 2 of 3	19.08.15
MMD-341498-C-DR-3022	P1	Layout Plan – West Sheet 3 of 3	19.08.15
MMD-341498-C-DR-4000	P4	Long Sections – East	19.08.15
MMD-341498-C-DR-4010	P3	Long Sections – West	19.08.15

#### INCONSISTENCY BETWEEN PLANS AND DOCUMENTS

- A3 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval prevail to the extent of any inconsistency. Where there is an inconsistency between approved elevations and plans, the elevations prevail.

#### REQUIREMENTS OF THE SECRETARY

- A4 The Applicant shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
- a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; and
  - b) the implementation of any actions or measures contained in these documents.

#### LIMITS ON CONSENT

- A5 This development consent will lapse 5 years after the determination date unless the works authorised by this development consent have been commenced.

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## **PRESCRIBED CONDITIONS**

A6 The Applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

## **LONG SERVICE LEVY**

A7 For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

## **OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

A8 In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

## **LIMITS ON MARINA**

A9 The development consent provides the following limits on the marina:

- a) a maximum of 40 short-stay berths in the marina for private recreational boats (each boat to be berthed for a maximum period of 24-hours);
- b) the maximum length of boats permitted to be stored in the marina is 15 m;
- c) if required, 2 of the short-stay berths may be used for the permanent storage of service vessels owned and operated by Sydney Harbour Foreshore Authority, or its successors;
- d) if required, 4 of the short-stay berths may be used for the permanent storage of commercial vessels;
- e) water taxis are to berth at the designated water taxi pick-up and drop-off area in the marina; and
- f) storage of event barges is permitted in the designated event barge storage area in the marina.

## **LIMITS ON PICK-UP AND DROP-OFF FACILITY**

A10 The development consent provides the following limits on the pick-up and drop-off facility for passengers of charter and tourism vessels:

- a) the maximum length of charter and tourism vessels that berth at the pick-up and drop-off facility is 35 m;
- b) a maximum of two charter and tourism vessels may berth at the pick-up and drop-off facility at a time; and
- c) water taxis are to berth at the designated areas at the northern and southern ends of the pick-up and drop-off zone.

## **FURTHER APPROVAL**

A11 Prior to the commencement of construction of the development, approval must be obtained from the Harbour Master under the *Management of Waters and Waterside Lands Regulations—N.S.W.*

## **LEGAL NOTICES**

A12 Any advice or notice to the consent authority shall be served on the Secretary.

**END OF SECTION.**

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## PART B PRIOR TO COMMENCEMENT OF WORKS

### CERTIFIED PLANS

- B1 Plans certified in accordance with section 109R of the EP&A Act are to be submitted to the Certifying Authority prior to commencement of each stage of construction works and shall include details as required by any of the following conditions.

### COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

- B2 Details shall be provided to the satisfaction of the Certifying Authority, prior to commencement of works, which demonstrates that the proposal complies with the prescribed conditions of consent under Clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the Building Code of Australia (BCA).

### STRUCTURAL DETAILS OF MARINE STRUCTURES

- B3 Prior to the commencement of works, the Applicant shall submit to the satisfaction of the Certifying Authority, detailed and dimensioned structural drawings and specifications prepared and signed by a suitably qualified practicing Structural Engineer experienced in the design of maritime structures that demonstrate compliance with:
- RMS's engineering standards and guidelines for marine structures;
  - the relevant clauses of the BCA; and
  - the development consent.

The drawings must also identify all new works below the Mean High Water Mark and all their components and interconnections.

### DISABLED ACCESS

- B4 Prior to the commencement of works, the Applicant shall demonstrate that the proposal provides access and facilities for people with a disability in accordance with the Building Code of Australia. The Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified is provided and that the requirements are referenced on the relevant drawings.

### DEMOLITION

- B5 Demolition works shall comply with the provisions of *Australian Standard AS2601: 2001 The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

### REFLECTIVITY

- B6 The building materials used on the marine structures shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. Details demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

### OUTDOOR LIGHTING

- B7 All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the*

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*Obtrusive Effects of Outdoor Lighting.* Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

## **SYDNEY WATER NOTICE OF REQUIREMENTS**

B8 If required, an application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the commencement of works.

## **UTILITY SERVICES**

B9 Prior to the commencement of works, the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of any services affected by the construction of the development.

