

ATTCHMENT 1: AMENDED RECOMMENDED CONDITIONS OF CONSENT

A. THE DEVELOPMENT

Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:

- (a) Architectural plans:

Drawing Title	Drawing No.	Issue	Prepared by	Date
Site Plan – General Layout	DA-001	E	MFA	1/4/15
Site Plan – Diagram – Levels & Contours	DA-002	C	MFA	1/4/15
Site Plan – Numbers	DA-003	G	MFA	22/4/15
Site – Sections	DA-020	B	MFA	26/3/15
Maritime Building Plans – Levels 1 & 2	DA-100	E	MFA	22/4/15
Maritime Building Plans – Level 3 & Roof	DA-101	D	MFA	22/4/15
Maritime Building Plans – Sub Level Car Park	DA-102	F	MFA	22/4/15
Maritime Building Elevations – Comparisons	DA-115	D	MFA	26/3/15
Maritime Building Elevations – Comparisons	DA-116	D	MFA	26/3/15
Maritime Building Sections	DA-120	C	MFA	26/3/15
Maritime Building Sections – Comparisons	DA-125	D	MFA	26/3/15
Private Marina Clubhouse Floor Plan	DA-200	C	MFA	1/5/15
Private Marina Clubhouse Elevations	DA-210	B	MFA	26/3/15
Private Marina Clubhouse Sections	DA-220	B	MFA	26/3/15

- (b) Environmental Impact Statement prepared by EMM dated 30 July 2015;
- (c) Application clarification letter prepared by EMM dated 22 April 2016;
- (d) Bushfire Assessment prepared by EMM dated 26 October 2015;
- (e) Georges Cove Marina, Moorebank, Preliminary Marina Concept Design and Environmental Assessment – Worley Parsons October 2010;
- (f) Assessment of the Impact of the Proposed Bridge on Flooding in the vicinity of the George's Cove Marina prepared by Cardno dated 23 May 2014;
- (g) Flood Risk Management Report prepared by NPC dated November 2013;
- (h) Flood Impact Assessment Report prepared by Cardno dated 29 January 2013;
- (i) Preliminary Investigation of Contamination prepared by EMM dated 28 July 2015;

- (j) Supplementary Preliminary Investigation prepared by EMM dated 11 March 2016;
- (k) Remediation Action Plan prepared by EMM dated 11 March 2016;
- (l) Terrestrial Ecological Assessment prepared by EMM dated 30 April 2015;
- (m) Flora and Fauna Assessment prepared by Total Earth Care dated 25 October 2011;
- (n) Aquatic Ecology Aspects and Environmental Assessment of Marina Concept Design prepared by Marine Pollution Research Pty Ltd dated 25 June 2010;
- (o) Update of Aquatic Ecology Impact Report for Georges Cove Marina prepared by Marine Pollution Research Pty Ltd dated 17 April 2015;
- (p) Traffic and Parking Assessment prepared by EMM dated 28 July 2015;
- (q) Traffic Signal Warrant Assessment prepared by EMM dated 24 June 2016;**
- (r) Addendum Visual Impact Review prepared by RLA dated 15 April 2015;
- (s) Visual Impact Assessment prepared by RLA dated 22 September 2010;
- (t) Projection Estimates of Plant Heights of Potential Native Vegetation Reconstruction Plantings at Benedict Industries George Cove Marina Site prepared by Ecohort Pty Ltd dated 30 August 2010;
- (u) Noise Impact Assessment prepared by EMM dated 21 July 2015;
- (v) Addendum Air Quality Assessment prepared by Todoroski Air Sciences dated 20 April 2015;
- (w) Air Quality Assessment prepared by Todoroski Air Sciences dated 14 December 2011;
- (x) Aboriginal Heritage Assessment prepared by EMM dated 10 April 2015;
- (y) Aboriginal Archeaology Assessment prepared by Mary Dallas Consulting Archaeologists dated 1 October 2004;
- (z) Addendum Non-indigenous Heritage Assessment prepared by EMM dated 7 May 2015;
- (aa) Non-indigenous Heritage Assessment prepared by Heritech Consulting dated 1 May 2003;
- (bb) Acid Sulfate Soil Management Plan for Georges Cove Marina;
- (cc) Waste Management Plan for Georges Cove Marina.
- (dd) Navigation Assessment prepared by EMM dated 29 April 2016

except where modified by the undermentioned conditions.

General Terms of Approval

2. All General Terms of Approval shall be complied with prior, during, and at the completion of construction and if required during the operation of the marina as required in accordance

with the General Terms of Approval. A copy of the General Terms of Approval are attached to this decision notice and include:

- (a) Department of Primary Industries – Water – *Water Management Act 2000* dated 29 October 2015;
- (b) Department of Primary Industries – NSW Fisheries – *Fisheries Management Act 1994* dated 7 September 2015;
- (c) Environmental Protection Authority – *Protection of the Environment Operations Act 1997*, dated 15 July 2016;
- (d) NSW Rural Fire Service – *Rural Fires Act 1997* dated 7 March 2016
- (e) Roads and Maritime Service - *State Environmental Planning Policy (Infrastructure) 2007*.

Works at no cost to Council

- 3. All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of a Construction Certificate by the Principal Certifying Authority:

Voluntary Planning Agreement

- 4. Any monetary contributions payable, any actions or works to be undertaken, or any other requirements of the VPA are to be in accordance with the executed Voluntary Planning Agreement applying to this site.

Provision of Services

- 5. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the “building and developing” section of Sydney Water’s web site at www.sydneywater.com.au, or telephone 13 20 92.

The Water Servicing Coordinator will need to ensure that submitted infrastructure designs are sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

Following receipt of the application, a ‘Notice of Requirements’ will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the ‘Notice of Requirements’ must be submitted to the PCA.

- 6. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.

7. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
- The requirements of the Telecommunications Act 1997:
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Fee Payments

8. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
- (c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

Site Development Work

9. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.
10. All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
- (a) Complying with the Deemed to Satisfy Provisions; or
 - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

Notification

11. The certifying authority must advise Council, in writing of:

- (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

Fire Safety Measures

- 12. A schedule specifying all of the essential fire safety services, both existing and proposed, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.

S138 Roads Act –Minor works in the public road

- 13. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications.

Note:

- 1. Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

Retaining walls on boundary

- 14. All retaining walls shall be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

Details of all retaining walls shall be approved by Council's Manager Development Engineering prior to the issue of any construction certificate.

s138 Roads Act – roadworks requiring approval of civil drawings

- 15. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council (being the Roads Authority under the Roads Act), for provision of road and drainage in Brickmakers Drive and Newbridge Road.

Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

Note:

1. Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

Construction Certificate – All works

16. Prior to the issue of a Construction Certificate for all works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s and that all works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

The works may include but are not limited to the following:

- Public and private roads
- Stormwater drainage including water quantity and quality treatment measures
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flowpaths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

Road Design

17. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria: add table

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	ESA
New road	20	13	3.5	1.5	2x10 ⁶

Road Safety Audit

18. A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the Construction Certificate or Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.

Stormwater Concept Plan

19. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by MFA Pty Ltd, reference number 0914, Revision E dated 1 April 2015.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

Water Quality

20. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The Construction Certificate must be supported by:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

21. Erosion and sediment control measures shall be designed in accordance with the requirements of Liverpool DCP and Council specifications, and to the satisfaction of the PCA. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the PCA.

Access, Car Parking and Manoeuvring – general

22. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

Foreshore Protection Works

23. Any Construction Certificate that is issued must include but is not limited to all foreshore works including rock work, bank stabilisation works and revegetation works in accordance with approved DA plans and associated construction specifications.

Brickmakers Drive / Link Road intersection upgrade plan

24. The developer is to submit concept plans of an ultimate traffic control signal and associated interim unsignalised channelised treatment at the intersection of Brickmakers Drive and the

proposed new link road to the Marina development to Council for approval of the intersection treatment.

The concept plans are to be based on the SIDRA intersection performance analysis for the full development of the Marina and adjoining urban development.

The channelised intersection treatment should show required signs and line marking, and details of required conduits, ducts and cabling for the future traffic control signals.

The concept plan of the ultimate traffic control signal, is to be submitted to the RMS for their in-principal approval to the proposed traffic signals.

Traffic

25. The developer is to submit a concept design of a roundabout, at the intersection of the proposed new link road and the proposed north-south access road, prepared in accordance with Austroads and RMS Guidelines, showing signs, line marking and swept path analysis of the longest vehicle to service the development, or 12.5m whichever is the longest, to Council's Traffic and Transport Unit for approval.
26. The developer is to submit a concept design of the marina access road, prepared in accordance with the Liverpool Development Control Plan, to Council's Manager Development Engineering's for approval.
27. A Construction traffic management plan is to be submitted for Council's endorsement. Works within the road reserve shall not commence until the traffic management plan has been endorsed. The traffic management plan is to be prepared by an accredited designer and a copy of endorsed plan should be available at the worksite at all times.
28. The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.
29. A detailed car park plan is to be prepared for review by Council's Traffic and Transport Unit in accordance with AS 2890 parts 1, 2 and 6.
30. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.

