

## REVISED RECOMMENDED CONDITIONS

|                         |                                    |
|-------------------------|------------------------------------|
| <b>SCCPP Reference:</b> | 2017SWC100                         |
| <b>DA No:</b>           | DA/643/2017                        |
| <b>Address:</b>         | 11 Burroway Road – Wentworth Point |
| <b>Application:</b>     | Rowing Club DA                     |

The recommended conditions of consent (Attachment B) of the Assessment Report have been revised as a result of negotiations with the applicant.

The RMS have provided their concurrence on 29 May 2018 to the final conditions attached.

The revisions to the conditions are outlined in the table below.

| Condition No.  | Change   |
|--|--|
| <b>Condition 1</b><br>Approved Plans & Documentation   | Minor change to table to correct an error.   |
| <b>Condition 7</b><br>A detailed Construction and Environmental Management Plan (CEMP) is to be prepared | Minor change to requirement for silt curtains to allow for any minor design changes.<br><br>Minor change to terminology.<br>Instead of the NSW EPA <i>approving</i> the CEMP they are to <i>review and endorse</i> the CEMP. |
| <b>Condition 67</b><br>A detailed Operational and Environmental Management Plan (OEMP) is to be prepared | Minor change to terminology.<br>Instead of the NSW EPA <i>approving</i> the OEMP they are to <i>review and endorse</i> the OEMP.   |
| <b>Condition 85</b><br>Hours of Operation  | Minor change to allow gymnasium to operate from 5am instead of 6am.  |

Revised **Attachment B** (recommendation and conditions) to the Assessment Report is attached.

# ATTACHMENT B - CONDITIONS OF CONSENT

## Revised 29.05.2018

|                         |                                    |
|-------------------------|------------------------------------|
| <b>SCCPP Reference:</b> | 2017SWC100                         |
| <b>DA No:</b>           | DA/643/2017                        |
| <b>Address:</b>         | 11 Burroway Road – Wentworth Point |

### APPROVAL SUBJECT TO CONDITIONS

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979

That the Sydney Central City Planning Panel, as the determining authority, grant consent to Development Application No. DA/643/2017 for the construction and operation of an overwater licensed rowing club and ancillary uses including cafe, restaurant, gym, boat launching ramp and pontoon on land at 11 Burroway Road, Wentworth Point for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the following conditions:

### General Matters

- The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent and/or any plan annotations:

| Drawing No.                                    | Drawing Name                 | Prepared By | Dated       |
|--|------------------------------|-------------|-------------|
| <b>Architectural Drawings – Project 14066</b>  |                              |             |             |
| DA00 – Rev 3                                   | Project Cover                | CM+         | 26.07.2017  |
| DA02 – Rev 12                                  | Site Analysis                | CM+         | 26.07. 2017 |
| DA03 – Rev 12                                  | Site Plan                    | CM+         | 26.07. 2017 |
| DA04 – Rev 16                                  | Plan – Ground Floor          | CM+         | 26.03.2018  |
| DA05 – Rev 14                                  | Plan – First Floor           | CM+         | 12.12. 2017 |
| DA06 – Rev 14                                  | Plan – Second Floor          | CM+         | 12.12. 2017 |
| DA07 – Rev 13                                  | Plan – Roof                  | CM+         | 12.12. 2017 |
| DA08 – Rev 13                                  | Elevations                   | CM+         | 12.12.2017  |
| DA09 – Rev 13                                  | Elevations                   | CM+         | 12.12. 2017 |
| DA10 – Rev 12                                  | Sections                     | CM+         | 26.07. 2017 |
| DA12 – Rev 3                                   | Perspectives                 |             | 26.07. 2017 |
| DA13 – Rev 4                                   | Perspectives                 | CM+         | 12.12. 2017 |
| DA14 – Rev 3                                   | Perspectives                 | CM+         | 26.07.2017  |
| DA15 – Rev 4                                   | Perspectives                 | CM+         | 12.12. 2017 |
| DA16 – Rev 2                                   | External Materials Palette   | CM+         | 26.07. 2017 |
| DA17 – Rev 3                                   | Area Schedule                | CM+         | 26.07. 2017 |
| DA18 – Rev 01                                  | Stormwater Management        | CM+         | 12.12.2017  |
| DA19 – Rev 01                                  | Promenade/Building Interface | CM+         | 01.05.2018  |
| <b>Landscape Drawings</b>                      |                              |             |             |
| Project 17532 –<br>Drawing SHT-10 –<br>Issue C | Promenade Section Details    | Context     | 29.01.2018  |
| Project 17532 –<br>04.1 – Issue D              | DA Landscape                 | Context     | July 2017   |
| Project 17532 –<br>04.1 – Issue D              | Landscape Sections           | Context     | July 2017   |