B10 Prior to the commencement of works, written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

## **CONSULTATION WITH OWNER OF S.S. SOUTH STEYNE**

B11 Prior to the commencement of works, the Applicant is to consult with the owner of the S.S. South Steyne regarding the relocation of the vessel and is to formally notify the owner when the timeframe is known for the demolition of the harbourside jetty.

## **RELOCATION OF PILES OF MARINE STRUCTURES**

B12 Prior to the commencement of works, the Applicant is to prepare and submit for the approval of the Secretary, a revised plan/s and documentation demonstrating that the location of the piles of the marine structures have been adjusted to not be located within the footprint of any former wharves and jetty structures dating from before 1850 as documented in the Cockle Bay Marine Structures Redevelopment – Response to Heritage Council’s Comments by Cosmos Archaeology Pty Ltd dated.

## **CONSTRUCTION CONTRACTOR**

B13 The Applicant is to ensure that the works are undertaken by a suitably qualified maritime construction contractor familiar with seabed conditions in Sydney Harbour and Cockle Bay. The Applicant is to demonstrate compliance with this condition to the Certifying Authority prior to the commencement of works.

## **NOTICE OF COMMENCEMENT OF WORKS**

B14 The Certifying Authority and Council shall be given written notice, at least 48 hours prior to the commencement of works on the Site.

## **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

B15 Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) shall be submitted to the Certifying Authority. The CEMP shall address, but not be limited to, the following matters, where relevant:

- a) hours of work;
- b) 24 hour contact details of site manager;

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- c) construction traffic, construction vessel traffic and pedestrian management, in consultation with the local council, including designated off-street car parking for construction related vehicles;
  - d) construction noise and vibration management;
  - e) management of dust to protect the amenity of the neighbourhood;
  - f) erosion and sediment control;
  - g) measures to ensure that sediment and other materials are not tracked onto the pedestrian promenade and roadway by vehicles leaving the Site;
  - h) external lighting in compliance with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*; and
  - i) flora and fauna management.
- B16 The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.
- B17 The Applicant shall submit a copy of the CEMP to the Department and Council, prior to the Commencement of Works.

### **EROSION AND SEDIMENT CONTROL**

- B18 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1 (2004)* by *Landcom*. Details are to be included in the CEMP outlined in Condition C2.

### **CONSTRUCTION NOISE AND VIBRATION MANAGEMENT**

- B19 Prior to the commencement of works, the Applicant shall prepare and implement a Construction Noise and Vibration Management Plan, which shall address the following:
- a) be prepared by a suitably qualified expert;
  - b) be prepared in accordance with relevant EPA guidelines;
  - c) identify any annoying or intrusive noise generating activities;
  - d) describe the proposed feasible and reasonable noise and vibration mitigation and management measures in detail, including measures identified in the Acoustic Assessment accompanying the EIS, including the adoption of screw piling rather than driven piling (if possible), a noise respite period from 12.00 pm to 2.00 pm (to reduce impacts during lunchtime trade of surrounding commercial receivers) and notification of surrounding receivers in advance of work commencing;
  - e) include strategies that have been developed with the community, including providing noise sensitive receivers with relevant information relating to project noise management levels and notification of expected timing and duration of expected minor exceedances;
  - f) evaluate and report on the effectiveness of the noise and vibration management measures; and
  - g) include a complaints management system that would be implemented for the duration of the construction of the project.

### **CONSTRUCTION WASTE MANAGEMENT PLAN**

- B20 Prior to the commencement of works, the Applicant shall prepare and implement a Construction Waste Management Plan which must address the following:
- a) recycling of demolition materials, including concrete; and
  - b) removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirement of the relevant legislation, codes, standards and guidelines.

**END OF SECTION.**

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## PART C DURING CONSTRUCTION

### HOURS OF WORK

- C1 The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:
- a) between 7am and 6pm, Mondays to Fridays inclusive;
  - b) between 7am and 3pm, Saturdays;
  - c) no work on Sundays and public holidays; and
  - d) works may be undertaken outside these hours where:
    - i) the delivery of vehicles, vessels, plant or materials is required outside these hours by the Police or other authorities;
    - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
    - iii) a variation is approved in advance in writing by the Secretary or her nominee.