Flooding

31. DA documentation shall include "Flood Impact Assessment for the proposed Georges Cove Marina, Moorebank" by Cardno (NSW/ACT) Pty Ltd, Ref: NA49913037-L02:BCP/bcp, dated: 29 January 2013; "Georges Cove Marina Flood Risk Management" by National Project Consultants (NPC), dated: November 2013 and Assessment of the Impact of the Proposed Bridge on Flooding in the Vicinity of the Georges Cove Marina, Moorebank, Cardno, Ref : NA49913037:BCP/bcp, dated: 23 May 2014.
32. The development of the proposed marina shall be undertaken as indicated in the flood impact assessment report (Flood Impact Assessment for the proposed Georges Cove Marina, Moorebank, Cardno, Ref: NA49913037-L02:BCP/bcp, dated: 29 January 2013) and drawings by Micheal Fountain Architects Pty Ltd (Site – Plan, General Layout, Job No. 0914,

Drawing No. DA-001, Issue E, dated: 01 April 2015 and accompanying plans, elevations and sections approved under this application).

33. There shall be no net loss of floodplain storage volume below the 1% AEP flood. An additional flood storage volume of 4780 cum shall be compensated within the proposed marina site or adjacent to the proposed bridge connecting Brickmakers Drive and the marina site as indicated in the drawing by Micheal Fountain Architects Pty Ltd (Site – Plan, General Layout, Job No. 0914, Drawing No. DA-001, Issue E, dated: 01 April 2015) and flood impact assessment report of proposed bridge connecting Brickmakers Drive and the Benedict site (Assessment of the Impact of the Proposed Bridge on Flooding in the Vicinity of the Georges Cove Marina, Moorebank, Cardno, Ref : NA49913037:BCP/bcp, dated: 23 May 2014).
34. The eastern and western walls of the Maritime Building shall remain open below the 1% AEP flood plus half a metre freeboard (i.e. 5.6m + 0.5m = 6.1m Australian Height Datum) down to 4.6m AHD to provide free and unobstructed flow of flood waters at all times as required by the Flood Impact Assessment for the proposed Georges Cove Marina, Moorebank by Cardno (NSW/ACT) Pty Ltd, Ref NA49913037-L02: BCP/bcp, dated 29 January 2013.
35. Any types of screen or façade or fencing shall not be allowed to be erected below the 1% AEP flood plus half a metre freeboard (i.e. 5.6m + 0.5m = 6.1m Australian Height Datum) on the eastern and western boundaries.
36. All Maritime Building floor levels shall be no less than those indicated in the drawing by Micheal Fountain Architects Pty Ltd (Maritime Building Sections, Job No. 0914, Drawing No. DA-120, Issue C, dated: 27 November 2009) and all Private Marina Clubhouse floor levels shall be no less than those indicated in the drawing by Micheal Fountain Architects Pty Ltd (Private Marina Clubhouse Sections Job No., Drawing No. DA-220, Issue B, dated 28 April 2010).
37. The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard (i.e. 5.6m + 0.5m = 6.1m Australian Height Datum).
38. An engineers report shall be required to certify that the structure can withstand the forces of floodwater including debris and buoyancy up to and including a 1% AEP flood plus half a metre freeboard (i.e. 5.6m + 0.5m = 6.1m Australian Height Datum).
39. The car parks shall have suitable warning system, signage and exits to ensure safe evacuation during flooding.
40. Barriers shall be provided to the car parking site to prevent floating vehicles from leaving the site during a flood event. The barriers shall be designed with large openings only to hold the cars from floating without providing obstruction to flood waters.
41. Reliable access for pedestrians or vehicles shall be provided from the lowest floor level to a location above the Probable Maximum Flood.

Recommendations of Acoustic Report

42. The recommendations provided in the approved acoustic report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.
43. Prior to Issue of Construction Certificate, detailed specifications, floor and section plans for the Marina comprising the mechanical workshop, wash bays, holding tanks and fuel

dispensing facilities shall be submitted to Liverpool City Council and the Principal Certifying Authority for review and approval. The plans to be submitted with the application for the Construction Certificate shall include design certification by a suitably qualified and experienced person to verify compliance with the following legislation and standards:

- The Protection of the Environment Operations Act 1997 and Regulations;
- Department of Environment and Climate Change NSW (now Office of Environment and Heritage) guidelines titled 'Environmental Action for Marinas, Boatsheds and Slipways' (DECC 2007/108) dated June 2007 and any subsequent revision approved by the NSW Environment Protection Authority (EPA);
- Australian Standard (AS) 3962-2001 Guidelines for Design of Marinas;
- Australian Standard (AS) 1940-2004: The storage and handling of flammable and combustible liquids;
- Australian Standard (AS) 1657-2013 Fixed platforms, walkways, stairways and ladders – Design, construction and installation.
- Australian Standard (AS) 1692-2006 Steel tanks for flammable and combustible liquids; and/or
- Australian Standard (AS) 4897-2008: Design, Installation and Operation of Underground Petroleum Storage Tanks

The plans to be submitted with the application for the Construction Certificate shall also make provision for the following:

- Trafficable bunds installed at the entry and exits of the maintenance workshop, storage facilities, fuel storage and dispensing facilities and wash bays for vehicles, boats, garbage bins and equipment;
- All work and storage areas where spillage may occur shall be bunded. The capacity of the bunded area shall be calculated as being equal to 110% of the largest storage or process vessel/container in the area or 10% of the total volume of vessels/containers accommodated in the area, whichever is the greater.
- The roof covering the fuel storage and dispensing facilities, maintenance workshop, storage facilities and wash bays for vehicles, boats, garbage bins and equipment shall contain an overhang of at least 10° to prevent rainwater intrusion. Uncontaminated rainwater shall be directed from the canopy and other roofed areas into stormwater drains;
- The location of spill kits, stormwater pits and stormwater drainage infrastructure;
- Fuel deliveries shall be conducted within the forecourt containment area or in an area with separate bunding;
- The location of the oil/water separator or pre-treatment device for the maintenance workshop, storage facilities and wash bays and their connection to Sydney Water's sewer in accordance with a Trade Waste Agreement;
- The garbage/waste storage area shall be clearly identified on the site plan and be located within the proposed building. The designated garbage/waste storage area shall comply with the following requirements:
 - The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor;
 - The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and

- The door to the room must be tight-fitting and self-closing

C. PRIOR TO WORKS COMMENCING

The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:

Construction Certificates

44. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the Act, and a copy registered with Council.
45. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
46. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.
47. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works ie., a separate Civil Engineering CC and a separate Building CC.

Notification/Principal Certifying Authority

48. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
49. The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.

Facilities

50. Toilet facilities must be available or provided at the work site and must 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 on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

Site Facilities

51. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Site Notice Board

52. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
- (a) The name, address and telephone number of the principal certifying authority for the work; and
 - (b) 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) Unauthorised entry to the premises is prohibited.

Notification of Service Providers

53. The approved development must be approved through the 'Sydney Water Tap in' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website www.sydneywater.com.au for more information.

“DIAL BEFORE YOU DIG”

54. Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Reports

55. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.

Food Premises – Restaurant/Take-Away/Bakery

56. Plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by the PCA:
- (a) all proposed, altered and required mechanical ventilation systems (Building Code of Australia & Australian Standard 1668 Part 1 & 2)
 - (b) the commercial garbage and recycling storage room (Liverpool DCP 2008)
 - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all preparation, storage areas and cool rooms (AS4674, the Food Act 2003 and Regulations thereunder).

Waste Classification

57. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act and NSW DECCW, (EPA)

'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non liquid waste advice should be sought from the DECCW (EPA).

Sediment & Erosion Control

58. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

Traffic Control

59. Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

Dilapidation Report

60. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Brickmakers Drive is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 50m either side of the intersection of Brickmakers Drive and the access road.
61. Work on the development shall not commence until:
- a Construction Certificate (if required) has been issued,
 - a Principal Certifying Authority has been appointed for the project, and
 - any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement is to be submitted to Liverpool City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

62. Prior to the commencement of construction works, a Scheduled Development Works licence shall be issued by the NSW Environment Protection Authority under the Protection

of the Environment Operations Act 1997, to ensure that potential emission sources (including discharges to water) are adequately controlled.

63. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from Department of Primary Industries Water.

D. DURING CONSTRUCTION

The following conditions are to be complied with or addressed during construction:

64. In the case of a class 5, 6, 7, 8 or 9 building, critical stage inspections must be carried out by the appropriate person in accordance with EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:
- (a) after excavation for, and before the placement of, any footings, and
 - (b) prior to covering any stormwater drainage connections; and
 - (c) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: These certificates or documentary evidence must be submitted to Council with any OC issued for the development

Identification Survey Report

65. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

Hours of Construction Work and Deliveries

66. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Security Fence

67. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

Disabled Access

68. Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of the National Construction Code.

General Site Works

69. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
70. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

Erosion and Sediment Control

71. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

Street Lighting

72. Street lighting is to be provided for all new and existing streets within the proposed subdivision to Liverpool City Council's standards.

The developer shall submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads dedicated to Council. A street lighting design plan must be prepared by an accredited service provider for approval prior to construction. All street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

All cost associated with the installation of street lighting shall be borne by the developer.

Drainage Connection

73. Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

Major Filling / Earthworks

74. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

Car Parking Areas

75. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

76. Directional signage indicating the location of customer parking, “in” and “out” crossings and directional arrows are to be provided in accordance with the approved plans.

Traffic Management

77. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Interim Guide to Signs and Markings.
78. If a works zone is required, an application must be made to Council’s Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
79. Notice must be given to Council’s Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
80. Applications must be made to Council’s Transport Planning section and referred to RMS as appropriate for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.
81. The approved interim intersection treatment with Brickmakers Drive is to be constructed in accordance with Council’s approval and the RMS in-principal approved traffic signal plan including providing conduits, ducts and cabling.
82. An endorsed construction traffic management plan is to be implemented.

