

# Project Approval

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

I, the Minister for Planning, approve the Project 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;
- set standards and performance measures for acceptable environmental performance;
- improve the overall architectural design, amenity and visual impact of the Project;
- safeguard the continued use of Rozelle and Blackwattle Bays for non-motorised water-based recreational activities such as rowing, dragon boating, canoeing, kayaking and the like;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the Project



Frank Sartor MP  
**Minister for Planning**

Sydney

21<sup>ST</sup> May

2007

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## **SCHEDULE 1**

### **PROJECT**

<b>Application No:</b>	06_0210
<b>Proponent</b>	Rozelle Bay Pty Ltd
<b>Approval Authority</b>	Minister for Planning
<b>Site</b>	Lots 29 and 30, James Craig Road, Rozelle and Part of Lot 33 being the water area of Rozelle Bay
<b>Project</b>	Dry Boat Storage and Marine Facility

### **DEFINITIONS**

<b>Act</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>Authority</b>	Sydney Harbour Foreshore Authority.
<b>Boat user groups</b>	Glebe Rowing Club, Sydney University Women's Rowing Club, NSW Rowing Association Inc and Dragon Boats NSW Inc.
<b>Construction</b>	Includes any activity requiring a Construction Certificate, significant excavation work, road works, demolition, or any construction related activity as described in Major Projects Application 06_0210.
<b>Council</b>	Leichhardt Council.
<b>dB(A)</b>	Decibel (A-weighted scale).
<b>Department</b>	NSW Department of Planning.
<b>Project, the</b>	The project as described in the EA and amended by the conditions of this Approval.
<b>DEC</b>	Department of Environment and Conservation
<b>Director-General</b>	Director-General of the NSW Department of Planning, or delegate.
<b>EA</b>	<i>Environmental Assessment: Rozelle Bay Marine Centre, prepared by URS Australia Sydney, July 2006.</i>
<b>Facility</b>	The facility operating on the land and the water as described in the Major Project Application 06_0210.
<b>EPL</b>	Environmental Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i> .
<b>Master Plan</b>	NSW Maritime Authority 'Master Plan for Rozelle and Blackwattle Bays Maritime Precincts'.
<b>Minister</b>	NSW Minister for Planning, or delegate.
<b>Operation</b>	Commissioning of any stage of works as described in the Major Projects Application 06_0210.
<b>PCA</b>	Principal Certifying Authority under Part 4A of the <i>Environmental Planning and Assessment Act, 1979</i> .
<b>PPR</b>	<i>Preferred Project Report and Statement of Commitments; Rozelle Bay Marine Centre, MP06_0210</i> , prepared by JBA Urban Planning Consultants Pty Ltd, January 2007.
<b>Proponent</b>	Rozelle Bay Pty Ltd, or its successors on title.
<b>Publicly available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
<b>Reclamation</b>	Reclamation work means any work that involves: the filling or draining of submerged land for the purpose of reclaiming the land, or the filling of submerged land for the purpose of supporting a building or structure (such as a bridge) being erected over the land.
<b>Site</b>	Land (including the areas of water) to which Major Project Application 06_0210 applies.
<b>SKM</b>	Sinclair Knights Merz Report: ' <i>Ministry for Forests and Marine Administration, James Craig Road, Rozelle Bay, Stage 12 Environmental Assessment, Final, May 1998</i> '.
<b>Special Event Days</b>	Christmas Day, Boxing Day, New Years Eve, New Years Day and Australia Day, plus five additional days per calendar year, notified in accordance with Condition B1(b).



## SCHEDULE 2

### PART A - ADMINISTRATIVE CONDITIONS

#### Obligations to Minimise Harm to the Environment

- A1 The Proponent must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction and/or operation of the Project.

#### Terms of Approval

- A2 The Proponent must carry out the Project generally in accordance with:

- (a) the conditions of this approval;
- (b) Major Project Application 06\_0210, submitted to the Sydney Harbour Foreshore Authority on the 27 July 2006;
- (c) *Environmental Assessment: Rozelle Bay Marine Centre*, prepared by URS Australia Sydney, July 2006.
- (d) *Preferred Project Report and Statement of Commitments; Rozelle Bay Marine Centre, MP06\_0210*, prepared by JBA Urban Planning Consultants Pty Ltd, January 2007.
- (e) Response to Submissions contained within the *Preferred Project Report and Statement of Commitments; Rozelle Bay Marine Centre, MP06\_0210*, prepared by JBA Urban Planning Consultants Pty Ltd, January 2007.
- (f) *Rozelle Bay Marine Centre Environmental Assessment Addendum Business Identification Signage Assessment*, prepared by JBA Urban Planning Consultants, 7 September 2006.
- (g) the following approved plans, except where these plans are amended by Condition A2(h);

<b>Architectural Plans prepared by Michael Fountain Architects, as follows:</b>			
<b>Drawing Ref</b>	<b>Name of Plan</b>	<b>Revision</b>	<b>Date</b>
MP-001-DA	Site Plan – Final Development	Issue F	Jan 2007
MP-200-DA	Site Combined Elevations	Issue F	Jan 2007
A-100-DA	Eastern Boat Store – Floor Plan	Issue F	Jan 2007
A-101-DA	Eastern Boat Store – Roof Plan	Issue F	Aug 2006
A-200-DA	Eastern Boat Store - Elevations	Issue F	Aug 2006
A-201-DA	Eastern Boat Store - Elevations	Issue F	Aug 2006
A-210-DA	Eastern Boat Store - Sections	Issue F	Aug 2006
B-100-DA	Western Boat Store – Floor Plan	Issue F	Jan 2007
B-101-DA	Western Boat Store – Roof Plan	Issue F	Jan 2007
B-200-DA	Western Boat Store - Elevations	Issue F	Jan 2007
B-201-DA	Western Boat Store - Elevations	Issue F	Jan 2007
B-210-DA	Western Boat Store - Sections	Issue F	Jan 2007
B-211-DA	Western Boat Store – Sections	Issue F	Jan 2007
C-101-DA	Commercial Maritime Building – Floor Plans	Issue F	Jan 2007
C-102-DA	Commercial Maritime Building – Roof Plan	Issue F	Jan 2007
C-200-DA	Commercial Maritime Building – Elevations	Issue F	Jan 2007
C-210-DA	Commercial Maritime Building – Sections	Issue F	Jan 2007
D-100-DA	Multi-Storey Car Park – Floor Plans	Issue F	Jan 2007
D-101	Multi-Storey Car Park – Floor Plans	Issue F	Jan 2007
D-200-DA	Multi-Storey Car Park – Elevations	Issue F	Jan 2007
D-210-DA	Multi-Storey Car Park – Sections	Issue F	Jan 2007



