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ASSESSMENT REPORT APPENDICESÁ

Appendix	A	Ö!æoÖ[} åã } • Á -Ö[} • ^} c
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DRAFT CONDITIONS OF CONSENT

1. Approved Plans and Documents

The development must be undertaken substantially in accordance with the details and specifications set out on drawing number 10297 sheet numbers LoC.04, LoC.05, LoC.06, LoC.07, LoC.08 and LoC.11, prepared by J.S.Parsons Structural Consultants and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building work

- i) A Construction Certificate
- ii) Notification of the appointment of a Principal Certifying Authority, and a letter of acceptance from that PCA
- iii) Notification of the commencement of works, with a minimum of 2 days notice of such commencement.

2. Design Changes Required

The following design changes must be implemented:

- i) No berthing is permissible on the northern most 'T end' of Arm A at any time. This is to be clearly signposted at this location.
- ii) The northern most 'T end' of Arm B is to be used for casual berthing only. No more than one vessel is to be berthed at this location at any one time and such temporary berthing is to be for a maximum of 10 minutes. The berthed vessel is to be no larger than 10m in length. This is to be clearly signposted at this location.
- iii) The northern most 'T end' of Arm C is to be used for casual berthing only. No more than two vessels of maximum 10m length, or one vessel of maximum 14m length, is to be berthed at this location at any one time and berthing is to be for a maximum of 10 minutes. This is to be clearly signposted at this location.
- iv) No berthing is permissible on the eastern most 'L end' of the floating breakwater at any time. This is to be clearly signposted at this location.
- v) The north eastern most section of the 'T end' of Arm C is to be reduced in length from 18000mm to 15000mm.
- vii) The 'L end' of the floating breakwater is to be reduced in length from 18000mm to 14000mm.
- viii) The free standing office in the southwestern corner of the development site, and the associated ramp and pontoon, are to be deleted.
- ix) Berths are not to extend any further westwards (shorewards) on the southern side of the new floating breakwater than the western end of the new 6m access ramp (being the same location as the existing western most berth). All vessels in this area are to be berthed directly to the new breakwater system.
- x) The first berth (western end) on the southern side of the floating breakwater identified for a maximum vessel length of 14m is to be reduced to a maximum vessel length of 12m. The berth immediately east of this is to be reduced to a maximum vessel length of 13m. The two berths immediately east of this

identified for a maximum vessel length of 13m can be increased to a maximum vessel length of 14m.

- xi) All finger pontoons are to be no longer than that required to comply with the relevant Australian Standard for the corresponding approved vessel size.
- xii) Two motorcycle parking spaces are to be provided in the existing car parking area.

Details of these design changes must be included in documentation endorsed as forming part of the Construction Certificate.

3. Integrated Development Approval - Requirement of Approval Bodies

The development must be undertaken in accordance with all General Terms of Approval (GTA) of the following approval bodies under Section 91A of the Environmental Planning and Assessment Act 1979:

- * Department of Primary Industries (Fisheries NSW)
- * NSW Environmental Protection Authority (EPA)

Copies of the GTAs and any further requirements of the approval bodies are attached to this development consent. These requirements must be incorporated in the application for a Construction Certificate and complied with on site.

4. Public Place Environmental, Damage & Performance Security Bond

Prior to the issue of a Construction Certificate, the person acting on this consent must provide security to Sutherland Shire Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with Council or a bank guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Sutherland Shire Council of any existing damage to public areas in the vicinity of the development site by the submission of a current dilapidation report supported by photographs. This information must be submitted to Council at least two (2) days prior to the commencement of works.

In the event that the dilapidation report is not submitted two days prior to commencement and the public area sustains damage the person acting on this consent may be held liable.

Should any public property and / or the environment sustain damage as a result of the works associated with this consent, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred must be deducted from the bond.

The value of the bond is \$5,120.00.

Note: Bond amount includes a non refundable administration fee which must be paid separately.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount / bond purpose is permitted on a Bank Guarantee. Multiple bonds will require multiply bank guarantees to be lodged.

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. Such a request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

5. Noise Control During Construction and Demolition

To minimise the impact on the surrounding environment, the LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.

6. Carpark

The carpark, including motorcycle parking required by this consent, shall be re-linemarked in accordance with AS2890.1.

7. Storage of Hazardous or Toxic Material

To ensure hazardous and toxic materials are not a threat to the environment:

A. Design

In areas where hazardous and toxic materials are to be stored bund walls and floors must be constructed of impervious materials and be of sufficient size to contain 110% of the volume of the largest tank on the site plus the volume displaced by any additional tanks within the bunded area.

B. Before Construction

Details of the design satisfying 'A' above must accompany the documentation forming part of the Construction Certificate.

C. Ongoing

Hazardous and toxic materials must be stored in accordance with the Workcover Authority requirements. All tanks, drums and containers of toxic and hazardous materials must be stored in a bunded area.

8. General Odour Condition

The use and operation of the approved works must not cause the emission of any odours that, by reason of its level, nature, character or quality is likely to be harmful to or interfere unreasonably with the comfort or repose of person who is outside the premises.

9. Construction Environmental Management Plan

The final Construction Environmental Management Plan (CEMP) prepared by the company who will be conducting the work shall be submitted to the Director - Environmental Services, Sutherland Shire Council for approval prior to the issue of a Construction Certificate.

The document must be specific to the works being carried out including construction and demolition methods and environmental controls for mitigating all potential environmental impacts. The plan is to included but not be limited to:

- a) Site management in accordance with Council's DCP 2006 Chapter 8 part 3 Site Management.
- b) The requirements of the Department of Primary Industries (Fisheries).
- c) Details of environmental safeguards which are to be used during demolition/construction to ensure that there is no escape of turbid blooms into the aquatic environment. This is to include the installation of a floating silt curtain which encloses the entirety of the works area at all times.
- d) Details of environmental safeguards which are to be used during demolition/construction to ensure that there is no damage to seagrass or spread of pest species *Caulerpa taxifolia* including no anchoring in or other physical contact with seagrass beds or *Caulerpa*.
- e) The materials which are to be used for construction, ensuring they do not include anti-fouled surfaces, treated timber or any product that is likely to have a detrimental impact on aquatic organisms or the aquatic environment.
- f) The identification of all works or actions which may pose a risk of exposing potential acid sulfate soils to the air.
- g) The proposed method of minimising and managing any risk from acid sulfate soils during each stage of works including no dredging or excavation.
- h) If evidence of acid sulfate soils is observed during construction or demolition then measures as per the Acid Sulfate Soils Manual 1998 (prepared by Acid Sulfate Soils Management Advisory Committee) must be undertaken to ensure the risk to the aquatic environment is mitigated.