Waste Management Plan

83. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

Aboriginal Relics / Artefacts

84. If any Aboriginal relics/artefacts are uncovered during the course of any construction works including demolition, work within 5m of the suspected Aboriginal relics/artefacts is to cease immediately. Government agencies shall be contacted and no further work shall be undertaken until relevant assessments/approvals/ salvage excavation has been undertaken and permission is given by the relevant authorities to re commence works.

Acid Sulfate Soils

85. The excavation and treatment of all potential and actual acid sulfate soils shall be carried out in strict accordance with the provisions of the approved Acid Sulfate Soils Management Plan prepared for the site.

Contamination

86. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
87. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
- (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;
 - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
 - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.
88. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
- (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
 - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
 - (c) The results of any chemical testing of fill material.

Site Remediation Works

89. Remediation and validation works must be carried out in accordance with remediation plan identified in Condition 1. Any variation to the proposed remediation works must be approved in writing by Council or the PCA prior to the commencement of these works. The applicant must inform Council or the PCA in writing of any proposed variation to the remediation works. Council or the PCA must approve these variations in writing prior to commencement of works approved under the development consent.
90. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Air Quality

91. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
92. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
93. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.
94. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

Water Quality

95. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

Pollution Control

96. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
97. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Ventilation

98. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2)
99. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.
100. The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

Food Premises

101. The construction, fitout and finishes of the premises shall comply with the AS 4674, Food Act 2003 and Regulations and the requirements of Attachment A, Points 1,2,3,4,5,6,7,9,10,11,12,13,14,15,16,17.

102. The Construction Environmental Management Plan and Construction Noise Management Plan approved by the NSW Environment Protection Authority shall be complied with at all times during construction of the Georges Cove Marina.
103. Construction noise shall not exceed the management levels defined within the Noise Impact Assessment (Report_J14149RP2, Version V1 Final) prepared by EMGA Mitchell McLennan Pty Limited dated 21 July 2015 and the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009;
104. Applicant must ensure that the following is available for the life of the Development:
 - (a) a postal address to which written complaints may be sent;
 - (b) an email address to which electronic complaints may be transmitted; and
 - (c) a telephone contact line to enable complaints associated with the Development to be registered by the community.
105. A Complaints Handling Register shall be maintained for the duration of construction works at the subject premises. The Complaints Register is to be kept by the Site Manager or other suitable staff members and is to include the following:
 - (a) the date and time, where relevant, of the complaint;
 - (b) the means by which the complaint was made (telephone, mail or email);
 - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - (d) the nature of the complaint;
 - (e) any action(s) taken in response to the complaint, including any follow-up contact with the complainant; and
 - (f) if no action was taken in relation to the complaint, the reason(s) why no action was taken.
 - (g) allocate an individual "complaint number" to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:

Certificates

106. The premises must not be utilised until an Occupation Certificate is issued by the PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
107. The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.
108. All required Compliances Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.

109. A final fire or interim safety certificate is to be attached to any OC, except in the case of a Class 1a or Class 10 building(s). This must include all the “essential fire services” installed in the building.
110. Should the construction of the development (bulkheads etc) reveal that the smoke alarms cannot operate effectively, additional smoke alarms may be required to be installed in order that the alarms effectively protect the occupants of the building in accordance with the provisions of National Construction Code Part 3.7.2.

Bridge and Road Access

111. Prior to occupation or use of the site, or the issue of any Occupation Certificate, the bridge crossing to Brickmakers Drive, the link road from Brickmakers Drive to the marina carpark (known as the Marina access road), the upgrade to the Brickmakers Drive / Link Rd intersection and the roundabout at the Marina access road / proposed north-south access road must be completed and dedicated to Council as public road and be opened to the public for vehicular access. All works must be to the satisfaction of the Council and in accordance with Council's design and construction specifications
112. All engineering works including car parking must be completed to Council's satisfaction.
113. Prior to the issue of any occupation certificate, a bond to fund traffic signals at the Brickmakers Drive / Link Road intersection is to be entered into with Council. This bond will be prepared by Council at the applicant's expense and will provide security for the installation of traffic signals at this intersection.

Landscaping

114. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

Recommendations of Acoustic Report

115. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:
 - (a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and that all recommendations have been adopted.

Air Conditioners

116. If a water cooling system is to be installed at the subject premises.

All air handling, evaporative cooling, humidifying, warm water and water cooling systems installed on the premises shall comply with the Public Health Act 2010 and Public Health Regulation 2012, in accordance with the following:

- (a) All water cooling and warm water systems shall be designed, constructed and installed in accordance with AS 3666.1:2011, the Public Health Act 2010 and Public Health Regulation 2012 before being commissioned.
- (b) All cooling towers and warm water systems shall be operated and maintained in accordance with AS 3666.2:2011, (or AS 3666.3:2011 subject to prior notification to Council) the Public Health Act 2010, and Public Health Regulation 2012.
- (c) A true copy of the annual certificate as stipulated in Clause 10 of the Public Health

Regulation 2012 that certifies the effectiveness of the process of disinfection used for the water cooling system, shall be submitted to Council prior to the period ending 30 June each year.

- (d) The owner or occupier of the building shall be advised of the need to register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the Public Health Act, 1991 and Regulation thereunder. Registration forms are available from Council.

Site Contamination Validation Report

117. After completion of remedial works in accordance with the approved Remediation Action Plan titled 'Remediation Action Plan Proposed Georges Cove Marina Prepared for Benedict Industries Pty Ltd (Report J14149RP1, Version V2, Final) by EMM Consulting dated 11 March 2016' and prior to the commencement of works associated with the built form of the development (excluding building work directly related to remediation), a copy of the Validation Report shall be submitted to the PCA and Liverpool City Council. This Report shall be prepared in accordance with guidelines made and approved by the NSW EPA under the Contaminated Land Management Act 1997 and must:

- (a) describe and document all works performed;
- (b) include results of validation testing and monitoring;
- (c) include validation results of any fill imported on to the site;
- (d) outline how all agreed clean-up criteria and relevant regulations have been complied with; and
- (e) include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants'.

Site Audit Statement and Report

118. Prior to the commencement of works associated with the built form of the development (excluding building work directly related to remediation), a Site Audit Report and Site Audit Statement shall be prepared by a NSW EPA accredited Site Auditor in accordance with the Contaminated Land Management Act 1997 and approved Guidelines made thereunder including the 'Guidelines for the NSW Site Auditor Scheme (2nd Edition) published by the Department of Environment and Conservation NSW dated April 2006.

The Site Audit Report and Site Audit Statement shall be submitted to Liverpool City Council, Principal Certifying Authority and Appropriate Regulatory Authority for review and approval. The Site Audit Report and Site Audit Statement must verify compliance with the approved Remediation Action Plan titled 'Remediation Action Plan Proposed Georges Cove Marina Prepared for Benedict Industries Pty Ltd (Report J14149RP1, Version V2, Final) by EMM Consulting dated 11 March 2016' and confirm the suitability of the: remedial action; validation methods; and long-term management plan for the site. Conditions on the Site Audit Statement shall form part of the consent'.

Note:

The terms "Site Audit Statement", "Site Audit Report" and "Remediation Action Plan" are defined as follows:

The '**approved Remediation Action Plan**' refers to the 'Remediation Action Plan Proposed Georges Cove Marina Prepared for Benedict Industries Pty Ltd (Report J14149RP1, Version V2, Final) by EMM Consulting dated 11 March 2016.

The **Site Assessment and Audit** process are defined within the guidelines made and approved by the NSW EPA under the Contaminated Land Management Act 1997 comprising the 'Guidelines for the NSW Site Auditor Scheme (2nd Edition) published by the

Department of Environment and Conservation NSW dated April 2006. Due to the complexity of the proposal, it is necessary for the contaminated land consultant's assessment, remediation and validation plans or reports to be reviewed by an accredited Site Auditor.

The Guidelines approved under the Contaminated Land Management Act 1997 state that the material outcomes of a site audit are a '**Site Audit Report**' and '**Site Audit Statement**'. Section 3 of the 'Guidelines for the NSW Site Auditor Scheme (2nd Edition) published by the Department of Environment and Conservation NSW dated April 2006' outline the requirements of the 'Site Audit Report' and 'Site Audit Statement'.

Food Premises – Restaurant

119. Council's Health & Building section shall be notified in writing that the premises will be used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's database.
120. Trading shall not commence until an OC has been issued by the PCA.
121. A Trade Waste application shall be submitted and approved by the Sydney Water Corporation regarding the installation of proposed pre-treatment equipment, eg basket and grease arrestors. A copy of the plumber's certificate of compliance for the installation of pre-treatment equipment, and of the Trade Waste Agreement, shall be furnished to the PCA.
122. Certificates of design compliance and system performance for the proposed mechanical ventilation system shall be provided to the PCA, certifying the design, and upon commissioning of the mechanical ventilation system(s), certifying performance. The certificate of performance shall be issued to the certifying authority and be accompanied by details of the test carried out in respect of: -
 - (a) Ventilation
 - (b) Acoustics
123. All waste water, chemicals, solvents, oils, fluids or the like shall not be discharged into Council's stormwater drain or creeks. A trade waste contract shall be obtained by Sydney Water. All liquid waste shall be discharged into the sewer in accordance with Sydney Water requirements.