EX-360-DA	Signage Plan	Issue F	Jan 2007
EX-361-DA	Signage – Site Elevations	Issue F	Jan 2007
EX-363-DA	Signage Elevations – Building B	Issue F	Jan 2007
EX-364-DA	Signage Elevations – Building C	Issue F	Jan 2007
EX-365-DA	Signage Elevations – Building D	Issue F	Jan 2007
EX-366-DA	Signage Details	Issue F	Jan 2007
EX-367-DA	Signage Details	Issue F	Jan 2007
Landscape Concept Plan, prepared by Mark Eriksson Landscape Design, August 2006, Amend A/1.			

- (h) the Proponent must submit amended plans showing amendments identified in the table below, and these amended plans must be approved by the Director-General prior to the issue of any Construction Certificate. The Project must be carried out in accordance with the amended plans approved by the Director-General under this condition.

Amended Component	Description of Amendment
Eastern Boat Store	<ul style="list-style-type: none"> <li>A 2.2 metre reduction in the height of the eastern boat store that will result in a maximum roof height of RL 26 and maximum wall height of RL 22 measure to the eave line of the building.</li> </ul>
Carparking building	<ul style="list-style-type: none"> <li>Deletion of levels 5 and 5.5, which will result in a minimum three metre reduction in the height of the building achieving a maximum roof height of RL 15.9, and maximum height at the top of the facade of RL14.4. This will result in a maximum car parking capacity within the building of 208 vehicles, a reduction of 52 spaces.</li> </ul>
Parking & Boat Accumulation Area	<ul style="list-style-type: none"> <li>Deletion of all lighting poles on the carpark building, with all lighting to be low level 'bollard type' lights or lights below the parapet of the carpark building or on the lift overrun.</li> <li>The boat accumulation area may be reduced in area to accommodate a further seven on grade car parking spaces adjacent to the eastern boat store, to result in a maximum number of on site carparks of 272 spaces, subject to the provisions of Condition A10.</li> </ul>
Signage	<ul style="list-style-type: none"> <li>Deletion of banners signs referred to as 08f, 09f, 12f and 13f. The remaining banner signs (14f, 15f, 16f, 17f, 18f, 19f and 20f) are to be reduced in height to a maximum height of five metres.</li> </ul>
Landscaping	<ul style="list-style-type: none"> <li>Deletion of all planter boxes along the foreshore adjacent to the commercial maritime building.</li> </ul>

- (i) the following drawings and plans contained in the EA are excluded from the plans approved under this Approval:
- Engineering Plan prepared by Robert Bird and Partners Pty Ltd, Drawing Ref: S8.01, 'Wharf Details – Slab Sections – Sheet 3', Rev G, dated July 1999.
  - Architectural Plan prepared by Michael Fountain Architects, Drawing No. C-100-DD, Rev A, 'Commercial Maritime Building with Site', Dated 1.10.2003.

Note: Condition A15 deals with the relevant construction requirements for water based construction work.



- A3 If there is any inconsistency between any document or plan listed in Condition A2, these prevail to the extent of the inconsistency.
- A4 The Proponent must comply with any requirements of the Director-General arising from:
- (a) the assessment of any reports, plans or correspondence that are submitted by the Proponent in accordance with this Approval; and
  - (b) the implementation of any actions or measures proposed in those reports, plans or correspondence submitted by the Proponent.

### Limits on Approval

- A5 This Approval will lapse within three years of the date of this Approval, unless the works the subject of this Approval are physically commenced on or before that date.
- A6 A maximum of 670 boats are permitted to be stored on site, including any boats stored temporarily within the layover berths, and including a maximum of 24 brokerage boats stored within the brokerage berths.
- A7 The Proponent must maintain a register of all boats, including brokerage boats that are to be stored on the site. This register must be made available to NSW Maritime or the Director-General upon request. The register of boats must also be included in any reports to the Director-General required under by the conditions of this Approval.
- A8 Subject to Condition A10 a maximum of 272 vehicles are to be accommodated on the site.
- A9 In the event of the Project being constructed in stages the car parking is to be provided on the site for the relevant buildings as follows:

- (a) The maximum number of car parking spaces required to be provided for each stage is as follows:

Commercial Maritime Building	A maximum of 76 spaces
Western Boat Store	A maximum of 105 spaces
Eastern Boat Store	A maximum of 91 spaces

- (b) Subject to the prior written approval of the Director-General, and subject to the agreement of NSW Maritime, the maximum car parking required for the Commercial Maritime Building and the Western Boat Store, may be provided at grade on the area identified as the location for the Eastern Boat Store Building. Prior to any approval being given the Proponent is to provide the following to the satisfaction of the Director-General:
- (i) an interim landscape plan for this part of the site;
  - (ii) an interim public access and pedestrian management plan; and
  - (iii) details of compliance with any relevant Conditions of this Approval as determined by the Director-General.
- (c) In the event of approval to stage the provision of carparking on site in accordance with clause (b) of this condition, the construction of the carpark

building is to be complete prior to the issue of a Construction Certificate for the Eastern Boat Store.

- A10 The Director-General may approve a maximum of an additional 45 car spaces on the site, in locations to be determined by the Director-General after consultation with the NSW Maritime Authority. Additional parking is not to be provided along the foreshore promenade, and any spaces that may be located in the public plaza are to be minimised to ensure the area remains a substantially pedestrianised area.

