

Reason for the Imposition of Conditions

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:
 - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
 - (iii) The protection, provision, and co-ordination of communication and utility services;
 - (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - (vii) Ecologically Sustainable Development; and
 - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

1. Prescribed Conditions

- (a) 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.
- (c) 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:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) 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
 - (iii) stating that unauthorised entry to the work site is prohibited.

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.

- (d) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
- (i) in the case of work for which a principal contractor is required to be appointed:
 - a. the name and licence number of the principal contractor, and
 - b. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - a. the name of the owner-builder, and
 - b. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under (d) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

2. Approved Documentation

The development consent incorporates this schedule of conditions and the plans and documents referenced and stamped as follows:

- (a) Plans Reference:

Plans prepared by Squillace Architects; Job Number. JPG1402			
Name of Plan	Drawing Number	Issue	Date
Marina Site Plan	DA050	A	12.09.14
Marina Ground Floor Plan	DA051	A	12.09.14
Marina Overall Site Analysis Plan	DA052	A	12.09.14
Marina Site Analysis Plan	DA053	A	12.09.14
Elevations & Sections	DA220	P4	03.09.14
Marina Perspectives	DA851	A	11.09.14
External Colour Schedule	-	-	-

Landscaping Plans prepared by Terras Landscape Architects Job Number
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10367.5-DA			
Name of Plan	Drawing Number	Revision	Date
Site Analysis	02	D	September 2014
Landscape design Report	03	D	September 2014
Landscape Design Report	04	D	September 2014
Landscape Design Principles	05	D	September 2014
Landscape Concept Plan	06	D	September 2014
Landscape Concept Carpark	07	D	September 2014
Landscape Concept Enlargement	08	D	September 2014
Landscape Sections	09	D	September 2014
Landscape Sections	10	D	September 2014
Landscape Materials	11	D	September 2014
Landscape Materials and Plant Palette	12	D	September 2014

Plans prepared by ADW Johnson Ref 37429			
Name of Plan	Drawing Number	Revision	Date
Preliminary Access Road Site Plan	Sheet 1 of 4	Rev E	30 January 2015
Preliminary Access Road Longitudinal Section	Sheet 2 of 4	Rev D	30/10/2014
Preliminary Access Road Cross Sections	Sheet 3 of 4	Rev D	30/10/2014
Proposed sewer and lead in electrical concept	Sheet 4 of 4	Rev D	30/10/2014

Plans prepared by Royal HaskoningDHV Job No 8A0379			
Name of Plan	Drawing Number	Revision	Date
Concept Marina Layout Stage 1a – Temporary Public	8A0379-MA_LB011	C	15.01.2015

Casual Berthing			
Concept Marina Layout Stage 1a	8A0379-MA_LB011	B	04.08.2014
Concept Marina Layout Stage 1a & 1b	8A0379-MA_LB021	B	04.08.2014

Plans prepared by Royal HaskoningDHV Job No 8A0319			
Name of Plan	Drawing Number	Revision	Date
Site Plan (carpark)	8A0319-Civ-DA-001	B	12.9.14
Carpark Detail Plan	8A0319-Civ-DA-002	B	12.9.14
Carpark details and Site Sections	8A0319-Civ-DA-003	B	12.9.14
Stormwater Management Plan	8A0319-Civ-DA-004	B	12.9.14
Stormwater Drainage Longitudinal Sections	8A0319-Civ-DA-005	B	12.9.14
Stormwater Drainage Details Plan	8A0319-Civ-DA-006	B	12.9.14
Concept Erosion and Sedimentation Control Plan 1 of 2	8A0319-Civ-DA-007	B	12.9.14
Concept Erosion and Sedimentation Control Plan 2 of 2	8A0319-Civ-DA-008	B	12.9.14
Concept Erosion and Sedimentation Control Plan Notes and Details	8A0319-Civ-DA-009	B	12.9.14
Site Services Plan	8A0319-Civ-DA-010	B	12.9.14
Swept Path Plans and Details	8A0319-Civ-DA-011	B	12.9.14

Plans prepared by International Marina Consultants			
Name of Plan	Drawing Number	Revision	Date
General Arrangement Stage 1 Option 1	4714-09/A	A	15/09/14
General Arrangement Stage 1 Option 2	4714-10/B	B	15/09/14

(b) Document Reference:

Document	Issue	Author	Date
Environmental Impact Statement, Volumes 1	Issue D	ADW Johnson	September

and 2 including all appendices (other than where superceded by other approved documents and plans in this consent)		Pty Ltd	2014
Covering letter - Addendum to Appendix E – Access Road level changes	-	JPG	25 November 2014
Trinity Point Marina and Mixed Use Development Cultural Heritage Management Plan		Insite Heritage Pty Ltd	May 2015
Heritage Interpretation Policy Trinity point Marina and Mixed Use Development	-	Insite Heritage Pty Ltd	May 2015
Addition Information – Various covering letter and Attachments A-I		Johnson Property Group	1 April 2015
Additional information – Attached Responsible Boating Practice Manual	-	Johnson Property Group	26 May 2015

Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) Any amendments made by Council on the approved plans or documents;
- (ii) Any notes, markings, or stamps on approved plans or documents, and
- (iii) Any conditions contained in this consent.