Flooding

124. A flood emergency response plan shall be developed and maintained in consultation with the SES for the entire Georges Cove Marina site (in agreement with the NPC letter reports dated 10 April 2014 and 25 November 2013). The flood emergency response plan shall include a suitable flood warning system that has specific evacuation triggers and communication mechanisms for emergency evacuation of all areas, signage and exits to ensure the fail safe evacuation of people during floods up to and including the Probable Maximum Flood. The flood warning system shall include the following:
 - Water level monitoring system at Georges River to monitor overtopping of river banks near the Marina site.
 - Suitable arrangements to alert all occupants of the entire Marina site.
 - Necessary arrangement for site evacuation before the Marina site becomes fully isolated by floodwaters.

The flood warning system shall be put in operation prior to, during and after a flood to manage activities at Georges Cove Marina, including evacuation arrangements for all occupants of Georges Cove Marina.

Roads Act / Local Government Act

125. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

Works as executed - General

126. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

Stormwater Compliance

127. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- a) Stormwater pre-treatment system/s
- b) Overland flowpath works

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

Rectification of Damage

128. Prior to the issue of an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within Brickmakers Drive will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Line marking & Signage

129. Prior to the issue of an Occupation Certificate and installation of regulatory / advisory line marking and signage, plans are to be lodged with Liverpool City Council and approved by the Local Traffic Committee.

1. Allow eight (8) weeks for approval by the Local Traffic Committee.

Maintenance bond

130. Prior to the issue of an Occupation Certificate a maintenance bond is to be lodged with Liverpool City Council for road and drainage works.

The value of the bond shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

Compliance Documentation

131. Prior to the issue of an Occupation Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:
- a) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
 - b) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council.
 - c) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
 - d) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.
 - e) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regrading.
 - Soil classification for all residential lots
 - Statement of Compliance
 - f) Structural Engineer's construction certification of all structures

Service Providers

132. Written evidence (Section 73 Certificate) is to be submitted to the PCA prior to the issue of the subdivision certificate.
133. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
134. Compliance Certificate for the development from an approved local telecommunications carrier shall be submitted to Council.

Boating Management Plan

135. A Boating Management Plan shall be submitted to, and approved by NSW Maritime and shall address, but not be limited to:
- (a) Internal speed limits within the marina basin;
 - (b) Identification of laneways for navigation throughout marina basin with respect to type of size of watercraft; and
 - (c) Identify appropriate means of access/egress from the marina basin to the Georges River as well as speed and the like.

Mechanical Plant and Equipment

136. The public address system, mechanical plant and equipment shall be selected in consultation with a suitably qualified and experienced acoustic consultant in accordance with the recommendations of Noise Impact Assessment (Report_J14149RP2, Version V1 Final) prepared by EMGA Mitchell McLennan Pty Limited dated 21 July 2015.

Operational Environmental Management Plan

137. Prior to the issue of an Occupation Certificate, an Operational Environmental Management Plan (OEMP) shall be prepared by a suitably qualified and experienced environmental consultant. The OEMP shall provide a comprehensive and complete action and implementation plan to mitigate environmental impacts that may arise during operation of the Georges Cove Marina. The Plan shall address means by which the commitment in the Environmental Impact Statement, environmental assessment reports and approval/Environment Protection Licence will be fully implemented.

The OEMP shall also provide a framework for managing and mitigating environmental impacts for the life of the development and make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures. Suitable management and control measures are to be included within the Plan to prevent adverse impacts on the environment. As a minimum, the EMP shall:

- a) Provide the strategic context for the management of the development;
- b) Identify all the statutory requirements of the development and any specific environmental standards;
- c) Impose mitigation measures for daily operations and management of the fuel storage and dispensing facilities (including any policies, procedures and staff training).
- d) Detail mitigation measures to minimise acoustic impacts (Noise Management Plan);
- e) Specify mitigation requirements to maintain air quality (Air Quality Management Plan);
- f) Outline mitigation measures to maintain water quality (Groundwater/Surface Water Management Plan);
- g) Address sediment and erosion control during operation; and
- h) Include community consultation and complaints management procedures.

A copy of the Operational Environmental Management Plan shall be submitted to Liverpool City Council, Principal Certifying Authority and Appropriate Regulatory Authority for review and approval prior to the issue of the Occupation Certificate.

Environmental Monitoring Program

138. An Environmental Monitoring Program shall form part of the Operational Environmental Management Plan. The Environmental Monitoring Program shall be prepared by a suitably qualified and experienced environmental consultant to evaluate the adequacy of adopted site operation, water management and pollution mitigation measures at the Georges Cove Marina.

The Program shall outline sample site selection, frequency of sampling, sample collection methods, analytes and sampling personnel. It shall also address any monitoring requirements contained within the conditions of consent and/or Environment Protection Licence. A copy of the Environmental Monitoring Program shall be forwarded to Liverpool City Council, Principal Certifying Authority and Appropriate Regulatory Authority for review and approval prior to the issue of the Occupation Certificate.

139. Prior to issue of the Occupation Certificate, a Compliance Certificate prepared by a suitably qualified and experienced environmental consultant shall be submitted to Liverpool City

Council certifying that all components of the development comply with the approved Operational Environmental Management Plan and that all recommendations have been adopted.

140. Prior to issue of the Occupation Certificate, documentation prepared by a suitably qualified and experienced person shall be submitted to Liverpool City Council, Principal Certifying Authority and Appropriate Regulatory Authority certifying that:
- The Marina comprising the fuel storage and dispensing facilities was designed, installed and constructed in accordance with appropriate legislative requirements and standards including but not limited to:
 - The Protection of the Environment Operations Act 1997 and Regulations;
 - Department of Environment and Climate Change NSW (now Office of Environment and Heritage) guidelines titled 'Environmental Action for Marinas, Boatsheds and Slipways' (DECC 2007/108) dated June 2007 and any subsequent revision approved by the NSW Environment Protection Authority (EPA);
 - Australian Standard (AS) 3962-2001 Guidelines for Design of Marinas;
 - Australian Standard (AS) 1940-2004: The storage and handling of flammable and combustible liquids;
 - Australian Standard (AS) 1657-2013 Fixed platforms, walkways, stairways and ladders – Design, construction and installation.
 - Australian Standard (AS) 1692-2006 Steel tanks for flammable and combustible liquids; and/or
 - Australian Standard (AS) 4897-2008: Design, Installation and Operation of Underground Petroleum Storage Tanks

Sydney Water Approval

141. Prior to the issue of an Occupation Certificate (Interim or Final), submit to Liverpool City Council written evidence from Sydney Water stating that they agree to accept the following:
- a) Waste liquids and solids being discharged into the sewer.
 - b) Waste from the proposed pre-treatment facilities being discharged to sewer.

General Terms of Approval

142. Any applicable requirements stipulates in the General Terms of Approval issued for the application are to be addressed and confirmed to the relevant authority.
143. Confirmation must be provided to the PCA that any monetary contributions payable, any actions or works to be undertaken, or any other requirements of the VPA have been undertaken in accordance with the executed Voluntary Planning Agreement applying to this site.

F. CONDITIONS RELATING TO USE

The following conditions relate to the ongoing use of the premises:

Goods in Building

144. All materials and goods associated with the use shall be contained within the building at all times.

Graffiti

145. Any graffiti carried out on the property shall be removed, within 48 hours, at full cost to the owner/occupier of the site.

Waste

146. All solid and liquid waste is to be removed from the site by a registered waste contractor.
147. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
148. All solid waste stored on site is to be covered at all times.

Waste Storage Area

149. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
150. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
151. Any bin bays must be:
- a) Provided with mechanical ventilation;
 - b) Provided with a hose cock for hosing the garbage bin bay and a sewerage drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
 - c) Provided with sufficient light to permit usage at night;
 - d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
 - e) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - f) Garbage is to be placed wholly within the garbage bins provided;
 - g) Only recyclable materials accepted by Council are to be placed within the recycling bins;
 - h) The area is to be kept tidy;

Car Parking/Loading

152. The car park and associated signage and line marking are to be maintained to Council's satisfaction.

Advertising

153. A separate Development Application shall be lodged for any signage in association with the development.

Hours of Operation

154. The hours of operation of the premises are limited to:

7.00 am to 10.00 pm Monday to Sunday with the exception of the private marina

clubhouse, marina function centre and associated venues which are permitted to operate between 7.00am to 12.00 midnight, Monday to Sunday.

Maintenance of watercraft on the premises must only take place between 7.00am to 10.00pm Monday to Saturday and 8.00am to 10.00pm Sunday and Public Holidays.

The premises may operate on public holidays between the hours specified for Sundays.

Delivery Hours and Vehicles

155. Delivery and service vehicles are limited to the following hours of operation:

*7.00am to 10.00pm Monday to Saturday; and
8.00am to 10.00 pm on Sundays and Public Holidays*

Environment Protection License

156. The facility shall operate in accordance with the Environment Protection License issued by the NSW Environment Protection Authority.