### APPROVED PLANS TO BE ON-SITE

- C2 A copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

### SITE NOTICE

- C3 A site notice(s) shall be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to, the details of the Construction Contractor, Certifying Authority and Structural Engineer.
- C4 The notice(s) is to satisfy all but not be limited to, the following requirements:
- a) the notice is to be able to be read by the general public;
  - b) the notice is to be durable and weatherproof and is to be displayed throughout the construction period;
  - c) the approved hours of work, the name of the site/project manager, the responsible construction contractor, its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Site is not permitted.

### DISPOSAL OF SEEPAGE AND STORMWATER

- C5 Any seepage or rainwater collected on-site (on land) during construction must be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

### CONSTRUCTION NOISE MANAGEMENT

- C6 The development shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan (Condition C6).
- C7 If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) must be added to

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the measured construction noise level when comparing the measured noise with the construction noise management levels.

- C8 Wherever practical, and where sensitive receivers may be affected, piling activities are to be completed using bored piles. If driven piles are required they must only be installed where outlined in the CEMP.

### **VIBRATION CRITERIA**

- C9 Vibration caused by construction at any residence or structure outside the Site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures;
  - b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006); and
  - c) these limits apply unless otherwise outlined in the CEMP.

### **HOARDING REQUIREMENTS**

- C10 The following hoarding requirements shall be complied with:
- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
  - b) the construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

### **USE OF SILT CURTAINS**

- C11 The construction contractor must use silt curtains when removing piles and installing new piles to minimise disturbance and mobilisation of sediments and contaminants in the seabed of Cockle Bay. The silt curtain must be installed and maintained throughout the duration of construction and can be removed when the water quality inside the silt curtain is equal to the background water quality level of Cockle Bay. The silt curtain must extend from the surface of the water to the seabed, and ensure that all attachment points for the silt curtains are firmly anchored to avoid gaps and release of contaminants.

### **WATER QUALITY SAMPLING DURING CONSTRUCTION**

- C12 During construction, the Applicant must ensure that the level of total suspended solids (TSS) within 1 metre of the outside of the silt curtain does not exceed the background TSS level within Cockle Bay by more than 50mg/l. As part of this process, the Applicant is required to measure the nephelometric turbidity units (NTU) levels with a turbidity meter. On each occasion sampling is carried out, at least two representative samples from water within 1 metre of the outside of the silt curtain are to be taken to establish the NTU levels. Background NTU levels are to be identified by taking representative samples from the water within 25 meters of construction works.

Readings of less than 25 NTU should be considered to be less than 50mg/l TSS. In the event that turbidity readings exceed the background levels by 25 NTU, the Applicant must have a sample of the water analysed for the TSS. Records of the NTU and TSS levels must be made available to EPA on request.

### **TRENCHING, DREDGING AND RECLAMATION**

- C13 During construction, no trenching, dredging or reclamation work is permitted.

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## **DISCOVERY OF ARCHAEOLOGICAL RELICS**

- C14 If any new archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *NSW Heritage Act 1977* may be required before further works can continue in that area.
- C15 Any archaeological relics uncovered during the course of work should be suitably recorded and photographed to archival standards (See Heritage Division brochure on Archival recording). A report detailing the extent and significance of the archaeological relics shall be prepared and submitted for the information of the Heritage Council within one year of the commencement of operation. The Applicant must retain the relics in a suitable repository which shall be identified in the report. In the event that the development avoids harm to any relics identified, and these relics are retained in situ, the location of the relics is to be recorded in the report.

## **DISCOVERY OF ABORIGINAL HERITAGE**

- C16 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The proponent must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

**END OF SECTION.**

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## **PART D PRIOR TO ISSUE OF OCCUPATION CERTIFICATE AND/OR COMMENCEMENT OF USE**

### **WATER AUTHORITY COMPLIANCE**

- D1 If required, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifying Authority prior to the issue of an Occupation Certificate.

### **OPERATIONAL MANAGEMENT PLAN**

- D2 Prior to the commencement of use, the Applicant is to prepare an Operational Management Plan. The plan must address the operational management of the marina, the floating pontoon pedestrian walkway and the pick-up and drop-off facility including, but not limited to:
- a) operational noise limits, including limits for recreational vessels berthed in the marina;
  - b) measures to monitor operational noise limits;
  - c) detailed description of vessel handling procedures;
  - d) details of any induction measures and procedures;
  - e) safety signage;
  - f) emergency management procedures, including for fire, personal accidents, collisions of vessels, collisions with marine structures, oil, sewerage and bilge water spillage; and
  - g) pedestrian management along the floating pedestrian walkway, including procedures addressing crowd conditions, pedestrian level of service, Ranger services and operation of entry gates onto walkway, and adverse weather conditions which present a safety risk.