To ensure the protection of the surrounding aquatic environment, the measures described in the Construction Environmental Management Plan shall be installed/implemented prior to commencement of any works and continuously maintained during the period of demolition and construction.

10. Underground Storage Tanks

Prior to commencement of works the applicant must provide to the Director - Environmental Services, Sutherland Shire Council:

- a. Evidence of the underground storage tanks integrity testing and inspections, and
- b. Documentation relating to an extension of their POEO Underground Petroleum Storage Systems Regulation 2008 exemption and how the conditions have been met.

11. SLIPWAY

To minimise the impact on the environment, the slipway shall be located 2.5m above zero tide & have a 150mm bund around the entire perimeter of the hardstand.

To protect the amenity of the surrounding residential neighbourhood, signs shall be appropriately located and clearly displayed within the marina's slipway area indicating the permitted hours of operation of the slipway and the careening cradles & proper conduct of patrons using the facilities. The bunds and pits shall be inspected ongoing for blockages.

12. WASTE WATER COLLECTION

A Design

The waste collection system on the slipway shall be designed so that all liquid waste water is collected in the grated drain and transferred to the first flush holding tank before being treated by the water treatment system DFU1000 as specified by Corrosion Technology Australia Pty Ltd. The treated water shall be stored in a 5000L secondary holding tank to be reused for hardstand operations. Any water beyond the storage tanks capacity will be disposed of into the sewer in accordance with Sydney Water Trade waste requirements & all liquid waste shall be disposed of to an appropriately licensed waste facility. All waste that is classified under the *Protection of the Environment Operations Act 1997 NSW* as hazardous must be disposed of in accordance with the Act.

To minimise the impact to the environment from the hardstand operations a waste water treatment system designed by Corrosion Technology recycle systems, outlined in Appendix O, shall be utilised. The waste water and contaminants shall be contained by the 150mm bund that surrounds the hardstand & captured in the grated drain. The grated drain/collection pit must run to a holding tank with a first flush capacity of 15mm of rainfall across the operating hardstand area. A 7000L tank will capture the first 15mm of rain water & any waste water from the hardstand. The treatment plant will automatically begin treatment once the holding tank reaches 20% capacity. The treatment plant will include a 5000L secondary holding tank for the treated water to be reused onsite. Any water treated that cannot be held for reuse in the secondary holding tank, will be pumped to the sewage system under a revised Sydney Water Trade Waste agreement.

B Before Occupation

To ensure proper disposal of waste water to the sewer, the current Trade Waste Agreement shall be amended by Sydney Water prior to the commissioning of the new waste water treatment system & subsequent disposal of trade wastewater to the sewer system. The system is designed to reuse the treated water onsite where possible & only dispose of treated water once the secondary holding tank is full. Trade waste water is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'.

C Ongoing

To prevent the contamination of stormwater drains and waterways:

- All waste oils awaiting offsite recycling /disposal shall be stored at all times in a covered and bunded area that can be pumped out from the car park pump out point.
- The marina operator shall use an EPA-licensed waste transporter to transport all hazardous waste. This 'authorised contractor' must:
 - i. obtain the consignment authorisation number from a licenced waste facility
 - ii. complete the waste data form
 - iii. transport waste to a licenced waste facility
 - iv. provide the marina operator with a written receipt for the waste within 21 days of despatch. This receipt should be retained for a period of up to three years for auditing purposes.

13. PREVENTION OF WATER/AIR POLLUTION

To ensure that no contaminants from the marina operations are discharged into the waterway the marina operator shall:

- Adhere to the Environmental Management Plan (EMP) in relation to marina operations & the Environmental Protection Plan (EPP which may/may not be incorporated into the EMP), in relation to the refuelling facilities, including operation of the underground fuel tanks, lines & bowzers. The EPP shall be maintained in accordance with the requirements of the Protection of the Environment Operations Regulation (Underground Petroleum Storage Systems) 2008 NSW. The EMP / EPP shall be available upon request & should be updated periodically as required.
- Provide sufficient supplies of an organic type of absorbent material & spill cleanup equipment to recover any liquid spillage. Absorbent materials used to clean up spills shall be disposed of appropriately.
- Maintain sufficient supplies of containment booms & hydrocarbon absorbent materials & spill cleanup equipment to recover any liquid spillage and to ensure that any liquid spills can be contained to prevent contamination of the waterway. Absorbent materials used to clean up spills shall be disposed of appropriately.
- Apply antifouling paints by brush or roller. Application of antifouling paints by spray gun shall be restricted to 'hard to get at places' where it is not possible to apply the paint by brush or roller.
- Signs shall be appropriately located and clearly displayed within the marina and slipway area indicating the adopted procedures to be implemented in accordance with the Emergency Response Management Plan in the event of a pollution incident occurring.

To control offensive emissions from activities associated with hardstand operations and ensure the protection of the environment, control equipment shall be fitted to all plant and equipment that generate detectable air emissions.

Air emissions from any trade, industry, process, fuel burning equipment or industrial plant, must not exceed levels as specified by *Clean Air (Plant and Equipment) Regulation 1997* NSW.

14. VESSEL HARDSTAND AREA

Following the removal of the existing 3 cradles & winches, the existing slipways shall be decommissioned to provide for the new vessel hardstand. The hardstand area shall be fully bunded with a 150 mm bund as specified in drawing number 10297 JSP Consultants dated 7/8/06. The hardstand will be serviced by the 50 tonne boat lift (with removable bund). The surface of the hardstand fall must fall a grated drain. The grated drain / collection pit shall collect waste water & contaminants, which are held in a holding tank with first flush capacity, prior to treatment by the Corrosion Technology Recycle System water treatment facility. Recycled water from the water treatment system shall be utilised where possible for hardstand operations.