In determining whether to allow the additional car parking contemplated by this condition, the Director-General may have regard to the following matters:

- (a) the actual demand for car parking associated with boats stored within the boat store buildings, as determined by the use of the Facility after it has been in operation for a minimum of 12 months;
  - (b) whether any the need for additional parking is required on a temporary or permanent basis; and
  - (c) any other matter that the Director-General considers relevant.
- A11 Only vehicles associated with the operation of the Facility may use the carwash facility within the car parking building. The advertising of the carwash facility to the general public and the use of the carwash facility by vehicles which are not associated with the operation of the Facility is not permitted under this Approval.
- A12 The boat accumulation area as identified on the approved plan, may only be as follows:
- (a) the area is only to be used by boats that are to be stored within the boat store buildings;
  - (b) the area is only to be used for the temporary storage of boats on days of inclement weather, and on the day of and the day after special event days;
  - (c) no boat is to remain within this area for more than 24 hours after the boats removal from the water; and
  - (d) the boat accumulation and other hardstand areas are to be kept in a clean and tidy state at all times.
- A13 No antifouling activities are to be undertaken on any part of the site at any time, unless separate approval is obtained for this activity.
- A14 Only vessels registered at and/or stored or to be stored at the site, are permitted to visit or stop at the Facility for the purposes of refuelling, or to attend any of the marine chandlery, retail or commercial outlets, or food premises.

This condition does not limit the visiting of locally based vessels from Rozelle Bay for the purposes of refuelling only, between the hours specified in Condition B1(a) for "Retail outlets".

#### **Structural Drawings and Design:**

- A15 Prior to the commencement of construction, the Proponent must submit to the satisfaction of the PCA structural drawings prepared signed by a suitably qualified practising Structural Engineer that comply with:
- (a) the relevant clauses of the Building Code of Australia;
  - (b) the relevant Project Approval; and



- (c) drawings and specifications comprising the Construction Certificate for the relevant component of the Project, and the relevant Australian Standards (including AS 3962:2001) listed in the BCA (Specification A1.3).

**Notes:**

- ***Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works***
- ***Part 8 of the EP&A Regulation sets out the requirements for the certification of the Project***

A16 Prior to the commencement of construction of the water based component of the Project, appropriate fully detailed dimensioned drawings and specifications must be submitted to and approved by NSW Maritime Authority in writing. The drawings and specifications are to:

- (a) comply with *NSW Maritime's Engineering Standards and Guidelines for Maritime Structures* and *NSW Maritime's Guidance Note: Documentation*;
- (b) fully and clearly describe all new works for land below the Mean High Water Mark and all their components and interconnections; and
- (c) demonstrate that structural components have been designed by a practising consulting structural Civil Engineer qualified for Corporate Membership of the Institution of Engineers Australia and experienced in the design of maritime structures.

### **Statutory Requirements**

A17 The Proponent must ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the Project. None of the Conditions of Approval remove the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.

### **Protection of Public Infrastructure**

A18 The Proponent must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the Project; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the Project.

## PART B - SPECIFIC ENVIRONMENTAL CONDITIONS

### Hours of Construction & Operation

- B1 (a) The Proponent must comply with the construction and operation hours in the table below, except where those hours are modified in (b) and (c) below:

Activity	Day	Time
Construction	Monday – Friday	7.00am to 7.00pm
	Saturday	7:00am to 3:00pm
	Sunday and Public Holidays	Nil
Boat Handling Activities including loading and unloading of vessels	Monday – Friday	1 May to 31 August 7:00am to 6:00pm
		1 September to 30 April 7:00am to 7:00pm
Marine chandlery, brokerage and retail outlets	Saturday and Sunday	1 May to 31 August 7:00am to 6:00pm
		1 September to 30 April 7:00am to 8:00pm
Boat Departures (including boats that may be loaded into the water on a prior day)	All days	1 February to 30 September 7:00am to 5:30am
		1 October to 31 January No restriction
Restaurant/ Café / Take-away food premises	Sunday – Wednesday	7:00am to 10:30pm
	Thursday, Friday and Saturday	7:00am to 11:00pm *Subject to the trial period specified in clause (f) of this Condition
Boat Maintenance Activities	Monday – Saturday	7:00am to 6:00pm
	Sundays	8:00am to 4:00pm
Commercial office space tenancies	All days	Any time

- (b) Special Event Days:

A maximum of 10 Special Event Days are permitted per calendar year.

Special Event Days include:

- (i) Christmas Day, Boxing Day, New Years Eve, New Years Day and Australia Day, and
- (ii) in addition to the days identified in (i) above, five additional Special Event Days per calendar year are permitted, provided that at least 21 days notice of each additional Special Event Day is provided to the Director-General, the NSW Maritime Authority and Boat User Groups.

24-hour operations for Boat Handling Activities and Boat Departures (as identified in table at (a) above, are permitted on Special Event Days.



- (c) Notwithstanding (a) above, the brokerage boats stored in the water as part of the Facility are to be primarily for display purposes and not for general use. Any occasional movement of these boats within Rozelle Bay is only to be undertaken by usual employees of the Facility and only between the hours **9:00am to 6:00pm on any day**.
- (d) Notwithstanding (a) above, the use of the outdoor seating areas is only permitted in conjunction with the adjoining Restaurant/Café/Take-away food premises. The use of these areas is limited to **7:00am to 10:00pm on any day**, and after 10:00 pm all windows and doors from these tenancies are to be kept closed, except that needed for ingress/egress.
- (e) No amplified live entertainment is to be carried out at the subject site.
- (f) Restaurant/Café/Take-away food premises - Trial Period\*:

Notwithstanding (a) above, the internal spaces of the Restaurant/ Café / Take-away food premises only may operate between 11:00pm and 12:00 midnight on Thursdays, Fridays and Saturdays for a trial period of 12 months from the date of the issue of the Occupation Certificate for either of the restaurant or cafe tenancies.

Following the conclusion of the trial period the hours of operation for the Restaurant/Café/Take-away food premises must be in accordance with the hours identified in the table in clause (a) above, unless a further application or modification to this Approval is approved to continue the extended trading hours before the end of the trial period.

The Director-General's consideration of a proposed continuation and or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with Project Approval conditions, any substantiated complaints received and any views expressed by the Police.

## Noise

- B2 The use of any part of the premises including boat handling and other activities, and the operation of any plant, machinery or other equipment on the site must not give rise to the emission of noise that exceeds the following requirements:

- (a) Noise Limits – During operation of the facility

Location	Calculated Noise Level (dBA)		
Residence most affected by noise from the premises	Day	LA <sub>eq(15 minute)</sub>	55
	Evening	LA <sub>eq(15 minute)</sub>	55
	Night	LA <sub>eq(night)</sub>	45

- (b) For the purpose of clause (a) of this condition:
- Day is defined as the period from 7.00am to 6.00pm Monday to Saturday and 8.00am to 6.00pm Sundays and Public Holidays;
  - Evening is defined as the period from 6.00pm to 10.00pm; and
  - Night is defined as the period from 10.00pm to 7.00am.
- (c) Noise from the premises is to be measured at the most affected point on or within the residential boundary to determine compliance with the noise limits in clause (a) of this condition.

Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy.

The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.

- (d) The noise emission limits identified in clause (a) of this condition apply under meteorological conditions of:
  - (i) wind speeds up to 3 m/s at 10 metres above ground level; and
  - (ii) temperature inversion conditions of up to 3 °C/100m.
- (e) The method of measurement of sound levels specified in this condition must be carried out in accordance with AS 1055 for outdoor sound level measurements.
- (f) Note: Noise levels during construction are to be in accordance with the approved Construction Noise Management Plan required by Condition C2(a).

### **Vibration**

- B3 The use of any part of the premises shall not give rise to the transmission of vibration to any place of different occupancy greater than specified in AS 2670. The method of measurement of vibration must be carried out in accordance with AS 2973.

### **Soil, Water and Air Quality**

- B4 The Proponent must comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.
- B5 The Proponent must ensure that all areas involving the handling, treatment or storage of waste and outputs including that from the carwash facility within the carpark building, must be sealed, and with all runoff directed to a first flush system.
- B6 All wash down areas must have appropriate controls, which prevent polluted water from entering the bay or stormwater system.
- B7 The Proponent must make satisfactory arrangements for the provision of water and sewer services to the site. Prior to the issue of a construction certificate, the Proponent must make an application to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994*.
- B8 The Proponent must ensure construction is carried out in a manner that minimises the potential for materials, including construction and demolition debris, sediments and other pollutants, to entering the bay and waterway. In the event that material enters the bay and waterway, the Proponent must remove it immediately.
- B9 The Proponent must ensure that construction is carried out in a way that minimises the disturbance of the seabed.
- B10 The erosion, sediment and pollution management system is to be effectively maintained at or above design capacity during construction and until such time as all ground disturbed has been stabilised and rehabilitated so that it no longer acts as a source of sediment.



- B11 Any material that is to be stockpiled on site is to be stabilised and covered to prevent erosion or dispersal of the material into the adjacent waterway.
- B12 Unless otherwise agreed by the Director-General in writing, the Proponent must install and maintain a floating boom and silt curtain around construction areas. The floating boom and silt curtain is to be retained and suitably maintained until the construction works have been completed and the water quality inside the silt curtain and boom is equal to the water quality of Rozelle Bay. The Proponent must ensure that the silt curtain extends from the surface of the water to the sea bed, and ensure that all attachment points for silt curtains are firmly anchored to avoid gaps and release of contaminants.
- B13 During construction, the Proponent 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 by more than 50mg/l. As part of this process, the Proponent is required to measure 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 metres 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 Proponent must have a sample of the water analysed for TSS, and record the NTU and TSS levels in a logbook that must be made available to an officer of the DEC on request.

If sampling results indicate that the TSS level within 1 metre of the outside of the silt curtain exceeds the background TSS level by more than 50mg/L, the Proponent must report this incident to the DEC within one week of receiving these results.

### **Spoil and Fill Management**

- B14 Any imported fill must be Virgin Excavated Natural Material as defined in the Environmental Protection Authority's guideline *Assessment, Classification and Management of Liquid and Non-Liquid Wastes*.
- B15 The Proponent must design, construct, operate and maintain the Project in a manner that prevents and/or minimises dust and vapour emissions from the site.
- B16 The Proponent must not cause or permit the emissions of offensive odours from the site, as defined under Section 129 of the *Protection of the Environment Operations Act 1997*.
- B17 The Proponent must ensure that all trucks entering or leaving the site have their loads covered at all times and do not track dirt onto the public road network. In the event that dirt is tracked onto the public road, the Proponent must remove it immediately.

### **Acid Sulfate Soils**

- B18 The Proponent must ensure that a suitably qualified Environmental Scientist be employed to supervise all disturbance of acid sulfate soils on site.

## Hazards

B19 The Proponent must store and handle all hazardous chemicals, dangerous goods, fuels and oils, strictly in accordance with:

- (a) all relevant Australian Standards, particularly *AS1940* and *AS1596*
- (b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund;
- (c) the Dangerous Goods Code; and
- (d) DEC's technical bulletin on *Bunding and Spill Management*

***Note: In the event of any inconsistency between these requirements, the Proponent must comply with the most stringent requirement***

B20 The Proponent must ensure that spillage control equipment, such as absorbent pads and absorbent booms, are available at the Facility at all times, and stored in a location where they can be employed quickly if any spills occur.

## Waste

B21 No waste will be disposed of on site, with all waste disposed of at an appropriately licensed waste management facility.

B22 The Proponent must ensure that all liquid and/or non-liquid waste generated and/or stored on the site is assessed and classified in accordance with the EPA's Environmental Guidelines: *Assessment, Classification and Management of Liquid and Non Liquid Wastes (Waste Guidelines)*.

## Dredging and Reclamation

B23 During construction, the Proponent must not undertake any dredging or reclamation works.

B24 The White Bay Power Station Canal is not to be blocked or filled, which constitutes reclamation, and the waters of the canal are to be left free to flush for existing and future drainage requirements.

## Heritage and Archaeological

- B25
- (a) The Proponent must apply to the Heritage Office for an excavation permit under Section 140 of the *Heritage Act 1977*.
  - (b) The Proponent must comply with the conditions and requirements of any excavation permit required.
  - (c) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required under the *Heritage Act 1977*.
  - (d) Should any historical relics be discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
  - (f) Should any Aboriginal relics be discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the DEC is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.



## B26 Heritage Interpretation Strategy

Prior to the issue of any Construction Certificate the Proponent must prepare and the Director-General must approve in writing a Heritage Interpretation Strategy. The Strategy must be prepared in consultation with the Sydney Harbour Foreshore Authority and the NSW Maritime Authority and must include:

- (a) the provision of heritage interpretation information at the location at the former water intake for the White Bay Power Station on the new alignment of James Craig Road. If possible the interpretation should also include any remnants of the intake equipment that have been salvaged from the site;
- (b) the provision of heritage interpretation information and or other features along the publicly accessible foreshore in front of the commercial maritime building, that detail the historical development of Rozelle Bay; and
- (c) any other information, remnants or display either on-site or on-line that may assist in the public understand of the maritime history of the wider Bays precinct.