3. Construction Certificate

Prior to the commencement of building work or subdivision work, a Construction Certificate shall be obtained.

Note: If the Construction Certificate is issued by a Principal Certifying Authority that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval. (Clause 142(2) EPA Regulation 2000).

4. Occupation Certificate

The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued,

only that part of the building to which the Certificate applies may be occupied or used.

5. Stormwater Disposal and Harvesting

The Stormwater Disposal and Harvesting system submitted with any Construction Certificate shall be generally in accordance with the plans approved by the Development Consent prepared by Royal Haskoning DHV, Ref: 8A0379 dated September 2014 and must comply with the following:

- (a) Stormwater shall be disposed of through a piped system designed in accordance with Australian Standard AS 3500 by a suitably qualified professional. Qualifications shall be in accordance with Part DQS.06 of Council's Engineering Guidelines.
- (b) Stormwater harvesting measures shall be constructed and maintained in accordance with clause 2.5.4 of DCP 1 (and supporting guidelines). Stormwater drainage plans shall include details of the harvesting system (eg rainwater tank and pump details plus reticulation diagrams).

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first:

- (c) All drainage works shall be carried out generally in accordance with the approved Construction Certificate plans.
- (d) A **Works As Executed Plan** is to be submitted to the Principal Certifying Authority that shows any changes (in different colour) to the approved Construction Certificate plans and endorsed by a registered surveyor.
- (e) Certification by the engineer, is to be submitted to the Principal Certifying Authority that any changes comply with the requirements (a) and (b) as shown above. **Note:** This may be shown on the Works As Executed Plan.

6. Erosion and Sediment Control Plan

Prior to the release of the first Construction Certificate or any works commencing onsite (including, but not limited to, demolition or vegetation clearing), the final Erosion and Sediment Control Plan (ESCP)/Soil and Water Management Plan (SWMP) shall be submitted to, and approved by, Council's Erosion and Sediment Control Officer. It shall comply with the following:

- (a) All information required for area of disturbance associated with the development in accordance with Council's DCP 1;
- (b) Show locations of erosion and sediment control measures for each stage including temporary and permanent controls, prior to demolition, during construction, prior to revegetation, landscaping or building, and the order in which they will be installed for the development and each stage to suit the activity occurring onsite at that time;
- (c) Assessment of the onsite soil type(s) including distribution, sediment type, erosion hazard,
- (d) Calculations for the sizing of any sediment traps (including excavated basins and temporary traps);
- (e) Details of the treatment of sediment-laden water captured in any sediment traps prior to its release from the site to meet Council's nominated water quality criteria for turbidity of less than 50mg/L, including proposed flocculants/coagulants and rates;

- (f) All erosion and sediment control measures shall be appropriate for the Sediment Type onsite;
- (g) Prior to the release offsite of any water (including, but not limited to, ground water, overland flow or rain water) captured onsite, the water shall be tested to ensure its Total Suspended Solids (TSS) level is less than or equal to 50mg/L. A sample of the water shall be retained onsite for inspection by Council or the Private Certifier. The sample shall be at least 250ml and kept in a clean, clear, plastic container. The date and time the sample was taken shall be recorded on the container.
- (h) Aluminium based flocculent products are not permitted to be used without prior written approval from an appropriate LMCC officer.
- (i) Captured water may be removed from site using other methods including, but not limited to, directly into a holding tank on a vacuum or sucker truck. It shall be deposited at an approved waste management facility.
- (j) Clear separation of clean and dirty water;
- (k) Temporary and permanent dust suppression measures on disturbed areas;
- (l) Inspection, maintenance and removal schedules for all erosion and sediment control measures; and
- (m) The applicant shall submit with the Plan, a Statement of Compliance, stating that:
 - The Plan has been developed by an appropriately qualified and experienced professional in erosion and sediment control;
 - The Plan complies with the requirements for the area of disturbance as per DCP 1 and points (a) to (l) above;
 - The Plan and associated documents, calculations and drawings, have been prepared to a standard which, if properly implemented, will achieve the water release criteria of 50mg/L of Total Suspended Solids (TSS); and
 - All erosion and sediment control measures are in accordance with Council's DCP 1.