15. STORAGE AND HANDLING OF HAZARDOUS LIQUIDS

To ensure a safe working environment and to prevent pollution in the event of a spill or leak:

All hazardous liquids chemicals shall be stored and handled in accordance with the Office of Environment and Heritage guidelines for bunding and spill management.

All large liquid storage vessels/containers (in excess of 20 litres) should be stored in a bunded area (secondary containment) in accordance with the appropriate Australian Standard, ie

AS 1940: 2004 for flammable and combustible liquids

AS 3780: 1994 for corrosive substances

AS 2714: 1993 for organic peroxides

AS 4326: 1995 for oxidising agents

AS/NZS 4452: 1997 for toxic substances

For the storage of all other hazardous materials, either:

1. install speed humps (either concrete or rubber humps can be used in this situation) or grated drains and a blind pit (the capacity or volume of the blind pit will need to exceed the maximum capacity of the largest stored container) across workarea access points to contain all potential spills; or
2. construct a bunded area (bricked sealed containment area, spill tray, spill pallet or container) of a capacity exceeding the maximum capacity (110%) of the largest stored container/drum/tank. All outdoor bunded storage areas must be roofed or covered to eliminate rainwater filling the area and reducing the storage capacity of the bunded area, or
3. Provide a safety storage cabinet for
 - flammable and combustible liquids in accordance with AS 1940 : 2004
 - corrosive substances in accordance with AS 3780 : 1994
 - organic peroxides in accordance with AS 2714: 1993
 - oxidising agents in accordance with AS 4326 : 1995
 - toxic substances in accordance with AS/NZS 4452 : 1997

Where installation of speed humps is undertaken ensure any Occupational Health and Safety issues are to be considered (ensure humps etc are clearly marked and where possible located such that pedestrian customer traffic over these structures is not necessary).

16. Management of Underground Petroleum Storage Systems

All records relating to the loss detection, incidents, groundwater monitoring & changes to the Underground Petroleum Storage Systems should be kept in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*. In the event of any pollution incidents the appropriate authorities are to be notified in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*.

17. External Lighting

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads all lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

All lighting must be operated and maintained in accordance with the Standard above.

18. Noise Control - Design of Plant and Equipment

To minimise the impact of noise from the development, all sound producing plant, equipment and machinery.

A. Design

All plant and equipment must be designed and located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

B. Before Occupation

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of any acoustic measures has been carried out in accordance with 'A' above.

C. Ongoing

All plant and equipment must be operated and maintained in accordance with 'A' above.

19. Waterfront Development

A lease or approval from the New South Wales Government (as land owner) shall be obtained for works/occupation below the MHWL.

20. Permitted Hours for Works

To minimise the noise impact on the surrounding environment all building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work must be carried out on Sundays and Public Holidays.

PRESCRIBED CONDITIONS

Division 8A of the Environmental Planning and Assessment Regulation prescribes the following conditions of development consent

S98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

S98A Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and

- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

S98E Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

END OF DRAFT CONDITIONS

Our Ref: OUT13/8323

Your Ref: DA13/0179

9 April 2013

Sutherland Shire Council
(Attn: Annette Birchall)
Locked Bay 17
SUTHERLAND NSW 1499

Dear Ms Birchall

Proposal: IDA referral for alterations and additions to a marina
Property: 48 Fernleigh Road, Caringbah South – Burraneer Bay Marina

Thank you for your referral of 19 March 2013 seeking comment on the proposal from Fisheries NSW, a division of NSW Department of Primary Industries (DPI).

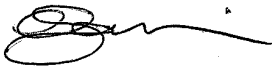
Fisheries NSW is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, Fisheries NSW ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Aquatic Habitat Management and Fish Conservation* (1999). In addition, Fisheries NSW is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture and marine protected areas within NSW.

Fisheries NSW has reviewed the proposal in light of those provisions and has no objections, subject to the proponent meeting the General Terms of Approval that follow. As per s.91A(3) of the *Environmental Planning and Assessment Act 1979*, any consent issued by Council must be consistent with these GTAs.

1. Environmental safeguards (silt curtains, booms etc.) are to be used during the proposed dredging works to ensure there is no escape of turbid plumes into the aquatic environment. Turbid plumes caused by run off, pile driving etc. have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.
2. Demolished materials are deposited appropriately on land.
3. The materials used for construction should not be deleterious to marine life, for example antifouling paints or treated woods must not be used. These materials inhibit marine growth and reduce the habitat available to marine life.
4. All other relevant authorities have no objections to this proposal.

If Council, members of the Joint Regional Planning Panel or the proponent require any further information, please do not hesitate to contact me on (02) 4254 5527.

Yours sincerely,



Carla Ganassin

Conservation Manager, Aquatic Habitat Protection Unit (Central)

DA13/0179.

APPENDIX 'C'



NSW

EPA

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued

Notice No: 1514374

Sutherland Shire Council

Locked Bag 17

Sutherland NSW 1499

RECEIVED

28 MAY 2013

A. Birchall

Attention: Annette Birchall

Notice Number 1514374
File Number FIL 13/2375:DOC13/12059 :GN
Date 24-May-2013

Dear Madam

DEVELOPMENT APPLICATIONS DA 13/0179 ALTERATIONS AND ADDITIONS TO BURRANEER BAY MARINA 48 FERNLEIGH ROAD CARINGBAH

I refer to the development application and accompanying information provided for the above proposal received by the Environment Protection Authority (EPA) on 21 March 2013. This is the second time an application for this development has been submitted to the EPA. The EPA submission on the first development application (DA) was dated 15 October 2012 (Notice number 1508687). The EPA understands that this application was not determined. This second DA was supported by an Environmental Impact Statement. EPA has reviewed the additional information provided and has determined that it is able to issue these General Terms of Approval (GTA) for the proposal. The EPA has also considered public submissions received by Sutherland Shire Council. This document therefore supersedes the previous EPA submission.

The GTA for this proposal are provided at attachment 1. If Sutherland Shire Council approves this development application (DA) these conditions should be incorporated into the development consent. Attachment 2 discusses other environmental issues Council should consider in determining the DA. Attachment 3 lists the mandatory conditions which will be included on any Environment Protection Licence issued for the premises. Attachment 3 conditions do not need to be included in any development consent.

Based on the size of the proposed development the premises will require an Environment Protection Licence. If the DA is approved the applicant will need to make a separate application to EPA to obtain this licence.