Environmental Audit

157. Within twelve (12) months of the commencement of operations, and every three (3) years thereafter unless Liverpool City Council directs otherwise, the operator shall at its own expense commission an independent Environmental Audit of the project. This audit must:
- a) Be carried out by a suitably qualified, experienced and independent audit team;
 - b) Be consistent with guidelines and standards relating to principles of environmental auditing including but not limited to ISO 19011:2011 – Guidelines for Auditing Management Systems / AS/NZS ISO 19011:2014 Guidelines for auditing management systems;
 - c) Include consultation with Liverpool City Council and the Appropriate Regulatory Authority;
 - d) Assess whether the project is complying with the approved Environmental Management Plan, conditions of both this consent and any licence issued by any other Authority;
 - e) Assess whether the project is being carried out in accordance with industry best practice; and
 - f) Recommend measures or actions to improve the environmental performance of the project.

Within three months of commissioning this audit, the proponent shall submit a copy of the audit to Liverpool City Council and relevant authorities, with a response to any recommendations contained within the audit report. The operator shall comply with any reasonable requests of Council in respect to the implementation of any measures arising from the audit, within such time as Council may agree.

Following each Independent Environmental Audit, the proponent shall review and if necessary revise the Environmental Management Plan (and any other plans/strategies required under this approval) to the satisfaction of Liverpool City Council. The revised Environmental Management Plan and other plans/strategies must be submitted to Liverpool City Council within three months of submitting the audit report.

Acoustic Report

158. An acoustic report shall be prepared by a suitably qualified and experienced acoustic consultant and be submitted to Council for its assessment and approval within three (3)

months of occupation/completion of the development. The report shall include but not be limited to the following information:

- a) Noise measurements taken at the nearest noise sensitive locations as indicated in the Noise Impact Assessment (Report_J14149RP2, Version V1 Final) prepared by EMGA Mitchell McLennan Pty Limited dated 21 July 2015;
- b) Verification that noise levels at the nearest potentially affected receiver comply with all relevant assessment criteria detailed in the abovementioned report;
- c) All complaints received from local residents in relation to the operation of the premises/development; and
- d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

Following written approval from Liverpool City Council, any recommendations provided under point d) above shall be implemented fully.

- 159. The operation of the Georges Cove Marina shall comply with the approved Operational Environmental Management Plan and Pollution Incident Response Management Plan at all times.
- 160. The unloading and loading of all boats, trailers, goods and materials used in conjunction with the development must take place only on the subject site.
- 161. The wheels of all vehicles leaving the site are to be clean and free of dust, dirt and mud.
- 162. A Complaints Handling Register shall be prepared for the operation of the Georges Cove Marina. The Complaints Register is to be kept by the operator or other suitable staff members and is to include the following:
 - (a) the date and time, where relevant, of the complaint;
 - (b) the means by which the complaint was made (telephone, mail or email);
 - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - (d) the nature of the complaint;
 - (e) any action(s) taken in response to the complaint, including any follow-up contact with the complainant; and
 - (f) if no action was taken in relation to the complaint, the reason(s) why no action was taken.
 - (g) allocate an individual "complaint number" to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council.

Deliveries

- 163. Vehicles servicing the site shall comply with the following requirements:
 - a. All vehicular entries and exits shall be made in a forward direction.
 - b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.

Unreasonable Noise and Vibration

164. The industry, including but not limited to the operation of vehicles, boats, mechanical plant, equipment and patrons shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance, particularly from machinery, plant, vehicles, warning sirens, public address systems and the like.
165. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustic consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements to Liverpool City Council's satisfaction.
166. The use of the premises including music and other activities shall not give rise to any one or more of the following:
- Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5dB(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
 - During the period of 12 midnight to 7.00a.m. the use shall be inaudible in any habitable room of any residential premises.
 - The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

167. All work and storage areas where spillage may occur shall be bunded. The capacity of the bunded area shall be calculated as being equal to 110% of the largest storage or process vessel/container in the area or 10% of the total volume of vessels/containers accommodated in the area, whichever is the greater.

All bunded areas shall be graded to a blind sump or sewer to facilitate collection and disposal of wastewater in accordance with Sydney Water's requirements. All bunded areas shall be suitably treated to prevent ingress of stormwater.

Lighting

168. Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.
169. Waste and recyclable material shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.

Wash Bays, Maintenance Workshop and Storage Facilities

170. The Georges Cove Marina shall comply with the following requirements:

- a) All mechanical repairs shall be conducted within the workshop, the floor of which shall be graded to an internal drainage point connected to the sewer of Sydney Water in accordance with that Authority's requirements. Under no circumstances shall any mechanical work be conducted in external areas of the premises;
- b) All vehicles, boats, outboard motors, garbage bins and equipment shall only be washed within approved wash bays, the floor of which shall be graded to an internal drainage point connected to the sewer of Sydney Water in accordance with that Authority's requirements. It is prohibited to wash any vehicles, boats, garbage bins or equipment in any other areas of the premises;
- c) In-water bottom cleaning, hull scraping or any underwater process that could remove antifouling paint from the boat hull are strictly prohibited at the subject premises;
- d) The external grounds of the facility shall be regularly maintained and kept free of oil contamination;
- e) Waste oil shall be stored in a covered area pending regular removal to a waste oil recycler;
- f) No motor vehicle, boat or part of a motor vehicle, boat or trailer that is in the custody of the Georges Cove Marina shall be left standing on any public road or footpath;
- g) All boats, trailers and equipment undergoing or awaiting repair shall be stored wholly within the building;
- h) Spill-kits shall be provided on site at all times to clean-up any minor liquid spillages.
- i) There shall be no parts stored or worked on outside on the external areas of the premises.
- j) The subject premise has not been approved for panel beating or spray-painting. It is prohibited to undertake such activities without separate written development consent being obtained from Council.

171. Trafficable bunds shall be installed at the entry and exits of the maintenance workshop, storage facilities and wash bays to contain all substances and prevent the ingress of stormwater.

Garbage Storage Area

172. A designated garbage storage area shall be located on the premises for the storage of rubbish bins and waste containers. The garbage storage area shall be fully enclosed and provided with a concrete floor, with concrete or cement rendered walls coved to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the room. Garbage rooms shall be vented to the external air by natural or artificial means. The garbage storage room shall provide a designated space for dry recycling facilities.

Waste Receipts

173. A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record is to be made available to Council's Officers upon request.

174. Waste and recyclable material generated from the operations of the business shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. Food residues, food scraps, and waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the allocated waste storage bins.
175. The operator shall provide an adequate garbage disposal and collection service and ensure that rubbish is regularly removed from the site.
176. All waste material is to be removed from the site by a registered waste contractor and disposed at a facility licensed to receive such waste.
177. All containment measures including trafficable bunds shall be designed, installed and constructed in a manner which: permits the safe passage of personnel and vehicles; maintains effective containment capacity and minimises intrusive/offensive noise impacts arising from vehicle operation.
178. All activities and operations shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the Protection of the Environment Operations Act 1997.
179. Appropriate signage shall be located outside the building to encourage patrons to minimise noise when leaving the premises.
180. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.

Oil/Water Separator

181. The oil/water separator servicing the site shall be covered and bunded. The cover shall have an overhang of at least 100mm. The bunding shall have sufficient capacity to contain 110% of the capacity of the oil/water separator. The oil/water separator shall be connected to Sydney Water's sewer in accordance with a Trade Waste Agreement.

Storage of Flammable and Combustible Liquids

182. Flammable and combustible liquids shall be stored in accordance with AS 1940-2004- The Storage and Handling of Flammable and Combustible Liquids.

Storage of Dangerous Goods

183. A Hazardous Chemicals Notification shall be made to SafeWork NSW if 'dangerous goods' stored on the premises exceed the manifest quantity as prescribed in schedule 11 of the Work Health and Safety Regulation 2011.

Registration of Premises

184. The premises shall be registered with Council prior to the commencement of business. In this regard, Council's Health Business registration Application Form shall be completed and returned to Council for processing.

Inspection Fee

185. Council's Environmental Health Officers will carry out routine inspections of the premises under the Food Act 2003. Administration and inspection fees will be charged in accordance with Council's Pricing Policy and approved fees and charges.

186. Under the Food Act 2003, certain retail food businesses such as restaurants, cafes, takeaways, clubs and pubs are required to appoint at least one trained Food Safety Supervisor (FSS) in their business. Further information is available from the NSW Food Authority's website at www.foodauthority.nsw.gov.au.

Annual Fire Safety Statements

187. Annual fire safety statements are to be submitted to Council within (12) months after the last such certificate was given in accordance with clause 177, part 9, division 5 of the Environmental Planning and Assessment Regulation 2000. The annual fire safety statement shall be prominently displayed in the building in the location adjacent to the main entry/exit point to the building.
188. The annual fire safety statement must be to the effect that:
- (a) in respect of each essential fire safety measure, such measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing:
 - (i) in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
 - (ii) in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
 - (b) the building has been inspected by a properly qualified person and was found when it was inspected to be in a condition that did not disclose any grounds for a prosecution under Part 2, Division 7 of the Environmental Planning and Assessment Regulation, 2000.

Flooding

189. There shall be no storage of materials below the 1% AEP flood plus half a metre freeboard (i.e. $5.6\text{m} + 0.5\text{m} = 6.1\text{m}$ Australian Height Datum) which may cause pollution or be potentially hazardous during any flood.

Bushfire

190. Unrestricted access for fire-fighting personnel shall be provided around the property.

G. ADVISORY

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 6 months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within 5 years of the date of this notice.