7. Fix Damage Caused by Construction Works

Any damage or injury caused to a public road or associated structures including footpaths, drains, kerb and gutter and utility services caused as a consequence of the construction works shall be made good at the cost of the person with the benefit of the consent.

Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter in accordance with Council's standards to match finished adjoining kerb and gutter. All replacement works are to be completed to the satisfaction of Council prior to the issue of an Occupation Certificate at the cost of the person with the benefit of the consent.

8. Disability Access Requirements

Access for people with disabilities shall be provided from the building(s) to kerb ramps and footpaths along the street frontage, by means of a continuous path of travel in accordance with Australian Standard AS 1428.1.

The development shall be designed in accordance with the following:

- The designated accessible parking bays shall comply with AS 2890.6.
- A continuous path of travel from the parking area to building entrance and the boardwalk shall comply with AS 1428.1.

- Doorway widths and circulation space shall comply with AS 1428.1.
- The placement of tactile ground surface indicators at stairs, ramp and car park entry shall comply with AS 1428.1.
- Seating located at viewing platform shall comply with AS 1428.2, and
- Unisex accessible shower facilities, accessible toilet facilities and ambulant toilet facilities shall comply with AS 1428.1

Note: Additional legislation exists to promote the provision of services, which enable people with a disability to maximise their potential, further their integration in the community and achieve positive outcomes.

The following legislation may be relevant:

- The NSW Disability Services Act 1993
- The Commonwealth Disability Discrimination Act 1992
- NSW Anti Discrimination Act 1977.

For further information please consult:

- Human Rights and Equal Opportunity Commission
- NSW Anti Discrimination Board.

9. Tactile Indicators

The development shall have tactile indicators installed in accordance with AS 1428.4.

Note: The areas of the development to have tactile indicators installed are varied and include kerb ramps and footpaths along the street frontage; carpark pedestrian crossings (street frontage and internal); lifts; stairways and ramps.

10. Retention of Trees and Native Vegetation

All native vegetation on the site shall be retained and protected unless it:

- (a) has been identified for removal on the approved plans or documentation;
or
- (b) has been identified for selective removal by the NSW Rural Fire Service;
or
- (c) is a tree or native vegetation, on the site, that is within close proximity to the approved buildings (ie; within 0 to 5 metres of the approved building) and provided it has not been identified for specific retention in any of the approved plans or documentation.

A separate application shall be made to Council for the removal of any other trees or native vegetation. This includes application for the removal of any understorey vegetation or the stripping of ground cover vegetation that is outside those areas approved for construction.

All reasonable measures shall be undertaken to protect all other native vegetation on the site and on adjoining lands from damage during construction. Such measures shall include but not be limited to:

- (a) installing exclusion fencing around vegetation that adjoins the construction area to minimise damage to vegetation that is to be retained.

Exclusion fencing shall be installed prior to the issue of the first Construction Certificate or if no Construction Certificate is necessary, prior to the commencement of works and maintained in good working order for the duration of works. The person having the benefit of the consent shall notify Councils Development Planner Flora and Fauna when exclusion fencing has been installed;

- (b) keeping all vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks;
- (c) limiting the number of access points;
- (d) salvaging useable trees and shrubs which are felled for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots and stumps may only be disposed of at an approved site;
- (e) notifying all contractors, sub-contractors, and personnel of vegetation protection requirements of this condition.

11. Management of Site - Erosion Prevention and Sediment Control

All disturbed areas shall be revegetated or rendered erosion resistant in accordance with DCP 1 and Guidelines – Erosion Prevention and Sediment Control Guidelines as soon as practical, and no later than the timeframes specified in Managing Urban Stormwater: Soils and Construction “The Blue Book” 4th Edition, Landcom, 2004.

12. Topsoil and Stockpiles of Materials

Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action. No stockpiles of topsoil, sand, aggregate, spoil or other material shall be located on the public footpath or road reserve.

13. Acid Sulphate Management Plan

The applicant shall prepare and submit to Council for approval, an Acid Sulphate Management Plan. The Plan shall incorporate all recommendations from the Acid Sulphate Soil Assessment prepared by Douglas Partners, Ref: 39823A, dated December 2007.

All works on site shall be undertaken in compliance with the recommendations of the approved Acid Sulphate Management Plan.

14. Hoarding and Construction Site Safety Fencing

Construction site safety fencing and/or hoarding shall be provided in accordance with WorkCover requirements. Such fencing and/or hoarding shall be erected wholly within the property boundary unless prior approval from Council is obtained.

Council approval is required to install hoarding, site fencing or overhead protective structures over or adjoining a public place i.e. a footpath or a Public Reserve. No work shall commence until written approval is obtained.