If you wish to discuss this matter further please contact Greg Newman on 42244100.

FILE LOCATION

AB1.

Page 1

General Terms of Approval - Issued



Notice No: 1514374

Yours sincerely

A handwritten signature in black ink, appearing to read 'Greg Newman', written over a horizontal dotted line.

24.5.13

Greg Newman

A/Head Regional Operations Unit

Metropolitan - Illawarra

(by Delegation)

General Terms of Approval - Issued



Notice No: 1514374

Attachment 1

ALTERATIONS AND ADDITIONS TO BURRANEER BAY MARINA

General Terms of Approval

The Environment Protection Authority (EPA) considers that the following conditions are essential to ensuring the facility is capable of achieving the appropriate environmental outcomes. EPA proposes to attach the following conditions to any Environment Protection Licence (EPL) if development consent is granted and a EPL application is approved.

Administrative conditions

A1 Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in the:

- a. development application DA12/0536 submitted to Sutherland Shire Council on 3 July 2012;
- b. Review of Environmental Factors prepared by J.S.Parsons Structural Consultants Pty Ltd dated June 2012 relating to the development;
- c. development application 13/0179 submitted to Sutherland Shire Council on 6 March 2013; and
- d. the Environmental Impact Statement, Merbon Pty Ltd dated February 2013

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

A3. Hardstand Water Management

A3.1 The Hardstand must be designed and constructed so that:

- a. it captures the first 15 mm of rainfall,
- b. no first flush stormwater or wastewater from the vessel maintenance is discharged to waters,
- c. 150 mm of bunding is installed around the edges of the hardstand,
- d. all wastewater from vessel maintenance and first flush stormwater:
 - i. is reused on site or;
 - ii. discharged through a trade waste agreement or;
 - iii. collected and transferred to a facility for appropriate disposal

General Terms of Approval - Issued



Notice No: 1514374

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	General or Specific exempted waste	Waste that meets all the conditions of a resource recovery exemption	As specified in each particular resource recovery exemption	N/A
NA	Waste	Any waste received one that is below licensing thresholds in Schedule 1 of the Protection of the Environment Operations Act, as in force from time to time.	-	N/A

Note 1: For the purposes of the above conditions, waste generated at the premises includes waste collected from vessels at the premises and may include but not be limited to contaminated bilge water, litter, garbage, fuel, oil and waste from abrasive cleaning, sanding, scraping and painting.

L3. Noise limits

L3.1 Where a noise limit has not been prescribed, all operations and activities occurring on the premises must be conducted in a manner that will not cause offensive noise.

Note: EPA expects the above condition to adequately oversee noise at the premises. EPA may consider other noise regulation options in the future such as noise limits or times for hardstand use.

General Terms of Approval - Issued



Notice No: 1514374

L4 Potentially offensive odour

L4.1 No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the Environment Operations Act 1997.

L4.2 The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

Operating conditions

O1. Water

O1.1 All liquid chemicals, fuels and oils must be stored in containers inside suitable bund(s).

O1.2 The hardstand must capture and collect all liquids spilled onto its surface.

O1.3 Grit blasting, pressure blasting, sanding or scraping (other than for minor, discrete damage or repair areas), and painting on the hardstand must be conducted:

- i. over an impermeable, sealed area, and
- ii. within a bunded area that leads to a first flush collection and treatment system.

O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.3 The surface areas of the hardstand used for vessel repairs and maintenance must be kept in a clean condition to prevent dusts being blown or washed into waters..

O3. Waste management

O3.1 The licensee must provide facilities to ensure the collection storage and disposal of waste generated at the premises so that it does not pollute waters.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in

Page 5

General Terms of Approval - Issued



Notice No: 1514374

order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

Not applicable

M3. Requirement to monitor volume or mass

Not applicable

M4.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or

if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

General Terms of Approval - Issued



Notice No: 1514374

Attachment 2

ALTERATIONS AND ADDITIONS TO BURRANEER BAY MARINA

Matters for Councils Consideration

The Environment Protection Authority (EPA) recommends that the following matters be considered by Sutherland Shire Council in determining and conditioning any development consent.

1. Construction Environmental Management Plan (CEMP) - A draft CEMP was included in the supporting documents to the development application. The EPA recommends that a final CEMP be required to be developed as a condition and this plan be prepared in consultation with the EPA. A copy of this plan must be provided in support of an Environment Protection Licence Application.

The CEMP should address the following issues:

- Detailed description of the specific mitigation measures to be implemented to restrict the mobilisation and movement of marine sediment during construction.
- Appropriate means of water quality monitoring by prescribed personnel; the setting of threshold levels for turbidity impacts; and contingency measures to respond to any incidents which exceed the threshold levels during construction.
- Means of minimising construction noise impacts.
- Clear lines of responsibility and reporting protocols for any environmental incidents during construction.
- Waste Management Plan for all wastes generated during the construction phase.
- Consideration of the EPA "Best Management Practice for Marinas and Slipways", 2007.

2. Piling methodology - EPA discussions with the design consultant on the proposed methodology for the installation of the steel piling indicates that the noise impacts are far less than would be generated by conventional impact driven piles. The methodology also results in minimal disturbance to the seabed. Any consent should stipulate the use of this technology by the successful tender for the construction works.

3. Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008 - The EPA is aware that whilst the above DA does not involve the installation of Underground Petroleum Storage Systems (UPSS) there are existing underground fuel tanks beneath the elevated car park. All UPSS which received development approval before the commencement of the Regulation on 1 June 2008 are considered 'old' UPSS. These systems need to comply with all requirements of the new Regulation but over a deferred timetable. However the EPA encourages operators of these sites to consider the benefits of compliance in any minor upgrades and daily operations.

The EPA has a guidance note entitled *Planning and Development Process for Sites with Underground Petroleum Storage Systems* which may assist Council in assessing the proposal to ensure that UPSS and associated infrastructure is operated in a manner that reduces potential impacts on the environment and human health. The guidance note can be found at:

<http://www.environment.nsw.gov.au/resources/clm/09558upssplanningdevt.pdf>

This guidance note provides information to consent authorities about what proponents must do to ensure consistent design, installation, modification and environmental management of UPSS so that they comply with the UPSS Regulation.