- d) In accordance with Section 98 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- e) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- f) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- g) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- h) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- i) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- j) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- k) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- l) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property

H. ATTACHMENT (A)

Food Premises – Restaurant/Take-Away/Bakery

1. All walls (including partition walls) within the kitchen, food preparation, storage and display areas shall be of solid construction (eg., bricks, cement or other approved material). These walls are to be finished with glazed tiles, stainless steel or other approved material adhered directly to the wall to a height of 2 metres above floor level.
2. Walls within the kitchen, food preparation, storage and display areas which are not of solid construction (eg., stud walls) shall be finished in tiles or other approved material from the floor level to the underside of the ceiling.
3. The floors within the kitchen, food preparation, storage and display areas shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. The floor is to be graded and drain to an appropriate floor waste fitted with a basket arrestor.
4. If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles shall be of a material that is non-absorbent and impervious to moisture.
5. The intersection of walls with floors and exposed plinths in the kitchen, food preparation, storage and display areas are to be coved to a minimum radius of 25mm.
6. All plinths are to be constructed of a material which is of solid construction and impervious to moisture. The plinths shall be:
 - (a) at least 75mm high;
 - (b) finished level to a smooth even surface;
 - (c) recessed under fittings to provide a toe space of not more than 50mm;
 - (d) rounded at exposed edges; and
 - (e) coved at the intersection of the floor and wall to a minimum radius of 25mm.
7. The ceiling is to be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The surface finish is to be free of open joints, cracks, crevices or openings (drop ceiling panel is not permitted). The intersections of walls and the ceiling are to be tight jointed, sealed and dust-proof.
8. The drop-in panel ceiling in the food preparation and storage areas shall be replaced with an approved rigid, smooth faced and impervious material which is free of open joints, cracks, crevices or openings. The ceiling is to be painted with a light coloured washable paint.
9. All service pipes and electrical conduits shall be either:

- (a) concealed in floors, walls, ceiling or concrete plinths, or
 - (b) fixed with brackets so as to provide at least
 - i) 25mm clearance between the wall and the pipe/conduit; &
 - ii) 100mm between the floor and the pipe/conduit
 - (c) pipes so installed are not to run underneath fittings.
10. All architraves, skirting boards, picture rails and the like are not permitted within the kitchen, food preparation and storage areas.
11. All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through are to be designed and constructed so as to prevent the access of vermin.
12. The internal and external surfaces, including exposed edges to all benches, counters and shelving in the food preparation, storage, display and serving areas are to be finished with a rigid, smooth faced and non-absorbent material (eg laminate, stainless steel or other approved material) that is capable of being easily cleaned.
13. All shelving shall be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. NOTE: The lowest shelf shall be a minimum of at least 150mm above the floor level.
14. The hot water service unit shall be positioned a minimum of 75mm clear of the adjacent wall surface and mounted a minimum of 150mm above the floor level on a stand of non-corrosive metal construction.
15. A free standing, hands free hand wash basin shall be provided in a convenient position within the food preparation and serving areas. The hand wash basin shall be provided with hot and cold water supplied through a single outlet and fitted with an approved mixing device to enable hands to be washed under hot running water at a temperature of at least 40C.
16. Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage of vermin are not permitted to be formed in the construction of the premises or in the installation of fixtures, fittings and equipment.
17. A double bowl sink or two-compartment tub shall be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least:
- (a) 45C in one bowl for washing purposes; and
 - (b) 77C in the other bowl for rinsing purposes, together with a thermometer accurate to 10C.

ATTACHMENT 2: GENERAL TERMS OF APPROVAL – DPI WATER



Contact: Mohammed Ismail
Phone: 02 8838 7535
Fax: 02 9895 7501
Email: mohammed.ismail@dpi.nsw.gov.au
Our ref: 10 ERM2015/0801
Our file: 9055009
Your ref: DA2015/781

- 3 NOV 2015

The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Records & Archives

Attention: Kristy Moulds

29 October 2015

Dear Kristy

Re: Integrated Development Referral – General Terms of Approval

Dev Ref: DA2015/781

Description of proposed activity: Construction and operation of a marina georges cove marina

Site location: 146 Newbridge Road Moorebank

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find DPI Water's (formerly the NSW Office of Water) General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DPI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DPI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

- DPI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DPI Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, DPI Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to DPI Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date DPI Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from DPI Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

DPI Water requests that Council provide a copy of this letter to the applicant.

DPI Water also requests that Council provides DPI Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Mohammed Ismail
Water Regulation Officer
Water Regulatory Operations, Water Regulation Unit
NSW Department of Primary Industries – DPI Water

ATTACHMENT 3: GENERAL TERMS OF APPROVAL – DPI FISHERIES



Department of
Primary Industries

Our Ref: IDA15/75

Your Ref: DA-781/2015

7 September 2015

Liverpool City Council
(Attn: Ms Kristy Moulds)
Locked Bag 7064
LIVERPOOL BC NSW 1871

Dear Ms Moulds,

Proposal: IDA referral for construction and operation of a marina (Georges Cove Marina)
Property: 146 Newbridge Road, Moorebank – Lot 7 DP 1065574 – Georges River

Thank you for your referral of 24 August 2015 seeking comment on this proposal from Fisheries NSW, a division of NSW Department of Primary Industries.

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 Fish Habitat Conservation and Management (2013)*. In addition, Fisheries NSW is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves 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. A Controlled Activities Approval (CAA) under the *Water Management Act* is to be obtained from DPI Water for excavation works within the riparian zone. Note that under s.199 of the *Fisheries Management Act* this authority is to consider comments raised by Fisheries NSW. If a CAA is not required for these works, a permit to dredge and reclaim under the *Fisheries Management Act* will be required prior to construction.
2. A permit to harm marine vegetation under s.205 of the *Fisheries Management Act* is to be obtained for Fisheries NSW prior to construction. This permit will cover the harm of marine vegetation (i.e. mangroves) that is likely to occur in the construction of foreshore revetment works. Current permit application forms are available at: <http://www.dpi.nsw.gov.au/fisheries/habitat/help/permit>
3. Fisheries NSW is to review and agree upon detailed plans of the foreshore protection works along the Georges River, prior to obtaining the permit to harm marine vegetation or providing comment under s.199 of the FM Act. There is to be no reclamation activities associated with these foreshore works. Harm to mangroves, especially those growing within the Georges River, is to be avoided where possible. It is highly recommended that the foreshore protection works are constructed to enhance aquatic habitats of the Georges River. Details of such 'Environmentally Friendly Seawall' designs can be obtained from: <http://www.environment.nsw.gov.au/publications/coasts/090328-env-friendly-seawalls-guide.htm>
4. Erosion and sediment control measures are to be used during construction to avoid subsequent impacts on the aquatic environment. Connection of the pond to the Georges River is to be delayed until all land forming works within the marine basin have been constructed. A sediment curtain is to be used during the entrance construction works to

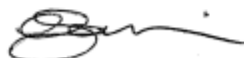
minimise the extent of turbidity arising from this activity. A sediment curtain is also to be used in the construction of foreshore revetment works along the Georges River.

5. High level site specific acid sulphate soil investigations are to be conducted prior to construction. These investigations are to inform the site specific implementation of the Acid Sulphate Soil Management Plan. The Department recommends that the implementation of this plan is approved of by the appropriate authority. It is important that there are no long-term impacts on the aquatic environment as a result of poor management of acid sulphate soils.
6. All other relevant authorities have no objection to this proposal.

Along with the above Fisheries NSW wish to express some concern regarding the high levels of ammonia in the groundwater at this site. Potential impacts need to be considered beyond the context of future land uses at this site. The concern is that once the marina is connected to the river, the high levels of ammonia may potentially negatively impact upon the aquatic organisms within the Georges River ecosystem. It is strongly recommended that Council seek comment on this specific matter from the State agency with the expertise and jurisdiction over contamination matters, which is the Environment Protection Authority, before further considering this development application.

If Council or the proponent requires any further information, please do not hesitate to contact me on 4222 8342.

Yours sincerely,



Carla Ganassin
Regional Assessment Officer (Metro)

ATTACHMENT 4: GENERAL TERMS OF APPROVAL – NSW EPA

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1533694

Liverpool City Council
Liverpool BC NSW 2170

Attention: David Smith - Coordinator Development Assessment

Notice Number 1533694
File Number SF16/21494
Date 15-Jul-2016

Re: DA-846/2014 Construction and Operation of a Marina (Georges Cove Marina) comprising
250 dry berths, 186 wet berths, workshop, function centre, club house and carparking
146 Newbridge Road, Moorebank

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the construction and operation of a marina (Georges Cove Marina) received by the Environment Protection Authority (EPA).

Following the Land and Environment Court's decision to nullify the JRPP approval: 2012SYW035, a meeting was held between Liverpool City Council, the NSW EPA and agents acting on behalf of the applicant to undertake additional sampling in order to determine the extent of contamination in the soil, groundwater, dredge pond water and sediment. The meeting was held on 30 October 2015.

Following the meeting, a Supplementary Preliminary Investigation Report (ref. J14149RP1, V3) and Remediation Action Plan (ref. J14149RP1, V2) was issued for review.

On 23 May 2016, the NSW EPA concluded that the additional sampling was sufficient to make an assessment around the current level of site contamination consistent with the requirements of cl 7(2) of SEPP 55. With exception of the preliminary site contamination investigation and the remedial action plan, it is understood that the proposal to develop the site is unchanged since the approval issued (ref. JRPP, 22 August 2016).