15. Storage of Maritime Vessels

Maritime vessels, boat trolleys, cradles or associated equipment shall not be stored within 6 metres of the Deed High Water Mark or on adjoining Crown Land or public reserve.

16. Car Parking and Allocation of Spaces

A total of 52 car parking spaces shall be constructed on the site in accordance with the minimum requirements of the Australian Standard AS/NZS 2890.1 as current at the time of construction, and maintained on the land in accordance with the approved plans.

The spaces shall be allocated in the following proportions:

Car park	47
Marina lounge car park	5, including 2 disabled parking spaces

Note: This development requires the provision of a minimum of 31 car parking spaces. The additional approved car parking spaces may be made available for future uses on the site.

The car parking spaces shall be identified on-site by line marking.

The 28 spaces required for marina users shall not be marked, signposted or otherwise identified as being 'staff only'.

The required disabled car parking spaces shall be clearly marked and signposted for the sole use by disabled persons in accordance with AS2890.6.

All car parking spaces, line marking and signage shall be completed prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first.

17. Bicycle Parking Racks

Secure bicycle parking/storage shall be provided to accommodate 4 bicycles on the site adjacent to the Marina Office entry stairs and shared pedestrian area. The installation and dimensions of the bicycle parking/storage shall be in accordance with the Austroads 'Cycling Aspects of Austroads Guides' and Australian Standard AS2890.3:1993. These works shall be completed prior to the issue of the Final Occupation Certificate.

18. Parking Areas and Access Ways

- (a) All parking areas and access ways shall be designed, constructed, sealed and drained in accordance with the standards nominated in Council's Development Control Plan, Volume 1 and 2 Engineering Guidelines and the Australian Standard 2890.1. All parking areas and access ways, line marking and signage shall be completed prior to the issue of an Occupation Certificate.
- (b) A speed hump shall be provided at the end of the Marina access road, prior to the 'shared pedestrian area'.

19. Lighting

Any lighting shall be installed to ensure minimal glare and light spill onto adjoining properties or roadways. Lighting shall comply with Australian Standard AS4282-1997.

20. External Storage of Products

The external storage or display of any products on the development site is not permitted.

21. Building Waste

Prior to any construction work commencing, containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin.

The enclosure or bin shall be maintained for the term of the construction to the completion of the development.

The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site.

Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment.

22. Site Amenities

Toilet facilities shall be available or provided at the work site before works begin and shall be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an approved on-site effluent disposal system under the Local Government Act 1993, or
- (c) be a temporary chemical closet.

23. Removal, Management and Transportation of Fill

All excavated fill material that is to be removed from the site shall only be distributed to:

- (a) A NSW Office of Environment and Heritage licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer of Council upon request; or
- (b) A site which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer upon request.

All removed excavated material shall be transported and disposed of in accordance with the NSW Office of Environment and Heritage guidelines applicable at the time of removal.

24. Dust Suppression

During the extraction, removal, and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment.

Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council or the Principal Certifying Authority.

25. Dial Before You Dig

Prior to commencement of work, the free national community service “Dial Before You Dig” shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.



26. Noise – Ongoing Operation of Machinery, Plant and Equipment

The Laeq (15 minute) operating noise level of machinery, plant and equipment when measured at the boundary of the nearest residential premises shall comply with either the amenity or intrusiveness criteria calculated in accordance with the NSW Office Environment Protection Authority Industrial Noise Policy. For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined in Chapter 2 of that Policy.

Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, certification from a suitably qualified acoustic consultant shall be submitted to the Principal Certifying Authority, demonstrating compliance with the above.

27. Noise - Construction Sites

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication “Interim Construction Noise Guideline” July 2009.

Approved Construction Times

The approved hours for construction of this development are:

Monday to Friday - 7.00am to 6.00pm.

Saturday – 8am to 1pm.

No construction work shall take place on Sundays or Public Holidays.

Piling works shall only be carried out between 9:00am and 3:00pm Monday to Friday and 9.00am to 1.00pm Saturdays.

Construction Periods in Excess of 26 Weeks

If the construction period is in excess of 26 weeks, a Noise Management Plan (NMP) shall be provided to Council prior to the issue of the first construction certificate. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise (as defined in the *Protection of the Environment Operations Act 1997*) in the neighbouring area. The NMP shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise, noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaints handling system.

Operational times may be amended with the written advice of Council's General Manager or delegate.

28. Noise - Sleep Arousal

The L1 (one minute) operating noise level during night time hours of the premises, when measured at the window of any affected residential dwelling, shall comply with the NSW Environment Protection Authority sleep disturbance criteria, as outlined in the NSW Noise Guide for Local Government.