All matters identified in the Heritage Interpretation Strategy are to be implemented prior to the issue of any Occupation Certificate for the Facility.

## Outdoor Lighting

- B27 All outdoor lighting must comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting* and must be mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network, to the satisfaction of the Director-General. Note: Condition A2(h) requires the deletion of the carpark light poles.

## Indoor Lighting

- B28 The proposed internal lighting system for the office spaces must be designed to provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours in appropriate areas of the Facility.

## Car Parking & Bicycle Storage

- B29 Parking associated with the Project (including driveways, aisle widths, aisle lengths, grades, turning paths, parking bay dimensions and sight distance requirements) must be designed, constructed and maintained in accordance with the latest versions of the Australian Standards AS 2890.1:2004 and AS 2890.2:2002 for heavy vehicle usage.

Details demonstrating compliance with these requirements must be submitted to the satisfaction of the Principal Certifying Authority prior the issue of a Construction Certificate for the relevant component of the Project.

- B30 A minimum of 20 bicycle storage spaces are to be provided within the site as part of the Project.

## Water Conservation

- B31 Water saving devices including at least as dual flush toilets and AAA rated flow regulators to all showers and taps must be installed in all areas of the Project to

reduce water consumption and promote energy efficiency to help reduce external water demands.

### **Boat In/Out Lifts**

- B32 The proposed boat in/out lifts and all their components must be designed, detailed, installed, operated and maintained in accordance with relevant Australian Codes, Rules, and Standards, and NSW Workcover Authority's "*Requirements for Shore Mounted Cranes and Hoists*".
- B33 Prior to the commencement of operation of the boat in/out lifts, the Proponent must submit to the Director-General, a signed statement from the designer/manufacturer or from a practising Mechanical Engineer qualified for corporate membership of the Institution of Engineers Australia certifying that the boat in/out lifts comply with *AS1418* or equivalent.

### **Construction within Commercial tenancies including food premises**

- B34 Approval is granted for the use of the commercial maritime building and ground level of the Western Boat Store for commercial and maritime tenancies, and the food premises within the commercial maritime building, generally as shown on the approved plans and in accordance with the conditions of this Approval.
- B35 The fitout of the food premises must be carried out in accordance with the National Code for the Construction and Fitout of Food Premises. Details of compliance with the relevant provisions of the Code must be prepared by a suitably qualified person and submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate for the relevant component of the Project.

### **Public Domain**

- B36 Prior to the issue of any Construction Certificate for the component of the development for which public domain works are required in accordance with the Master Plan, details of all the furniture and fittings to be erected within all publicly accessible areas and specifically along the publicly accessible foreshore, are to be provided in accordance with the Master Plan requirements, and submitted for the Director-General's approval in writing.

All furniture and fittings within publicly accessible areas are to be constructed and/or installed prior to the issue of any Occupation Certificate for the Facility.

- B37 The public domain must not accommodate any umbrellas or planter boxes, and the outdoor seating area and any maritime display must be contained within the area under the lower level 4 metre wide awning projection.
- B38 A final landscape plan must be submitted for the written approval of the Director-General prior to the issue of any Construction Certificate. The plan must be consistent with the approved plan in Condition A2(g) and all other conditions of this Approval. In addition the plan must detail:
- (a) the landscaping of the area to the east and south of the Eastern boat store;
  - (b) that fencing on the site is kept to the minimum required for operational needs, with a maximum level of transparency; and
  - (c) the former alignment of James Craig Road should be expressed through planting, furniture, paving design and paving materials.



All landscaping and paving is to be complete prior to the issue of any Occupation Certificate for the relevant part of the Facility.

### **Access Strategy**

- B39 Prior to the issue of any Construction Certificate, an Access Strategy for any relevant component of the Project is to be prepared by an Accredited Access Consultant and approved in writing by the Director-General. The Access Strategy must certify that the Project, or part thereof, as constructed will comply with the provisions of the *Disability Discrimination Act*, Australian Standard 1428 and 1429.2 and the Building Code of Australia.

### **Building Height**

- B40 Prior to the completion of the external framing of any building, a Registered Surveyor must provide certification of the height of the relevant building, and stating that the building will not exceed the RLs identified on the approved plans listed in Condition 2(g), except where required to be amended in Condition A2(h).

A copy of any certification must be provided to the Principal Certifying Authority and the Director-General, prior to the completion of the external framing of the building.

## PART C - ENVIRONMENTAL MONITORING AND MANAGEMENT

### Construction and Environmental Management Plan

- C1 Prior to the commencement of any construction, the Proponent must prepare (and following approval implement) a **Construction Environmental Management Plan (CEMP)** for the Project. This plan must outline the environmental management practices and procedures that would be implemented during each stage of construction, and include:
- (a) a description of all activities to be undertaken on the site during construction of the Project, including an indication of stages of construction, where relevant;
  - (b) statutory and other obligations that the Proponent is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders;
  - (c) details of how the environmental performance of the construction works would be monitored, and what actions would be taken to address identified adverse environmental impacts;
  - (d) a description of the roles and responsibilities for all relevant employees involved in the construction of the Project
  - (e) the management plans and strategies listed under Condition C2; and
  - (f) a complaints handling procedure to be implement during all construction and site preparation.

The Plan must be prepared in consultation with NSW Maritime and must be submitted for the approval of the Director-General no later than one month prior to the commencement of construction of the Project, or within such period otherwise agreed by the Director-General. Construction must not commence until written approval to the CEMP has been received from the Director-General.