General Terms of Approval - Issued



Notice No: 1514374

Attachment 3

ALTERATIONS AND ADDITIONS TO BURRANEER BAY MARINA

Mandatory Conditions for all EPA licences

Administrative conditions

Not applicable

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- must be maintained in a proper and efficient condition; and
- must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;

General Terms of Approval - Issued



Notice No: 1514374

- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a Statement of Compliance; and
- a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Where this licence is transferred from the licensee to a new licensee,

- the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.
- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

General Terms of Approval - Issued



Notice No: 1514374

- in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or in relation to the revocation of the licence - the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

General Terms of Approval - Issued



Notice No: 1514374

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- the cause, time and duration of the event;
- the type, volume and concentration of every pollutant discharged as a result of the event;
- the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- (details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- (any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

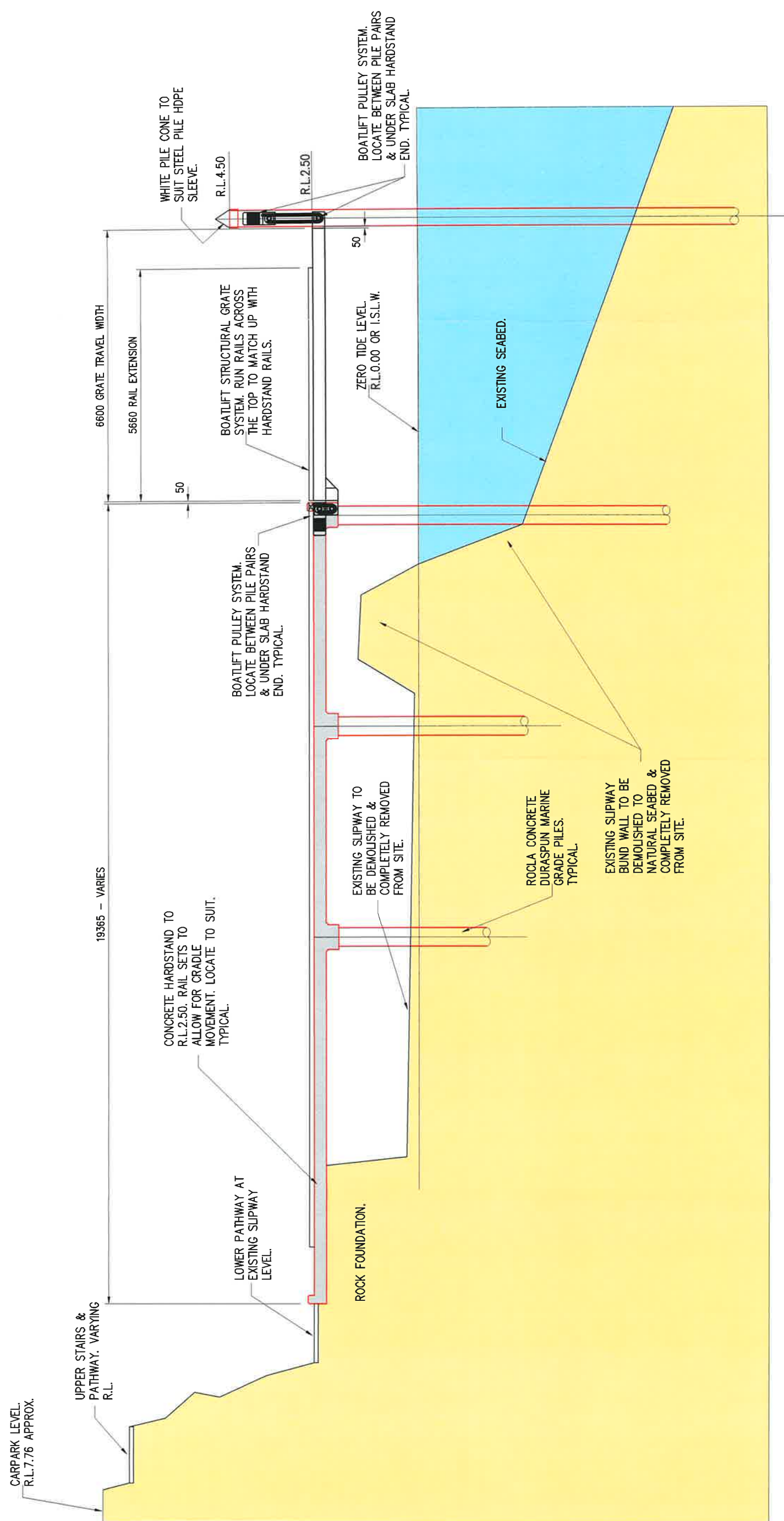
A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