The information provided to the EPA indicates that the proposed use of the premises meets the scheduled activity threshold for 'Marinas and Boat Repairs' as prescribed in *Schedule 1 of the Protection of the Environment Operations Act 1997* (POEO Act). An Environment Protection Licence will therefore be required for operation of the marina.

General Terms of Approval - Issued



Notice No: 1533694

Additionally, the NSW EPA recommends that construction of any approved development is managed through a Scheduled Development Works licence, issued under the *Protection of the Environment Operations Act 1997*, to ensure that potential emission sources (including discharges to water) are adequately controlled.

The applicant will need to make a separate application to the EPA to obtain the above licences.

The general terms of approval for this proposal are included at Attachment A. If Liverpool City Council grants development consent for this proposal these conditions should be incorporated into the consent. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the NSW EPA about the changes before the consent is issued.

If you have any questions, or wish to discuss this matter further please contact Tenille Lawrence on (02) 9995 6207.

Yours sincerely

A handwritten signature in purple ink, appearing to read 'James Goodwin'.

James Goodwin
Acting Manager
Metropolitan - Sydney Industry
(by Delegation)

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ATTACHMENT A

Administrative conditions

Note: Mandatory conditions for all general terms of approval

A1. What these General Terms of Approval authorise and regulate

- A1.1 These General Terms of Approval are limited to any activities that fulfil the meaning of scheduled development works as defined in section 47(3) of the *Protection of the Environment Protection Act 1997* and scheduled activities.
- A1.2 Any scheduled development works must not commence until the NSW EPA provides written approval to undertake contaminated soil and groundwater treatment at the premises.
- A1.3 These General Terms of Approval authorise the carrying out of the activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Scheduled Activity	Fee Based Activity	Scale
Contaminated Land and Water Treatment	Contaminated Land and Water Treatment	Any annual handling capacity
Marinas and Boat Repairs	Boat Mooring and Storage; Boat Construction/Maintenance; Boat Mooring and Storage	Capacity to handle: vessels 25m or longer; more than 5 vessels longer than 5m; more than 80 vessels at a time.

- A1.4 The proponent must not carry on any scheduled activities until the scheduled development works are completed.

A2. Premises to which this licence applies

- A2.1 These General Terms of Approval apply to the following premises:

Premises Details
146 Newbridge Road
Moorebank NSW
Lot 7, DP 1065574

A3. Information supplied to the EPA

- A3.1 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 development application DA 846/2012 submitted to Liverpool City Council on 6 March 2012;
- any environmental impact statement *Environmental Impact Statement for development of Georges Cove Marina at Moorebank, N.S.W.* (EIS) prepared for Benedict Industries Pty Ltd and

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- a. *Maritime Building Plans - Sub Level - Carpark Drawing No. DA-102 C*
 - b. *Maritime Building Elevations - Comparisons Drawing No. DA-115 C*
 - c. *Maritime Building Sections - Comparisons Drawing No. DA-125 C*
 - d. *Site Plan General Layout Drawing No. DA-001 C*
 - e. *Site Plan Numbers Drawing No. DA-003 C.*
- documents supplied to the EPA following the Land and Environment Court's decision on the 18 March 2015 to invalidate the development application JRPP 2012SYW035. Supplementary information reviewed includes:
 - f. Supplementary Preliminary Investigation Report and Remediation Action Plan (ref. J14149RP1, V3), March 2016 superseding Preliminary Investigation Report (Report J14149RP1, V1) noted in EIS submitted July 2015
 - g. Noise Impact Assessment proposed Georges Cove Marina EMGA Mitchell McLennan, Report J14149RP Version 1, July 2015.
 - h. Air Quality and Greenhouse Gas Assessment for the Proposed Construction and Operation of the Georges Cove Marina, Todoroski Air Sciences, April 2015 (ref. 11080033) superseding Air Quality Assessment for the Proposed Construction and Operation of the Georges Cove Marina, Todoroski Air Sciences, December 2011 (ref. 11080033).
 - i. Acid Sulfate Management Plan for Georges Cove Marina

A4. Fit and Proper Person

A4.1 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.

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Limit conditions

L1. Pollution of waters

Note: Mandatory condition

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

Note: Mandatory conditions to be placed on all general terms of approval

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, re-processing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

L2.2 This condition only applies to the storage, treatment, processing, re-processing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

L3. Blasting

L3.1 All blasting activities are prohibited.

L4. Noise Limits - Operational Phase

L4.1 Maintenance of watercraft on the premises must only take place within the hours of 7.00am to 10.00pm Monday to Saturday, 8.00am to 10.00pm Sunday and Public Holidays.

L4.2 Noise generated at the premises must not exceed the noise limits presented in the table below.

All feasible and practicable noise mitigation measures shall be implemented to minimise noise impacts from the development. If noise exceeds the project specific noise goal, the proponent shall investigate, establish the reason and implement all additional feasible and practicable measures.

The locations referred to in the table below are indicated in the Figure 3.1 - *Assessment and background noise monitoring locations* and Table 3.1 *Noise sensitive assessment location* have been extracted from EMGA Mitchell McLennan Noise Impact Assessment (ref. J14149RP2, July 2015).

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Location	Period	Project Specific Noise Level (PSNL) dB(A)	LA,eq (15 min)
149 Maddecks Av, Moorebank	Day	47	LA,eq (15 min)
	Evening	45	LA,eq (15 min)
	Night	40	LA,eq (15 min)
2 Silverleaf Lane, Moorebank	Day	44	LA,eq (15 min)
	Evening	44	LA,eq (15 min)
	Night	39	LA,eq (15 min)
Milperra Sports Field	When in use	55	LA,eq, period
Future Industrial	When in use	70	LA,eq, period

Note for the purpose of condition L4.2:

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays;
- Evening is defined as the period 6pm to 10pm; and
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

L4.3 The noise limits set out in condition L4.2 apply under all meteorological conditions except for the following:

- wind speeds greater than 3 metres/second at 10 metres above ground level; or
- stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- stability category G temperature inversion conditions.

L4.4 To determine compliance:

- In relation to the LA,eq (15 min) noise limits in condition L4.2, noise measurements must be undertaken using noise measurement equipment located:
 - approximately on the boundary where any dwelling is situated 30 metres or less from the property boundary that is closest to the premises; or
 - within 30 metres of a dwelling facade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary that is closest to the premises; or
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- In relation to the noise limits in condition L4.2, noise measurements must be undertaken using noise measuring equipment located:
 - at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by conditions L4.4 (a) and L4.4 (b).
- A non-compliance with condition L4.2 will still occur if noise generated from the premises in excess of the appropriate limit specified in condition L4.2 is detected:

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- in an area at a location other than an area prescribed by condition: L4.4 (a) and L4.4 (b);
- at a point other than the most affected point at a location.

L4.5 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

Operating conditions

01. Activities must be carried out in a competent manner

01.1 Activities must be carried out in a competent manner. This includes:

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

02. Maintenance of plant and equipment

02.1 All plant and equipment installed at the premises or used in connection with the scheduled development works:

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

03. Dust

03.1 The proponent must ensure that any scheduled development works and/or scheduled activities are carried out by any practical means necessary to minimise dust emission on the premises and implement all reasonable and feasible measure to minimise the release of dust from the premises.

04. Hours of Operation - Construction

04.1 All scheduled development works must:

- a) only be undertaken between 7:00am and 6:00pm Monday to Friday;
- b) only be undertaken between 8:00am and 1:00pm Saturday; and
- c) not be undertaken on Sunday or public holidays.

05. Potentially Offensive Odour

05.1 The proponent is required to take all reasonable measures to prevent and minimise the emission of offensive odours.

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O6. Waste Management - Construction

O6.1 The proponent must assess, classify and manage any waste generated at the premises in accordance with the EPA's Waste Classification Guidelines Part 1: Classifying Waste prior to dispatching waste off site.

O6.2 The licensee must not cause, permit or allow any waste generated:

- (a) outside the premises to be received at the premises, except for materials that meet the EPA's Resource Recovery Exemptions for engineered fill purposes
- (b) at the premises to be disposed of at the premises, except as permitted in Condition O6.3.

O6.3 Excavated material suitable for re-use within the premises may be transported from one part of the premises to another part by road in accordance with Condition O6.4.

O6.4 The proponent must ensure that:

- (a) the body of any vehicle or trailer, used to transport waste or excavation spoil from the premises, is covered before leaving the premises to minimise any spill or escape of any dust, waste, or spoil from the vehicle or trailer; and
- (b) mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the premises, is removed to the greatest extent practicable before the vehicle, trailer or motorised plant leaves the premises; and
- (c) road surfaces subject to the tracking of material by vehicles leaving the premises are effectively cleaned at the end of each work day.

O7. Waste Management - Operational

O7.1 The proponent must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.

O7.2 All activities at the premises must be carried out in a manner that will prevent waste from polluting waters.

O7.3 The proponent must provide facilities to ensure the collection storage and disposal of waste generated at the premises so that it does not pollute waters.

O7.4 For the purposes of condition O7:

- a) 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.
- b) Facilities may include but not be limited to tarpaulins, waste bins, pump-out facilities, signage and agreements with those operating on the site.

Note: All wastes that contain organotin biocides must be collected, stored and disposed of in accordance with the Organotin Waste Chemical Control Order 1989.