- C2 The CEMP for the Project must include the following Management Plans and Strategies:
- (a) a **Construction Noise Management Plan** to detail measures to manage and minimise noise emissions during construction. The plan must be prepared in consultation with the DEC, and include but is not necessarily limited to:
    - (i) identification of each work area, site compound and access route (both private and public);
    - (ii) identification of the specific activities that will be carried out and associated noise sources at each work area, site compound and access route;
    - (iii) identification of all potentially affected sensitive receivers;
    - (iv) the construction noise and vibration objectives in the EA;
    - (v) assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in the EA;
    - (vi) where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impacts;
    - (vii) description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise barriers;



- (viii) procedures for notifying residents of construction activities that are likely to effect their noise and vibration amenity;
  - (ix) measures to receive, record and respond to complaints;
  - (x) measures to monitor and report against noise performance.
- (b) a **Traffic Noise Management Strategy** to detail measures to manage and minimise the impact of traffic associated with the Project. This plan must be prepared in consultation with DEC, and include:
- (i) appropriate driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers;
  - (ii) best noise practice in the selection and maintenance of vehicle fleets;
  - (iii) movement scheduling where practicable to reduce impacts during sensitive times of the day;
  - (iv) communication and management strategies for non-Proponent related owned and operated vehicles to ensure the provision of the TNMS are implemented;
  - (v) a system of audited management practices that identifies non conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the TNMS.
  - (vi) specific procedures for drivers for minimising road traffic noise impacts;
  - (vii) clauses in conditions of employment of drivers, or in contracts within contractors or sub-contractors, that require adherence to the noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures; and
  - (viii) the maintenance of access for all vehicles along James Craig Road, including B-doubles accessing the port beyond the subject site, at all times during the construction of any building.
- (c) a **Water Quality Management Plan** to detail measures to manage and minimise water quality impacts associated with construction of the Project. This plan must be prepared in consultation with NSW Maritime and any other relevant agencies, and include:
- (i) compliance standards;
  - (ii) remedial action;
  - (iii) monitoring and testing programs for water quality, groundwater, and indicators such as the suspension of sediments, and colonisation of sediments and structures associated with the Project;
  - (iv) contingency measures to improve water quality should monitoring and testing programs show water quality does not satisfy relevant water quality guidelines or standards;
  - (v) procedures for the notification of the Department of Primary Industries of any fish kills on the Project site;
  - (vi) downstream impacts associated with the Project; biological monitoring;
  - (vii) the proposed drainage system and stormwater treatment measures;
  - (viii) criteria for the use of a flushing pump (if it is required as a contingency measure); and
  - (ix) measures to prevent drawdown from adversely impacting on actual/potential acid sulphate soil.

- (d) an **Erosion and Sediment Control Plan** to detail measures to manage and minimise erosion and control sediment impacts associated with construction of the Project. This plan must be prepared in consultation with NSW Maritime Authority and include:
- (i) the mitigation measures identified in the Environmental Assessment and Preferred Project Report;
  - (ii) be consistent with Landcom's manuals entitled *Soil and Water Management for Urban Development* and *Managing Urban Stormwater: Soils and Construction*;
  - (iii) identify the Construction activities that could cause soil erosion or discharge sediment or water pollutants from the Project site including reclamation works (if undertaken);
  - (iv) describe management methods to minimise soil erosion or discharge of sediment or water pollutants from the Project site including a strategy to minimise the area of bare surfaces during Construction.
  - (v) describe the location and capacity of erosion and sediment control measures;
  - (vi) identify the timing and conditions under which Construction stage controls will be decommissioned;
  - (vii) include contingency plans to be implemented for events such as fuel spills; and
  - (viii) identify how the effectiveness of the sediment and erosion control system will be monitored, reviewed and updated.
- (e) a **Spill Management Plan** detailing procedures that must be followed in the event of any spills involving liquid waste, particularly hydraulic oils. The Proponent must ensure that all its employees, contractors, sub-contractors, and lessees are familiar with the plan, and are properly trained to use the spill equipment.
- (f) a **Acid Sulfate Soil Management Plan** detailing measures to be implemented in relation to the management and handling of any potential or actual acid sulfate soils on site. The Plan must be prepared in accordance with guidance provided in Acid Sulfate Soil Manual (Acid Sulfate Soil Management Advisory Committee, 1998), and incorporate the requirements of Condition B18.
- (g) a **Construction Waste Management Plan** that address demolition, excavation and construction of the Facility, as applicable. The plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:
- (i) details of recycling and the removal of spoil and rubbish from the site in the course of demolition, excavation and construction operations including:
    - Type and quantities of material expected from demolition and excavation;
    - Name and address of transport company;
    - Address of proposed site of disposal;
    - Name/address of company/organisation accepting material;
    - Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
    - Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet; and
    - Material for disposal and justification of disposal.
  - (ii) all requirements of Waste Management Plans must be implemented during the construction period of the Project.



## Operational Environmental Management Plan

- C3 Prior to the commencement of operations, the Proponent must (and following approval implement) an **Operational Environmental Management Plan (OEMP)** for the Project. The Plan must be prepared in consultation with NSW Maritime Authority and Sydney Ports Corporation. This plan must describe the environmental management framework, practices and procedures that would be followed during operations, and include:
- (a) identification of all statutory and other obligations that the Proponent is required to fulfil in relation to operation of the Project, including all approvals, licences and consultations;
  - (b) a description of the roles and responsibilities for all relevant employees involved in the operation of the Project;
  - (c) overall environmental policies, principles and performance measures that will be applied to the operation of the Project;
  - (d) the management plans listed under Condition C4.

The Plan must be submitted for the approval of the Director-General no later than one month prior to the commencement of the operation of any part of the Project, or within such period otherwise agreed by the Director-General. Operation must not commence until written approval has been received from the Director-General.

- C4 As part of the Operational Environmental Management Plan for the Project, required under Condition C3, the Proponent must prepare and implement the following management plans:

- (a) an **Air Quality Management Plan** to outline measures that will be employed to minimise air pollutant emissions from the site. The Plan must be prepared in consultation with DEC, and include:
  - (i) a program for monitoring air quality to ensure that air pollution impacts associated with the Project are minimised;
  - (ii) details of air pollution management practices to ensure that air pollutant emissions from the site are minimised under all weather conditions and during periods of inactivity at the site;
  - (iii) details of reporting procedures consistent with Condition C12, C13 and C14 in the event of a air emission incident with actual or potential off-site impacts;
  - (iv) details of complaint management procedures for air-related complaints received through the means listed in Condition C16; and
  - (v) details of the contingency measures that would be implemented if air emission incidents with actual off-site impacts occur.
- (b) a **Noise Management Plan** to outline measures that will be employed to minimise noise emissions from the site. The Plan must be prepared in consultation with DEC, and include:
  - (i) a program for monitoring noise emissions from the site to ensure that noise impacts associated with the Project are minimised;
  - (ii) details of reporting procedures consistent with the conditions of this Approval in the event of a noise emission incident with actual or potential off-site impacts;