29. Acoustic Certification

The recommendations contained in the acoustic report prepared by The Acoustic Group project number 44.4732.R3:MSC dated 17th September 2014 shall be incorporated into the design and construction of the development.

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with any acoustic conditions and that no other noise nuisance is created to the neighbourhood.

Upon completion of the works and prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified acoustic consultant certifying that the works have been completed in accordance with their requirements and the development or proposed use is capable of operating in accordance with the design criteria.

At 90 days of operation a suitably qualified acoustic consultant shall test, measure and certify that the development is operating, at that time, in accordance with the approved acoustic report.

30. Construction Site Vibration

Vibration on surrounding land from construction site operations shall comply with the Office of Environment and Heritage (EPA) publication "Assessing Vibration: a technical guideline" February 2006.

31. Bunded Spillage Areas

Chemicals stored in bulk form, or work areas where spillages are likely to occur, shall be bunded in accordance with the *NSW Office of Environment and Heritage (EPA) Protection Manual – "Bunding and Spill Management."*

32. Liquid Gaseous Wastes, Emissions and Odour Control

Emissions shall be responsibly managed at all times, so as not to cause a danger to public health or loss of amenity or damage to the environment.

Any liquid gaseous wastes, emissions or odours shall be controlled and disposed of in accordance with the *NSW Protection of the Environment Operations Act 1997* and *Regulations 1997*, as amended.

Where it is proposed to treat and discharge waters to the Hunter Water Corporations Sewer, formal approval from the Corporation shall be obtained.

33. Emissions

There shall be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development.

34. Segregation of Drainage (fuel dispensing areas)

Prior to the issue of the first construction certificate, details shall be submitted to Council for approval demonstrating the segregation of drainage areas subject to contamination from fuel oil, grease or fuel spills, and the methods for preventing contaminants discharging from the site into the stormwater system. No work shall commence on site until the Council's approval is obtained.

The design and construction of the forecourt dispensing area shall be in accordance with the NSW Office of Environment and Heritage guidelines "Environmental Action for Service Stations - Information Sheet 3 – Forecourt Design, Operation & Maintenance " October 2008, as amended.

35. Excavation – Aboriginal Relics

Should any Aboriginal relics be discovered then all excavations or disturbance to the area shall cease immediately and the NSW Office of Environment and Heritage, shall be informed in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

36. Excavation – Non Indigenous Relics

Should any relics be discovered then all excavations or disturbance to the area shall cease immediately and the Heritage Council of NSW shall be notified in accordance with Section 146 of the *Heritage Act 1977*.

All necessary approvals shall be obtained from the Heritage Council of NSW and copies provided to Council prior to works recommencing.

37. Mine Subsidence

1 Prior to the commencement of detailed design, the Proponent must submit a Mine Subsidence Impact Statement (MSIS) to the satisfaction of the Mine Subsidence Board (MSB), which demonstrates how the impact of mine subsidence will be managed. The MSIS shall identify:

- (a) mine subsidence design parameters adopted;
- (b) the main building elements and finishes

- (c) the outcomes of a mine subsidence risk assessment of building elements;
 - (d) mine subsidence mitigation measures proposed for each building element; and
 - (e) comment on the sensitivity of the design to greater levels of mine subsidence.
- 2 The Proponent shall ensure that on the completion of any structural works, certification by a qualified structural engineer is forwarded to the MSB, that all improvements have been constructed in accordance with plans approved by the MSB.
- 3 Development shall be designed for the following mine subsidence parameters:
 - (a) Development on land below RL 2.0 AHD:
 - (i) maximum vertical subsidence = 50 mm;
 - (ii) maximum ground strains = +/- 1 mm/m;
 - (iii) maximum tilt = 1 mm/m; and
 - (iv) maximum radius of curvature – 10 km
 - (b) Development on land above RL 2.0 AHD:
 - (i) maximum vertical subsidence = 150 mm;
 - (ii) maximum ground strains = +/- 2 mm/m;
 - (iii) maximum tilt = 2 mm/m; and
 - (iv) maximum radius of curvature – 5 km
 - (c) Development over the water including the marina:
 - (i) maximum vertical subsidence = 400 mm;
 - (ii) maximum ground strains = +/- 4 mm/m;
 - (iii) maximum tilt = 7 mm/m; and
 - (iv) maximum radius of curvature – 2.5 km.

38. Marina Car Park Finished Level

The marina car park shall be construction above the 20 year ARI flood level of 1.23m AHD.

39. Bushfire Prone Land

- (a) Landscaping of the site shall comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006; and
- (b) Enhancement of the foreshore vegetation shall not increase the bushfire risk.