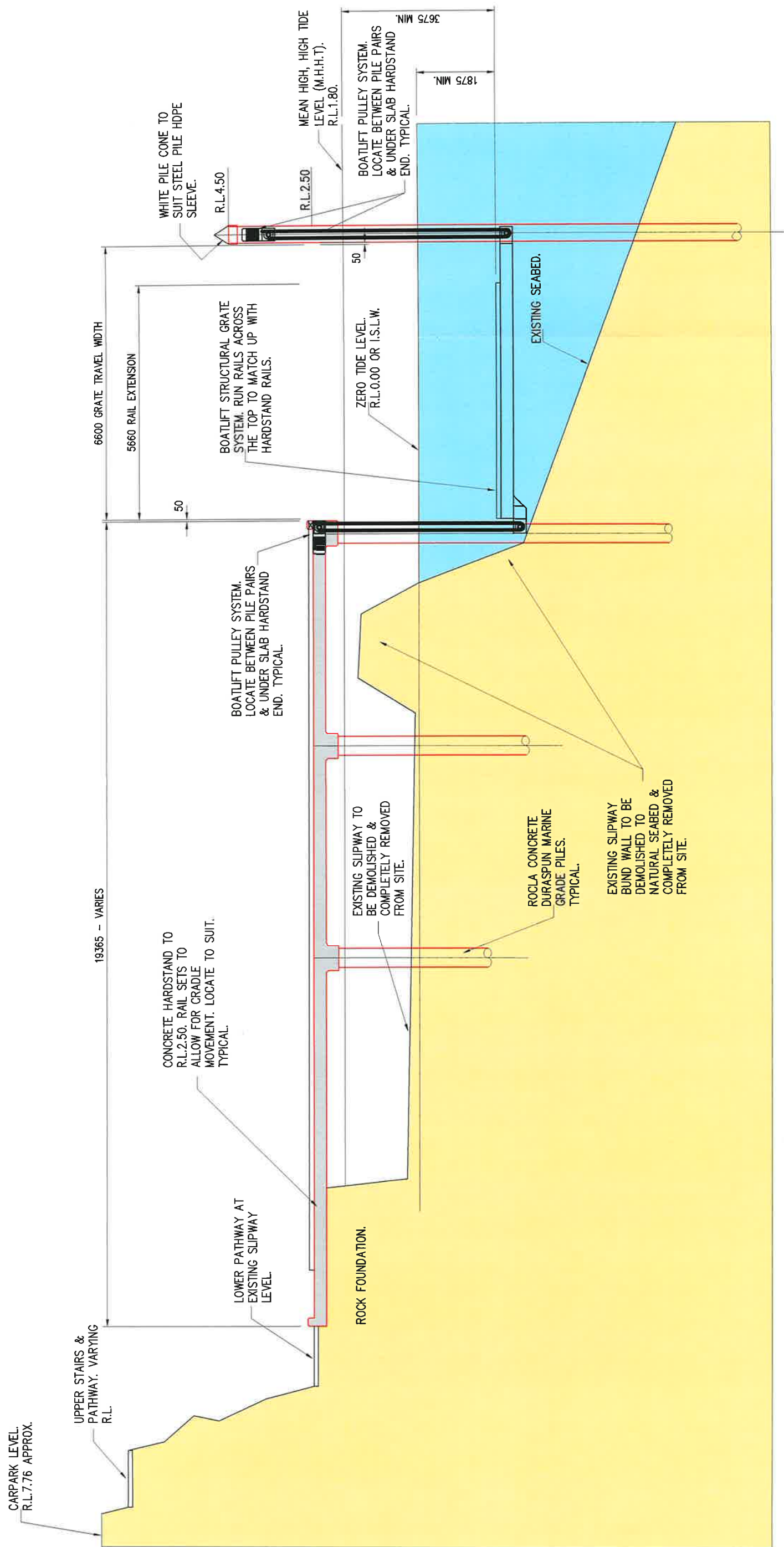
The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.



Copyright	this design and drawing are not to be used or reproduced wholly or in part without written permission	LETTER	DETAILS OF AMENDMENT		BY	DATE	DESIGNED J.S.P. 07.08.06	DRAWN J.T.M.W. 11.08.06	CHECKED	PROPOSED HARDSTAND TO REPLACE EXISTING TWIN INTER-TIDAL SLIPWAYS & FOUR EXISTING CRADLES				JSP ▽ J.S.PARSONS STRUCTURAL CONSULTANTS P/L SUITE 36, LEVEL 2, 330 WATTLE STREET. ULTIMO N.S.W. 2007 PH. 041 602 8413 PH. 9282 9928 FAX. 9282 9927 COMMERCIAL, DOMESTIC & MARINE DESIGN, INVESTIGATION & PROJECT MANAGEMENT				PROPOSED EXTENSION TO AN EXISTING MARINA, REFURBISHMENT OF TWO SLIPWAYS & A NEW MARITIME AUTHORITY FACILITY AT 48 FERNLEIGH RD, CARINGBAH				ISSUE	DRAWING No	SHEET No.	LoC.04
			10297																						