- (iii) details of compliant management procedures for noise-related complaints received through the means listed in Condition C16; and
  - (iv) details of the contingency measures that would be implemented if noise emission incidents with actual off-site impacts occur.
- (c) a **Traffic Management Plan** to outline minimum requirements for the movement of vehicles to and from the site. The Plan must be prepared in consultation with the NSW Maritime Authority and Sydney Ports Corporation, and include:
  - (i) details of access routes to be used by vehicles associated with the site, and the means by which these access routes will be enforced;
  - (ii) ingress and egress of vehicles to the site;
  - (iii) loading and unloading, including construction zones;
  - (iv) predicted traffic volumes, types and routes;
  - (v) pedestrian and traffic management methods.
- (d) a **Stormwater Management Plan** that provides details regarding the management of stormwater on the site. The Plan must be prepared in consultation with NSW Maritime Authority, and include:
  - (i) details of the performance requirements and standards for the operation of the stormwater management system;
  - (ii) details of the measures proposed to ensure water discharged from the site is of a suitable quality, including on-going monitoring of the quality and quantity of water discharged ;
  - (iii) details of the contingency measures that would be implemented if stormwater discharge incidents with actual off-site impacts occur; and
  - (iv) details of how the reasonable requirements of NSW Maritime Authority have been addressed, should NSW Maritime Authority have any requirements.
- (e) a **Public Access Foreshore Management Plan** that provides details regarding the management of the foreshore for public access. The plan must be prepared in consultation with the NSW Maritime Authority and the Sydney Harbour Foreshore Authority, and include:
  - (i) details of management arrangements of the public foreshore;
  - (ii) details of the extent and nature of any maritime display to the foreshore promenade, which is to be limited to the area under the lower level awning, i.e. an area 4 metres in width, retaining a minimum width of 6 metres for unobstructed pedestrian movement;
  - (iii) details of the operation of the boom gates;
  - (iv) details of the likely maximum waiting time for pedestrians and/or cyclists at the boom gates, which will ensure reasonable level of public access across the boat loading area; and
  - (v) the provision of public pedestrian access to the eastern and northern side of the commercial maritime building, with a minimum width of 1.5 metres.
- (f) an **Emergency Response Plan** to detail measures and emergency procedures to be implemented at the site to protect the environment, the Facility, on-site personnel and visitors, and/or adjoining facilities. The Plan must clearly specify all emergency procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. Records of the implementation of the Emergency Response Plan must be kept on-site and must be made available for inspection by the Director-General upon request.



## **Site Remediation**

- C5 Following the completion of remediation works on the site a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an appropriately qualified environmental consultant accredited by the Environmental Protection Agency (DEC), including Notice of Completion statement, pursuant to clauses 17(2) and 18 of State Environmental Planning Policy No.55—Remediation of Land, is to be submitted to the satisfaction of the Director-General prior to occupation of any the buildings.

## **Groundwater Investigations:**

- C6 The Proponent is to undertake further groundwater investigations in order to clarify the situation in regard to groundwater quality in the vicinity of the SKM's bore at BH24. Construction and sampling at one up-gradient well and two down-gradient wells are to be undertaken.

Any contamination found will be required to be appropriately remediated and comply with Condition C5.

## **Compliance**

- C7 The Proponent must be responsible for environmental impacts resulting from the actions of all persons on-site, including contractors, subcontractors and visitors.
- C8 Prior to the commencement of construction and operations, the Proponent must certify in writing to the satisfaction of the Director-General, that it has complied with all the applicable conditions of this Approval.
- C9 The Director-General may require update report(s) on compliance with all, or any part, of the conditions of Approval. The report(s) must meet the requirements of the Director-General and be submitted within such period as the Director-General may require.
- C10 The Proponent must meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of Approval, and general consistency with the documents listed under Conditions C1 and C3.
- C11 A noise compliance assessment must be undertaken within three months of commencement of operations at the premises. The assessment must be prepared by a suitably qualified and experienced acoustical practitioner and must assess compliance with noise limits in Conditions B2 and B3.

Should the assessment indicate any non-compliance with the specified noise limits the Proponent must take appropriate measures to limit any impacts and must submit a further report upon the implementation of the measures. Further reporting must be undertaken every 12 months unless otherwise directed by the Director-General.

## ENVIRONMENTAL REPORTING

### Incident Reporting

- C12 The Proponent must notify DEC and the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable upon the Proponent becoming aware of the incident. The Proponent must provide full written details of the incident to Council and the Director-General within seven days of the date on which the incident occurred.

### Annual Performance Reporting

- C13 Within 12 months of the commencement of operations, and annually thereafter unless the Director-General directs otherwise, the Proponent must submit an Annual Environmental Management Report (AEMR) to the Director-General and the NSW Maritime Authority. The AEMR must include:
- (a) include consultation with any relevant government agencies;
  - (b) details of compliance with all relevant conditions of this Approval, and any other licenses and approvals for the Project;
  - (c) a list of variations obtained to approvals, applicable to the Project and to the site during the preceding 12 month period;
  - (d) identification of any circumstances in which the environmental impacts and performance of the Project during the year have not been generally consistent with the environmental performance predicted in the documents listed in Condition A2;
  - (e) results of all environmental monitoring required under this Approval and other approvals, including interpretations and discussion by a suitably qualified person;
  - (f) identification of trends in monitoring data over the life of the Project to date;
  - (g) review the adequacy of any strategy/plan/program required under this Approval, including the OEMP require by Condition C3, and the Vessel Traffic Management Plan required by Condition D5, and the various hours of operation for the facility as specified in Condition B1 including the effectiveness of the restricted Boat Departure hours;
  - (h) environmental management targets and strategies for the following 12 month period, taking into account identified trends in monitoring results.
  - (i) if necessary recommend measures or actions to improve the environmental performance of the Project, and/or any strategy/plan/program required under this Approval with details of additional mitigation measures applied to the Project or any change to prevent recurrence of these circumstances;
  - (j) a copy of the boat register required by Condition A7; and
  - (k) a copy of the Complaints Register as required by Condition C17, for the preceding 12 month (exclusive of personal details), and details of how these complaints were addressed and resolved.
- C14 Within three years of the date of the commencement of the operation of the Facility, if required by the Director-General, the Proponent will commission and pay the full cost of an Independent Environmental Management Report.

The Director-General shall determine the need for this report on the basis of the results included in the Annual Environmental Management Report required by Condition C13.