40. Shared Pathway, Boardwalk and Accessways – Foreshore Reserve

- (a) Details concerning the construction of a shared pathway through Lots 32 and 34 DP 1117408 shall be provided to and approved by Lake Macquarie City Council prior to the release of the first Construction Certificate.
- (b) Details of the boardwalks and access ways across the foreshore reserve Lot 32 DP 1117408 for access to the proposed marina shall be provided to and approved by Lake Macquarie City Council prior to the release of the first Construction Certificate.

41. Arboriculture and Tree Protection

An appropriately qualified arborist (AQF Level 5) shall compile an arboricultural audit and tree protection plan. The audit and plan shall be lodged with and approved by Lake Macquarie City Council prior to any works commencing (including tree removal or vegetation disturbance) on the site.

The audit and plan shall address:

1. Installation of the 300mm drainage pipe from the car parking area that runs to a stormwater headwall near the waters edge, with backfill cover within the Tree Protection Zone (TPZ) of *Casuarina* species to be retained along the foreshore.

An impact assessment is required for any tree potentially impacted by installation of the 300mm stormwater drainage pipe.
2. Trees to be removed within 'Easement B', and impacts of construction on trees identified for retention in vicinity.
3. Trees to be removed within 'Easement C', and impacts of construction on trees identified for retention in vicinity.
4. Any cut and fill or other retaining works, stormwater drainage/swales, boardwalk or pathway construction works that may impact on established trees located around the periphery of proposal.

42. Cultural Heritage Management Plan and Heritage Interpretation Policy

The Cultural Heritage Management procedures of the approved Cultural Heritage Management Plan and Heritage Interpretation Policy shall be implemented and form part of a revised Construction Environmental Management Plan where applicable for this development stage.

Such Construction Environmental Management Plan conforming to the above shall be lodged with and approved by Lake Macquarie City Council prior to the issue of the first Construction Certificate.

43. Aboriginal Heritage Impact Permits (AHIPs)

Aboriginal Heritage Impact Permits (AHIPs) shall be obtained and supported by the approved Cultural Heritage Management Plan. The AHIP application shall be consistent with the Cultural Heritage Management Plan and the Heritage Interpretation Policy for the entire site.

Required AHIPs shall be obtained prior to the commencement of any works.

44. Interpretation Policy / Interpretation Devices

The installation of heritage interpretation devices in locations as shown on Terras Landscape Plan 10367-5-DA Plan 08 shall occur on completion of all required salvage operations over Lot 31 consistent with Concept Approval 06_0309 and the approved Heritage Interpretation Policy. Prior to installation, detailed drawings or devices and content shall be lodged with and approved by Lake Macquarie City Council.

45. Archival and Photographic Recording

An archival and photographic recording shall be submitted to and approved by Lake Macquarie City Council prior to commencement of any works, inclusive of demolition.

The archival and photographic record of the historic areas of the site shall be prepared in accordance with the NSW Heritage Council Guidelines for Photographic Archival recording in a Digital Capture Format. The recording shall be referenced to a survey plan identifying the locations of all the images.

A final copy of the Record shall be lodged with the Department of Planning and Environment's Heritage Library and the Local Studies Collection of the Lake Macquarie Library.

46. Aquatic Ecology

Aquatic Ecology Monitoring Plan

Aquatic Ecology construction and post construction monitoring details shall form part of a revised Construction Environmental Management Plan that includes the proposed Seagrass Bed Integrity Monitoring and Wrack Movement Monitoring (as recommended by Marine Pollution Research within the Aquatic Ecology Investigation Report).

Such Construction Environmental Management Plan conforming to the above shall be lodged with and approved by Lake Macquarie City Council prior to the issue of the first Construction Certificate.

Seagrass Impact

The applicant shall consult with Department of Primary Industries (Fisheries) to confirm that approval under the Fisheries Management Act 1994 is not required for the development to proceed, with particular regard to loss of seagrass.

47. Landscaping

Landscaping shall be implemented and installed in accordance with the approved landscape plans and documentation as prepared by Terras Landscape Architecture, Revision 'D' dated September 2014.

All landscape works shall be carried out by members of the Landscape Contractors Association of Australia and implemented under the full supervision of the appropriately qualified landscape consultant until the Landscape Compliance Report is received by the Principal Certifying Authority.

Landscaping as proposed as per approved plans must conform to landscaping and typical minimum planting densities 'once mature' comprising shrubs at a minimum 1 plant/m² and groundcovers/low planting at a minimum 2 plants/m² pending species selected within all nominated open areas dedicated to planting.

A hard garden retaining edge (timber or concrete edge) to all garden bed areas adjoining lawn or pathway surfaces shall be implemented and all landscaping to be covered with minimum 75mm mulch to aid plant establishment.