The Operational Management Plan must be prepared in consultation with the RMS, Port Authority (Harbour Master) and submitted to and approved by the Department prior to the commencement of use.

### **COMPLAINTS PROCEDURE**

- D3 The Applicant must ensure the following facilities are available to handle community complaints associated with the operation of the marine structures:
- a) a 24hr telephone number on which complaints may be registered;
  - b) a postal address to which written complaints may be sent; and
  - c) an email address to which electronic complaints may be sent.

### **COMPLAINTS REGISTER**

- D4 The Applicant must record all details of all complaints received through the measures outlined in Condition D3 in a Complaints Register. The Register must record:
- a) the date and time of the complaint;
  - b) the means by which the complaint was made (phone, mail or email);
  - c) any personal details of the complainant that were provided;
  - d) the nature of the complaint;
  - e) any actions that were taken by the Applicant in relation to the complaint, including follow-up contact; and
  - f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

**END OF SECTION.**

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## **PART E DURING OPERATION**

### **NOISE CONTROLS**

- E1 The LAeq 15 minutes noise level emitted from the use of the marine structures (marina, pick-up and drop off facility, floating pontoon pedestrian walkway) shall not exceed 5dB(A) (Leq) above the background noise level between the hours of 12 midnight and 7 am when measured at the boundary of any affected receiver.
- E2 Noise emitted from the use of the marine structures must be controlled so that it does not create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 to any affected receiver. This includes (but is not limited to) noise emitted from private recreational boats berthed in the marina, and any associated noise generated from passengers and/or amplified music.

### **EXTERNAL LIGHTING**

- E3 External Lighting shall comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

### **BOARDING OF WATER TAXIS**

- E4 Passenger boarding of water taxis must be undertaken at the designed water taxi pick-up and drop-off areas at the marina and on at the floating pontoon pedestrian walkway.

### **BOARDING OF COMMERCIAL VESSELS**

- E5 Passenger boarding of commercial vessels is not permitted in the marina at any time. Passenger boarding of commercial vessels must be undertaken at the designed pick-up and drop-off facility in the west of Cockle Bay.

### **VESSEL REGISTER**

- E6 The Applicant must maintain a register of all private recreational boats that berth in the short-stay berths in the marina. The register must also register any commercial vessels that berth in the marina (maximum of 4 commercial vessels (Condition A9)). The register must be made available to the RMS and to the Department upon request.

### **MARINA STAFF**

- E7 Marina staff, which may include security, must be on site at all times of operation and are responsible for noise management, and the safety and security of the marina.

### **VESSEL MAINTENANCE, SEWERAGE PUMP-OUT AND ANTIFOULING**

- E8 No vessel maintenance, sewerage pump-out or antifouling of vessels is permitted in the marina.

### **VESSEL MOVEMENT RESTRICTIONS DURING EVENTS**

- E9 Vessels berthed at the marina (excluding service vessels (Condition A9(c))) are not permitted to leave berths during bay closures (including during any exclusion zone enforcement periods during fireworks displays and during other events).

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## **MARINA SIGNAGE, TICKET SALES AND EQUIPMENT STORAGE**

E10 No advertising signage, ticketing sales, equipment storage, spruiking activities, office or back of house functions associated with any commercial vessels is permitted at the marina.

## **WATER QUALITY**

E11 The Applicant must comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.

## **SPILLAGE CONTROL**

E12 The Applicant must ensure that spillage control equipment, such as absorbent pads and absorbent brooms are available at the marine structures at all times and stored in a location where they can be deployed quickly if a spill occurs.

## **NO CYCLING**

E13 No cycling is permitted on the floating pontoon pedestrian walkway on the western side of Cockle Bay.

**END OF SECTION.**

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## ADVISORY NOTES

### OTHER APPROVALS AND PERMITS

AN1 The Applicant shall apply to the council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or *Section 138 of the Roads Act 1993*.

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

AN2 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### ASBESTOS REMOVAL

AN3 Any works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "*Code of Practice for the Safe Removal of Asbestos*"

### SITE CONTAMINATION ISSUES DURING CONSTRUCTION

AN4 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

**END OF SECTION.**