This report must be conducted by a suitably qualified, experienced, and independent person(s) whose appointment has been approved by the Director-General;  
Within one month of completion of the Independent Report, the Proponent must submit a copy of the report to the Director-General and relevant agencies including the NSW Maritime Authority, with a response to any of the recommendations in the report.

Within six months of completing the Independent Report the Proponent will review, and if necessary revise, the management plans, monitoring programs, and implement any other measures deemed necessary to improve the environmental performance of the Project.

Should the Independent Report indicate the need for measures or actions to improve the environmental performance of the Project, the Proponent must take appropriate action to implement of the measures. Further Independent Environmental reporting must be undertaken if required by the Director-General.

## **COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT**

### **Access to Information**

- C15 The Proponent must make all documents required under this Approval available for public inspection on request, except those parts of any documents over which the Proponent reasonably claims contain commercially confidential material.

### **Complaints Procedure**

- C16 Prior to the commencement of construction of the Project, the Proponent must ensure that the following facilities are available to handle community complaints:
- (a) a 24-hour, toll free telephone number on which complaints about the Project may be registered;
  - (b) a postal address to which written complaints may be sent; and/or
  - (c) an email address to which electronic complaints may be transmitted.

The Proponent must ensure that the telephone number, postal address and/or email address are advertised to the local community, including Boat Users Groups, and any potentially affected neighbours prior to the commencement of construction.

- C17 The Proponent must record details of all complaints received through the means listed under Condition C16 in an up-to-date Complaints Register. The Register must 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 any follow-up contact with the complainant; and
  - (f) if no action was taken by the Proponent in relation to the complainant, the reason(s) why no action was taken.

The Complaints Register must be made available for inspection by Council, the Director-General and the NSW Maritime Authority upon request, and otherwise reported to the Director-General as part of the annual reporting requirements of Condition C13.

## **PART D - WATER TRAFFIC AND NAVIGATION MANAGEMENT**

### **Limits on Approval**

- D1 No vessels registered and/or stored at the site, are permitted to exceed a maximum of 4 knots, and are to comply with any gazetted speed and other restriction imposed from time to time, whilst operating within Rozelle or Blackwattle Bays.
- D2 The number of forklifts, boat in/out lifts and layover berths are restricted to a maximum of three as stipulated in the Environmental Assessment.

### **Additional Mitigation Measures**

- D3 The Proponent shall be responsible for the installation of buoys or other markers within Rozelle Bay to assist in the appropriate delineation of the bay for the various commercial, motorised and non-motorised recreational vessels using the bay.

Prior to the installation of any buoys/markers the Proponent must consult with the Director-General and the NSW Maritime Authority, and the Proponent must comply with any requirements specified by the NSW Maritime Authority in relation to their installation, including the number of buoys, the type to be used and their locations.

Any buoys/markers are to provide delineation of the central portion of the bay to provide for a one-way route for all traffic around the bay in accordance with standard nautical practice.

The installation of any buoys/markers is to be reviewed not later than six months after the commencement of the operation of the facility, and the Proponent shall be responsible for any changes to the location of buoys/markers or their number or type, as may be required by the NSW Maritime in consultation with the Director-General.

- D4 The Proponent, in consultation with the NSW Maritime Authority is to purchase supply and install high definition operable cameras, for the purposes of surveillance of Rozelle and Blackwattle Bays, as follows:

- (a) the cameras are to be capable of identifying boats in limited light conditions within the immediate surrounds of the bay;
- (b) the details of the type of camera are to be approved by the NSW Maritime Authority prior to the purchase of the cameras;
- (c) the cameras are to be located on the rooftop of the NSW Maritime Authority Head Office in James Craig Road, Rozelle, or in such other locations as deemed appropriate by the NSW Maritime Authority; and
- (d) the actual number of cameras is to be determined in consultation with NSW Maritime, but is to achieve the requirements of clause (a) of this condition.

Upon installation the ownership of the cameras is to transfer to the NSW Maritime Authority and this condition then imposes no obligation on the Proponent for any future maintenance or replacement of the cameras or any of their components, or any obligation for the Proponent to review, maintain or store any of the images captured by the cameras.



## Vessel Traffic Management Plan

D5 The Proponent is to prepare a **Vessel Traffic Management Plan**, in consultation with NSW Maritime Authority that provides details regarding the management of vessels registered and/or stored on the site. The Vessel Traffic Management Plan must include provisions that relate to the following matters:

- (a) compliance with all relevant conditions of this Approval, and in particular the hours for boat departures specified in Condition B1(a);
- (b) a requirement for a maximum vessel speed within Rozelle Bay of 4 knots or such lesser speed necessary to avoid wash;
- (c) a requirement that the maximum length of boats to be stored within the two dry boat store buildings on the site is 12 metres;
- (d) a requirement that all vessels registered and/or stored at the site, are to navigate around the bay in accordance with the arrangements as determined by NSW Maritime Authority under Condition D3;
- (e) details of the mitigation measures to ensure that the construction of the Project will have a minimal impact on passive recreational vessels on Rozelle Bay, by:
  - implementing signage and site demarcation to inform water users about the construction and maritime structures; and
  - positioning barges to minimise interruption to navigable waters during construction.
- (f) details of a compulsory induction and education program for all users of the Facility on the navigational procedures in Rozelle Bay (principally no wash zones and speed restrictions);
- (g) details of the contractual arrangements requiring vessel operators and/or owners at the site to hold a NSW Boat Licence and to comply with the provisions under this plan;
- (h) details of the implementation of a 'complaints hotline' to be established and managed by the Proponent and available to the general public 24 hours per day, seven days a week. This is to be consistent and incorporate the requirements of Conditions C16 and C17;
- (i) providing appropriate signage including but not limited to 'no wash zone' and 'beware of rowers';
- (j) details of the operation of a booking system to manage the time and number of vessels going out and returning;
- (k) the provision of daily weather forecasts for all vessel operators at the site;
- (l) details of the contingency measures that would be implemented if vessel incidents occur; and
- (m) details of any reasonable requirements of NSW Maritime Authority.

The Vessel Traffic Management Plan, inclusive of all components identified above, must be submitted to and approved by the Director-General in writing prior to the issue of any Occupation Certificate for any part of the Facility, and prior to the commencement of any operational part of the Facility.