Nominated feature trees as per approved plant schedule shall be planted at minimum 75L pot size.

At the completion of landscape works, the landscape consultant who prepared the documentation shall submit to the Principal Certifying Authority a Landscape Compliance Report prior to Occupation Certificate, that establishes satisfactory completion of the landscaping works approved by this consent. The landscape contractor and landscape design consultant shall ensure relevant witness and hold points are communicated and achieved throughout the

construction phase and shall result in a landscape compliance report to be submitted to the nominated PCA prior to issue of Occupation Certificate.

All landscaping shall be permanently maintained in accordance with Section 2.7.2 of *Lake Macquarie City Council Development Control Plan 1*.

48. Foreshore and Public Domain Works

The applicant shall submit a Landscape and Public Reserve Construction Certificate and associated construction documentation drawings for all landscape and public domain works to be undertaken and to be approved by Council in accordance with the following:

1. The Public Reserve Construction Specification shall be in accordance with the approved development plans.
2. The Public Reserve Construction Specification shall be produced by a consultant that meets the requirements of the Lake Macquarie Development Control Plan 1 and Landscape Design Guidelines.
3. A Consultant's Declaration as detailed in Lake Macquarie Development Control Plan 1 and Landscape Design Guidelines shall be included on all Landscape Construction documentation.
4. The Public Reserve Construction Specification shall be approved by Council prior to issue of the Construction Certificate for public domain works.
5. The Public Reserve Construction Specification shall include a Tree Supply clause that complies with AS2303-2015 'Tree Stock for Landscape Use' for any replacement tree planting pursuant to Concept Approval Term 8.
6. The Public Reserve Construction Specification and associated Documentation shall include the following contact details for Council's Coordinator of Project Management, contactable on 49210333. All public domain works as approved shall be coordinated with Council's Project Manager during the construction period.
7. The Public Reserve Construction Specification shall include the following witness or hold points for the following inspections to be carried out by Council and the consultant Landscape Architect or project Landscape Architect unless otherwise agreed to in writing:

Associated Witness and Hold Points

Planting

- (a) Set out of tree pits 'buffer planting' (witness point).
- (b) Tree delivery prior to installation (hold point).
- (c) Commencement of tree planting (witness point).
- (d) Completion of tree planting (witness point).
- (e) Installation of each layer / horizon of growing medium (witness point).

Hardscaping Works

1. Excavated Footings (hold point)
2. Clarification on site of Set-out points for any piercing/trenching (hold point)

3. Approval from Council Project Officer of nominated excavation set-outs in proximity to buffer vegetation approved for retention in accordance with AS4970-2009 (hold point)
4. Pre pour inspections for pavement and pathways (hold points)
5. Form Work inspection (hold point)
6. Completion of works as approved within the public reserve (witness point)
7. Review of works as executed with nominated Project Landscape Architect and Councils Project Officer prior to completion report sign off (hold point)

The Public Reserve Construction Specification shall include a requirement for the following submissions to be made in a timely manner by the Contractor and/or consultant or project Landscape Architect to Council's Project Manager:

- Batch Certificates for all imported soil in accordance with AS4419 - 2003. Should site soil be utilised for planting purposes, soil testing must be conducted in accordance with AS4419 – 2003. A copy of the results must be provided to Councils Project Officer, where amelioration of the soil is required, evidence of this application must be communicated and will form a hold point.
 - Pre-ordering of plant stock in accordance with the specification.
 - Certification that trees comply with the Tree Supply Specification (as above).
 - Manufacturer's warranty and maintenance information for all proprietary products.
8. The Landscape Consultant that produced the Landscape Construction Plans and Specification shall submit a Landscape Compliance Report to the Principal Certifying Authority/Council that certifies that all landscape works and relevant witness and hold point inspections have been carried out, implemented and maintained in accordance with the construction specification. The Landscape Consultant may delegate production of this report to a local Consultant with equivalent qualifications.
 9. The Landscape Consultant that prepared the Landscape Construction Plans and Specification (or a local Consultant with equivalent qualifications) shall submit two Landscape Maintenance Reports to the Principal Certifying Authority/Council (one at 26 weeks and one at 52 weeks after practical completion) that certify that at 26 and 52 weeks after Practical Completion the approved public reserve works were being satisfactorily maintained.

49. NSW Trade and Investment – Crown Lands

Prior to works commencing all required approvals shall be obtained under the Fisheries Management Act 1994 and the Maritime Services Act 1935.

Work or occupation of the Crown Land shall not commence until current tenure authorisation from NSW Trade and Investment – Crown Lands, is obtained.

Prior to works commencing, a lease for work and occupation of structures located on Crown Land shall be obtained from NSW Trade and Investment – Crown Lands.