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O8. Construction Environment Management Plan

O8.1 Prior to the commencement of any construction works, an appropriately qualified person must prepare an Construction Environmental Management Plan (CEMP). The plan should include but need not be limited to:

- an Acid Sulfate Soils Management plan
- Dust (air quality) management strategy
- Procedures for validation of imported fill material and the proposed means of disposing overburden
- Waste and materials re-use on-site
- Community response and management procedure outlining the course of action to be undertaken following receipt of a complaint
- Chemical Handling and Dangerous Goods Management Plan
- Pollution Incident Response Management Plan
- the Construction Noise Management Plan required by Condition O9.

The CNMP must be submitted to to the Manager Sydney Industry at PO Box 668 Parramatta NSW 2124 or metro.regulation@epa.nsw.gov.au before any construction works take place.

O9. Preparation of a Construction Noise Management Plan

O9.1 Prior to the commencement of any construction works, an appropriately qualified person must prepare a detailed Construction Noise Management Plan (CNMP), prior to the commencement of scheduled development works, that will ensure compliance with the requirements of Condition O10 and includes, but is not necessarily limited to:

- a. identification of each work area, site compound and access route (both private and public)
- b. identification of the specific activities that will be carried out and associated noise sources at the premises and access routes
- c. identification of all potentially affected sensitive receivers, the construction noise and vibration objectives identified in accordance with the *Interim Construction Noise Guideline* (DECC 2009) and *Assessing Vibration: A Technical Guideline* (DEC 2006)
- d. assessment of potential noise and vibration from the proposed construction methods (including noise from construction traffic) against the objectives identified in (d)
- e. where the objectives are predicted to be exceeded an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise impact
- f. description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during construction, including the early erection of operational noise control barriers
- g. procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity, and
- h. measures to monitor noise performance and respond to complaints.

The CNMP must be submitted to to the Manager Sydney Industry at PO Box 668 Parramatta NSW 2124 or metro.regulation@epa.nsw.gov.au before any construction works take place.

O10. Noise Management - Construction Phase

O10.1 All work and activities must be undertaken in a manner that will minimise noise and vibration impacts at sensitive receivers.

O10.2 The proponent must ensure that all feasible and practicable noise mitigation measures are implemented in accordance with the *Interim Construction Noise Guidelines* (DECC, 2009). If noise exceeds the project specific noise goals the proponent shall investigate, establish the reason for the exceedance and implement all additional feasible and practicable measures.

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O10.3 For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

O11. Erosion and Sediment Control - Construction Phase

O11.1 The proponent must implement erosion and sediment control measures to prevent pollution of waters in accordance with the *Soils and Construction: Managing Urban Stormwater (2004)* - 'the Blue Book'.

O11.2 All erosion and sediment control measures installed on the premises must be inspected and works undertaken to repair and/or maintain these controls:

- a) regularly during normal construction hours
- b) daily during rainfall events
- c) within 24 hours of the cessation of a rainfall event causing run off to occur from the premises.

The proponent must record all observations and actions from such inspections including any works undertaken to repair and/or maintain erosion and sediment control measures.

O12. Dangerous Goods/Chemical Management

O12.1 The proponent must ensure that environmental risks associated with the storage, procession and handling of hazardous materials and dangerous goods are minimised. Storage and handling of any dangerous goods must be undertaken in accordance with *The Storage and Handling of Dangerous Goods Code of Practice, 2005* which can be viewed online at:

http://www.workcover.nsw.gov.au/__data/assets/pdf_file/0019/17074/storage-handling-dangerous-goods-1354.pdf

O12.2 The type, quantity and location of all dangerous goods, chemicals and waste needs to be easily identified by site personnel and included in subsequent management plans/documentation for the premises.

O12.3 Effective controls need to be implemented and maintained in the storage, procession and handling of materials at the premises. These controls should also include operating and maintaining bunds or spill containment systems where necessary to minimise the risk of pollution from potential spills and leaks.

Information on bunding and spill management can be found online at: <http://www.epa.nsw.gov.au/mao/bundingspill.htm>

O13. Pollution Incident Response Management Plan

O13.1 A Pollution Incident Response Management Plan (PIRMP) needs to be developed for the premises (due to the premises requiring an EPA licence) which needs to follow requirements set out in the EPA's *Environmental Guidelines: Preparation of Pollution Incident Response Management Plans* which can be viewed online at <http://www.environment.nsw.gov.au/resources/legislation/201200227egpreppimp.pdf>

O13.2 The proponent should note and be aware of its responsibility to notify each relevant authority of any pollution incident, in accordance with Section 148 of the *Protection of the Environment Operations Act 1997*. This includes notifying the authorised relevant authority, which in this instance is likely to be the EPA. The PIRMP should detail incident triggers and notification protocols so that compliance with section 148 of the *Protection of the Environment Operations Act 1997* is achieved.

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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 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. Recording of pollution complaints

M2.1 The proponent must keep a legible record of all complaints made in relation to any pollution arising from any activity to which these General Terms of Approval apply.

M2.2 The record must include details of the following:

- a) the date and time of the complaint;
- b) the method by which the complaint was made;
- c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the proponent in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the proponent, the reasons why no action was taken.

M2.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M2.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M3. Telephone complaints line

The proponent 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.

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Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997* in relation to the development. In the return, the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

Special Conditions

S.1 Remediation of the Site

S1.1 The proponent must appoint a NSW EPA accredited contaminated site auditor to review the suitability of the RAP to ensure that the site can be made suitable for the proposed land use.

If satisfied that the RAP is appropriate, the site auditor must submit the Section B Site Audit Statement to the NSW EPA certifying that the site can be made suitable for the proposed land use. The Section B Site Audit Statement must be submitted to the Manager Sydney Industry at PO Box 668 Parramatta NSW 2124 or metro.regulation@epa.nsw.gov.au within one month of its preparation.

No earthworks or dredging activities are to be commenced at the premises until a Section B Site Audit Statement that certifies that the site can be made suitable for the proposed land use has been submitted to the EPA.

S1.2 Following the completion of all remediation works to the standards required by the RAP, the NSW EPA must then be provided with a Section A, Site Audit Statement, certifying that in the auditor's opinion, the site is suitable for the proposed land use.

The process must follow the NSW DECC (2006) *Contaminated Sites Guidelines for the NSW Site Auditor Scheme*.

The site auditor's report and site audit statement must be submitted to the Manager Sydney Industry at PO Box 668 Parramatta NSW 2124 or metro.regulation@epa.nsw.gov.au within one month of its preparation.

Definitions: For the purposes of Conditions S1.1 and S1.2, 'RAP' means the Remediation Action Plan contained within the document titled Remediation Action Plan – Proposed Georges Cove Marina – 146 Newbridge Road, Moorebank, NSW dated May 2011, prepared by EMGA Mitchell McLennan Pty Ltd (report J14149RP1 Rev 2) on behalf of Benedict Industries Pty Ltd.

S2. Sampling of the Marina Lake Water Prior to the Break Through to the Georges River

S2.1 The proponent must obtain approval from the NSW EPA prior to releasing waters from the marina lake to the Georges River. Validation sampling must be collected and made available to the NSW EPA for assessment. The validation sampling report must be addressed to the Manager of Sydney Industry at PO Box 668 Parramatta NSW 2124 or metro.regulation@epa.nsw.gov.au.

The proponent must ensure that the sampling plan is representative of the total water body noting that samples collected from the Georges River must be taken upstream of landfill impacted groundwater discharge, which includes the area of landfill to the north of the site.

The samples must be analysed by a NATA accredited laboratory for the list of substances listed below:

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- pH, temperature, electrical conductivity, dissolved oxygen and turbidity
- total suspended solids
- dissolved Al, Cd, Cu, Ni, Pb and Zn
- total and dissolved Hg
- polycyclic aromatic hydrocarbons (PAHs)
- ammonia, total P and total N
- biological oxygen demand (BOD) and chemical oxygen demand (COD).

The samples must be collected at an appropriate frequency and adequate time frame when making comparisons to the relevant assessment criteria to ensure all results are compliant. Development of any site specific criteria based on reference data must follow recommendations provided in *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC 2000 Guidelines) requiring at least 24 data points collected over two years for determining 80th percentile values.

S2.3 The proponent must obtain the approval from the NSW EPA prior to using any flocculants in the treatment of the marina lake waters. The NSW EPA will request details of the flocculent including the name, toxicity data and dosing concentration prior to approving the application.

S2.4 All water sampling and analysis must be undertaken in accordance with the approved methods outline in the EPA's document titled *"Approved Methods for Sampling and Analysis of Water Pollutants in New South Wales"* dated March 2004".

S3. Construction of the Marina Lake Foreshores

S3.1 Only uncontaminated material can be used in the construction and back filling of the marina lakes foreshores.

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.

ATTACHMENT 5: GENERAL TERMS OF APPROVAL – NSW RFS



NSW RURAL FIRE SERVICE



The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Your reference: DA-781/2015
Our reference: D15/3891
DA15121199855 CC

7th March 2016

Attention: David Smith

Dear Sir

Designated Development for 7/10665574 146 Newbridge Road Moorebank

Reference is made to Council's correspondence dated 10th December 2015 seeking general terms of approval for the above application for integrated development in accordance with Section 91 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service advises that this response is be deemed to be a bush fire safety authority subject to compliance with the Bushfire Assessment prepared by EMM Consulting Pty Ltd, Report J14149RP10 and dated 26th October 2015.

If you have any queries regarding this advice, please contact Craig Casey, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Maslen'.

Jason Maslen
Team Leader, Development Assessment and Planning
Customer Service Centre East