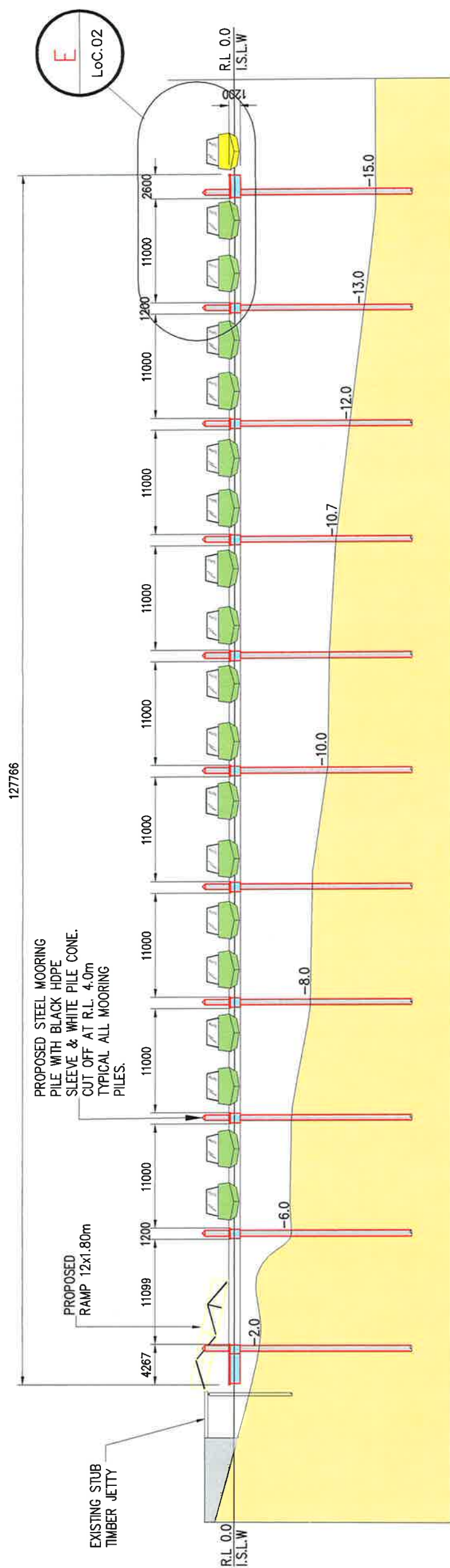




ELEVATION ON PROPOSED HARDSTAND & BOATLIFT
BOATLIFT LOWERED TO ACCEPT VESSEL.
SCALE 1:200

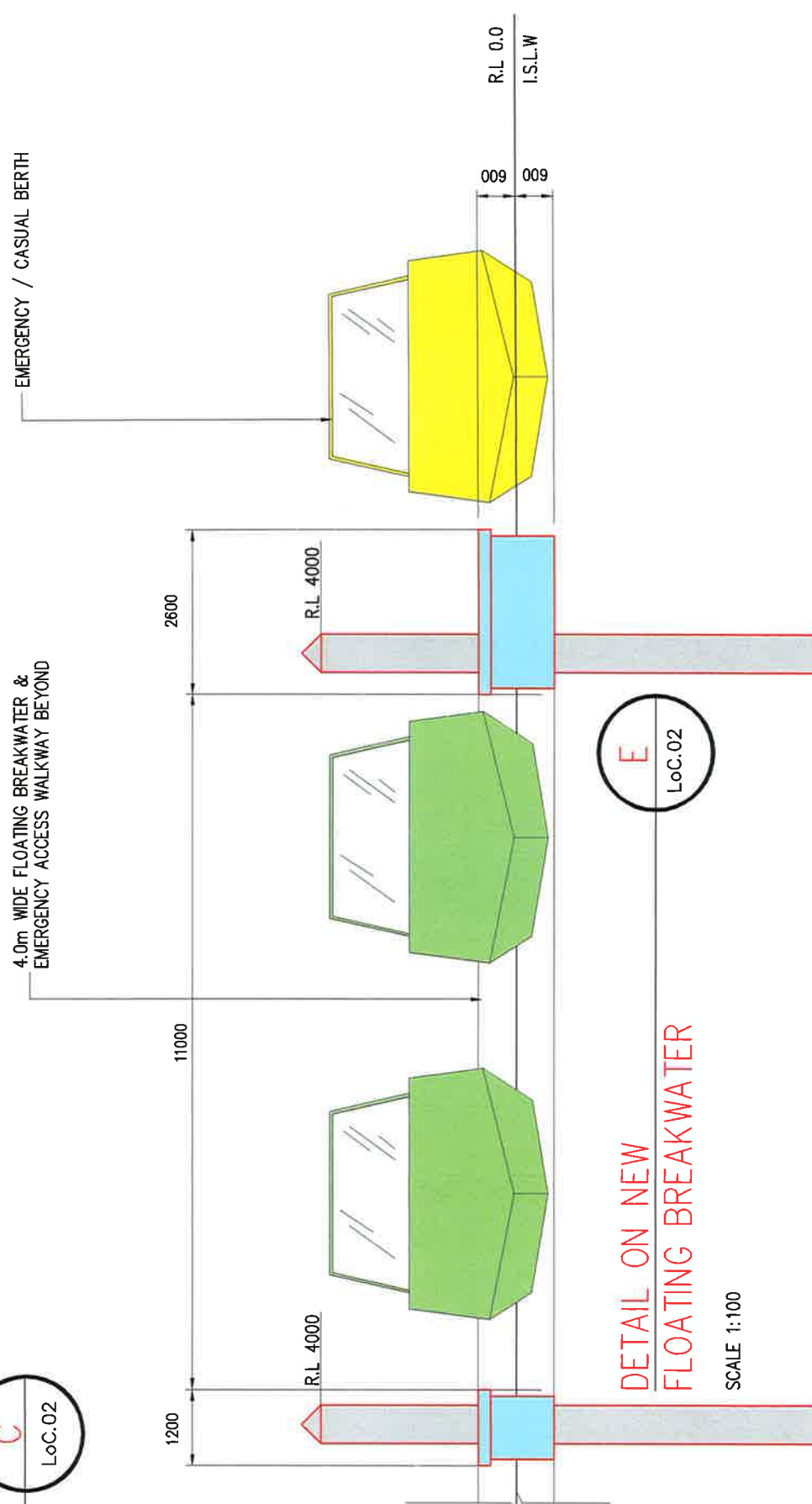
P:\B\Burraneer Bay Marina\Second Draft LoC Application Drawings_020708_B

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	BY		DATE		LETTER	
DETAILS OF AMENDMENT						
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JSP J.S. PARSONS STRUCTURAL CONSULTANTS P/L SUITE 36, LEVEL 2, 330 WATTLE STREET, ULTIMO N.S.W. 2007 PH. 041 602 8413 PH. 9282 9926 FAX. 9282 9927 COMMERCIAL, DOMESTIC & MARINE DESIGN, INVESTIGATION & PROJECT MANAGEMENT						
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ISSUE DRAWING No 10297 SHEET No LoC.06						



ELEVATION ON NEW FLOATING BREAKWATER

SCALE 1:500



DETAIL ON NEW FLOATING BREAKWATER

SCALE 1:100


P:\Burroneer Bay Marina\Second Draft LoC Application Drawings 020708.B

Copyright

A.	VESSEL COUNT REVISED BASED ON POLICY HARDSTAND & CASUAL BERTHS INC	I.S.P.	07.10.08
LETTER	DETAILS OF AMENDMENT		DATE
		BY	