50. Environmental Performance Monitoring and Reporting

To ensure satisfactory environmental performance of the marina the applicant shall prepare and submit to Lake Macquarie City Council an environmental monitoring report for the first 5 years from commencement of operation, including:

- Water quality monitoring for years 1 and 2 using the methodology and monitoring locations consistent with those described in section 2.3 of Appendix W of the Environmental Impact Statement Trinity Point Marina 2014, and for comparison with baseline data, including a minimum of 10 samples taken over each 12 month period including wet weather sampling when possible;
- Water quality monitoring for years 3, 4 and 5 using the methodology and monitoring locations consistent with those described in section 2.3 of Appendix W of the Environmental Impact Statement Trinity Point Marina 2014, and for comparison with baseline data, including a minimum of 4 samples taken over each 12 month period including wet weather sampling when possible;
- Sediment sampling and analysis using the methodology and monitoring locations consistent with those described in section 2.4 of Appendix W of the Environmental Impact Statement Trinity Point Marina 2014, and for comparison with baseline data;
- Aquatic ecological surveys for seagrass and saltmarsh using the methodology and monitoring locations consistent with those described in section 2.5 of Appendix H and section 3.6.1 of Appendix K of the Environmental Impact Statement Trinity Point Marina 2014, and for comparison with baseline data;
- Survey of the foreshore to measure foreshore erosion from around the southern corner of the site to the inside of the unnamed inlet using methodology consistent with those described in section 2.6 of Appendix H of the Environmental Impact Statement Trinity Point Marina 2014, and for comparison with baseline data.

Environmental monitoring report shall include an assessment which compares results to the approved Verification of Baseline Data report (RHDHV July 2014, Appendix H to EIS) and addendum 'Baseline Water Quality Monitoring Results - Trinity Point Marina Stage 1 2015' including analysis of observed changes.

51. Concept Approval MP06_0309 MOD 2

The development shall be undertaken in accordance with the Concept Approval MP06_0309 MOD 2. Specifically:

- Stage 1a of the marina shall include sewage pump-out and fuel facilities on a wharf that may be in a temporary location and temporary public berthing for up to two vessels;
- The marina shall provide for vessels up to a maximum of 20 metres in length with up to two vessels between 20-30 metres in length with a maximum draught of 1.9 metres in locations shown in Figure 10b of Site Principle 14. Berthing of 20-30 metre length vessels with a draught in excess of 1.9 metres are permitted in the locations shown in Figure 10b

of Site Principle 14 if it is demonstrated that those vessels can pass safely through the Swansea Channel.

52. Contribution to Provision of Public Amenities and Services (Sec. 94)

(a) In accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and the Lake Macquarie City Council Development Contributions Plan 2012 - Morisset Contributions Catchment, the monetary contributions in the attached Contributions Schedule must be paid to Council for the purposes identified in that Schedule.

(b) From the date this determination is made until payment, the amounts of the contributions payable under the preceding clause will be indexed and adjusted at the close of business on:

- 14 August,
- 14 November,
- 14 February, and
- 14 May;

in each year in accordance with indexation provisions within the Contributions Plan. The first date for indexation will occur on the first abovementioned date after the Notice of Determination becomes effective.

(c) The contributions payable will be the amounts last indexed and adjusted in accordance with Clause (b) above. However, if no amount has been indexed and adjusted because the first date for indexation and adjustment has not arrived, the contributions payable shall be those in clause (a) above.

(d) The contributions shall be paid to Council as follows:

- Development Applications involving subdivision – prior to the release of the Subdivision Certificate;
- Development Applications involving building work – prior to the release of the first Construction Certificate;
- Development Applications involving both subdivision and building work – prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first;
- Development Applications where no Construction Certificate or Subdivision Certificate is required – prior to the commencement of any construction work or prior to any occupation, whichever occurs first;
- Complying Development Certificates - prior to any work authorised by the application or certificate commencing.

It is the professional responsibility of the Principle Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above provisions.

Please note that payments made by cheque or electronic transfer - the release of any documentation will be subject to the clearing of those funds.

Indexation details are available from Council's Community Planning Department.

A copy of the Lake Macquarie City Council Development Contributions Plan 2012 - Morisset Contributions Catchment may be viewed on Council's website, or a copy is available for inspection at the Council's Administrative Building during Council's ordinary office hours at 126-138 Main Road, Speers Point, NSW.

CONTRIBUTION FEE SCHEDULE

DESCRIPTION	FEE AMOUNT
Local Roads - Capital - R004 & R005	\$34,087.20
Local Public Transport Facilities	\$164.30
Plan Preparation & Administration	\$423.95
	TOTAL \$34,675.45