DESIGNED	J.S.P. 07.08.06
DRAWN	
CHECKED	J.M.W. 11.08.06

PROPOSED MARINA
ELEVATION C ON NEW
FOLATING; DETAIL E

JSP  J.S. PARSONS STRUCTURAL CONSULTANTS P/L

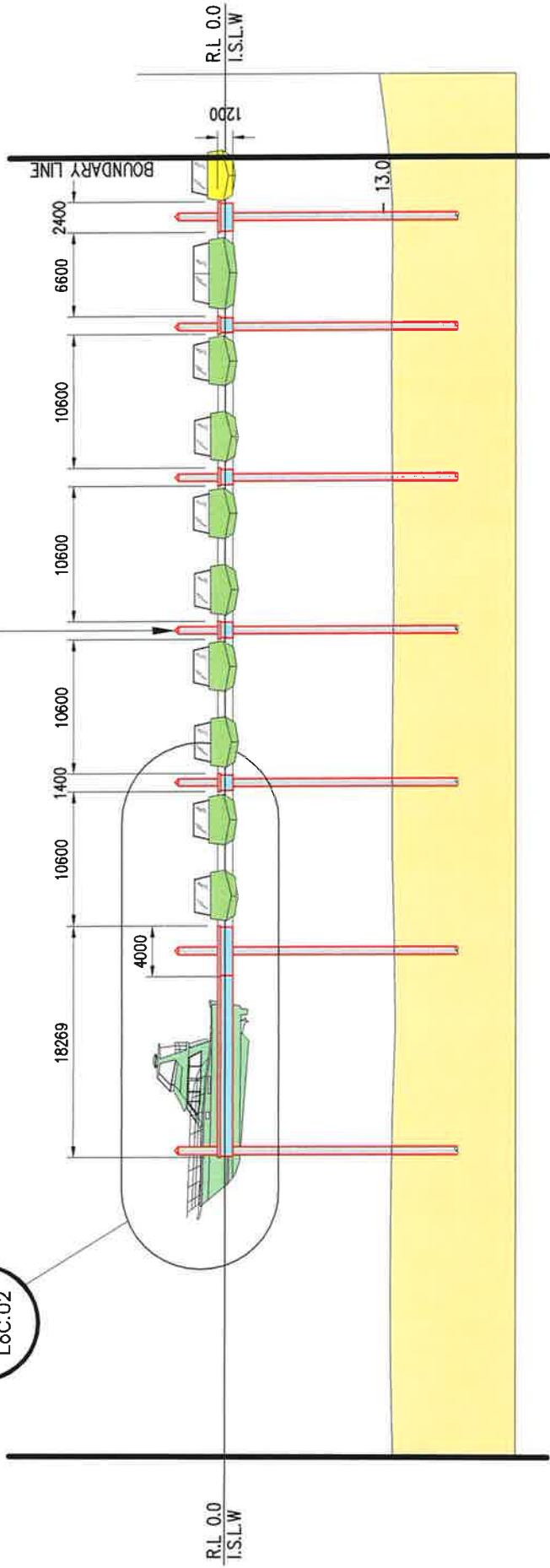
SUITE 36, LEVEL 2, 330 WATTLE STREET.
ULTIMO N.S.W. 2007

PH. 041 602 8413
PH. 9282 9926
FAX. 9282 9927

COMMERCIAL, DOMESTIC & MARINE DESIGN, INVESTIGATION & PROJECT MANAGEMENT

PROPOSED EXTENSION TO AN EXISTING MARINA, REFURBISHMENT OF TWO SLIPWAYS & A NEW MARITIME AUTHORITY FACILITY AT 48 FERNLEIGH RD, CARINGBAH	ISSUE	DRAWING No
	A	10297
		SHEET No
		LoC.07

PROPOSED STEEL MOORING
PILE WITH BLACK HDPE
SLEEVE & WHITE HDPE
CUT OFF AT R.L. 4.0m
TYPICAL ALL MOORING
PILES.

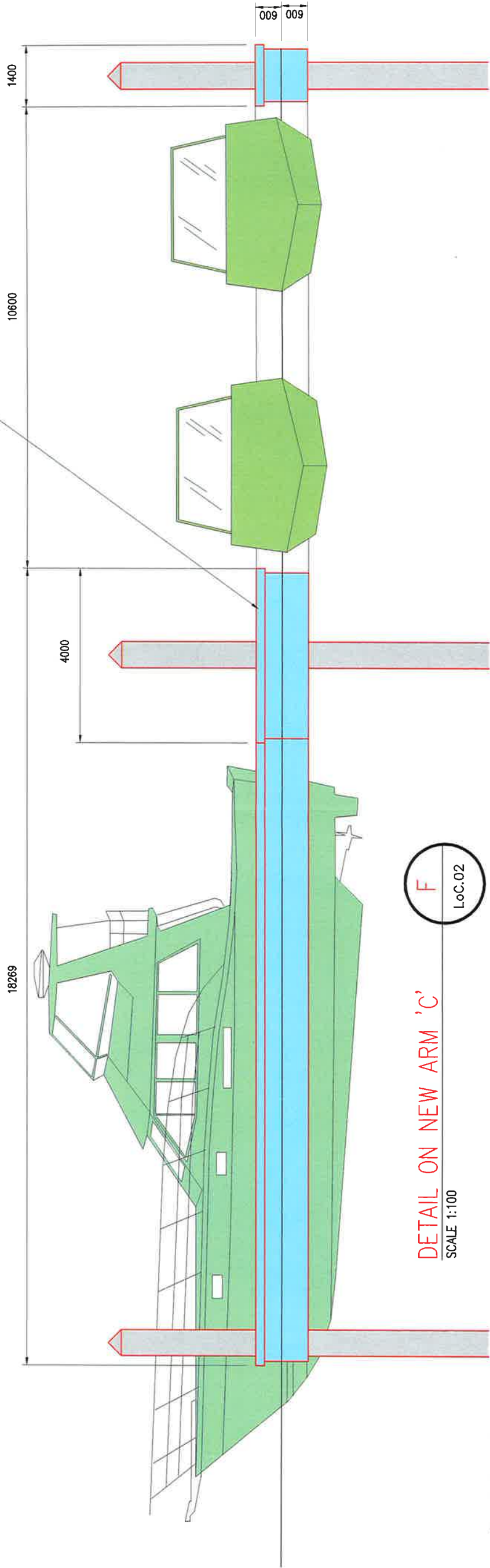


ELEVATION ON NEW ARM 'C'

SCALE 1:500

D
LoC.02

4.0m WIDE FLOATING BREAKWATER &
EMERGENCY ACCESS WALKWAY BEYOND



DETAIL ON NEW ARM 'C'

SCALE 1:100

F
LoC.02

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PROPOSED MARINA
ELEVATION D ON NEW
FLOATING; DETAIL F

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COMMERCIAL, DOMESTIC & MARINE DESIGN, INVESTIGATION & PROJECT MANAGEMENT

DRAWING No
10297
SHEET No
LoC.08

EXISTING & PROPOSED VESSEL No.s

EXISTING MARINA MAIN WALKWAY.....14		WITH PROPOSED NEW EXTENSION MAIN WALKWAY.....23	
A - ARM.....32	A - ARM.....32	B - ARM.....25	B - ARM.....25
CASUAL.....NIL	CASUAL.....3	HARDSTAND.....NIL	HARDSTAND.....5
HARDSTAND.....2	HARDSTAND.....2	WORK BERTHS.....21	WORK BERTHS.....21
WORK BERTHS.....21	WORK BERTHS.....21		
TOTAL	73 TOTAL BERTHS	TOTAL	108 TOTAL BERTHS

PROPOSED EXTENSION TO THE EXISTING MARINA. 74 EXISTING WET BERTHS. 28 NEW BERTHS FOR A TOTAL OF 102 BERTHS.

SCALE 1:500

[illegible]