| Document Name  | Document No.                    | Prepared By                             | Dated      |
|--|---------------------------------|---|------------|
| Statement of Environmental Effects   | 17182                           | JBA                                     | 28.07.2017 |
| Geotechnical Report  | Project 84357 – Rev 0           | Douglas Partners                        | 23.09.2014 |
| Contamination Management Plan  | Reference 21/2310607 – Rev 2    | GHD                                     | 12.12.2017 |
| Site Audit Report & Site Audit Statement   | 0503-1709                       | JBS&G                                   | 18.12.2017 |
| Risk Assessment  | RMS/17/001 – Rev A              | Enrisks                                 | 31.05.2017 |
| Rowing Club - Marine Ecology Environmental Assessment  | 301015-03538-005 – Rev 4        | Worley Parsons                          | 26.07.2017 |
| Rowing Club – Marine Engineering Concept Report  | 301015-03538-MA-REP-006 – Rev 4 | Worley Parsons                          | 26.07.2017 |
| Noise Assessment   | 47.7090.R1:GA/D T/2017 - Rev 02 | Atkins Acoustics and Associates Pty Ltd | July 2017  |
| Energy Efficiency & Sustainability Concept Report  | Revision 2.1                    | Norman Disney & Young                   | 26.07.2017 |
| Crime Prevention Through Environmental Design (CPTED) Assessment   | 16789                           | JBA                                     | 25.07.2017 |
| Construction Environmental Management Plan (CEMP) Preliminary Outline – Draft ( <i>concept - to be revised</i> ) | Rev 0                           | Worley Parsons                          | 25.07.2017 |
| Operational Environmental Management Plan (OEMP) Preliminary Outline – Draft ( <i>concept - to be revised</i> )  | Rev 0                           | Worley Parsons                          | 25.07.2017 |
| Acid Sulfate Soil Management Plan  | 2270635A-CLM-REP-ASS Rev B      | WSP                                     | 21.12.2017 |

**Note:** Some of the above approved documents will be in a concept form only as conditions of consent may require the submission of revised documents.

In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

**Reason:** To ensure the work is carried out in accordance with the approved plans.

- Physical commencement must occur in accordance with the requirements of Section 4.53(4) of the Environmental Planning and Assessment Act within 5 years of the date of the issue of the consent. In this regard should physical commencement not occur by **(insert date 5 years from issue of consent)** the consent will lapse.

**Reason:** To provide certainty to the community as to when physical commencement must occur.

3. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code) or relevant Australian Standard.  
**Reason:** To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.
4. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a construction certificate or certification under Section 6.28 of the Environmental Planning & Assessment Act, 1979. Plans, specifications and relevant documentation accompanying the construction certificate/certification must include any requirements imposed by conditions of this Development Consent.  
**Reason:** To ensure compliance with legislative requirements.
5. A reference in this consent to “certification of the works” means the certification of the building works (approved under this consent) under Part 6 of the Environmental Planning and Assessment Act, 1979, being either the issuing of a Construction Certificate **or** certification under Section 6.28 of the Environmental Planning and Assessment Act, 1979. In addition, any reference to “the certifier” means a Principal Certifying Authority, or person authorised to certify the works.  
**Reason:** To confirm the requirements of this consent to be satisfied before the certification of building works.

#### **Prior to the Certification of Works**

***(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate/Certification drawings)***

6. A site auditor is to be engaged for the duration of the remediation, construction and validation phases of the project. Details of the engagement of the site auditor are to be provided to the NSW EPA and Council before certification of the works. Any changes to the site auditor details are to be reported to the NSW EPA and Council as soon as practical.  
**Reason:** To ensure mitigation of risks to human health and the environment are maximised during the construction phases of the development.
7. A detailed **Construction and Environmental Management Plan (CEMP)** is to be prepared and is to include, but not be limited to, the following:
  - Outline measures for spill prevention and emergency response requirements
  - Use of environmental safeguards, including full length silt curtains (or best practice as agreed in the CEMP), being used during construction to ensure that there is minimal escape of turbid plumes (from the baseline) into the aquatic environment
  - The inclusion of mitigation and management controls for all activities that have the potential to remobilise and transport sediment
  - Management of use of boats and barges including:
    - restricting the number of boats/barges that can be in Homebush Bay during construction
    - restricting the draught of boats used during construction. Suitable boats that will result in minimal sediment disturbance must be used at all times
    - restricting the speed that the boats/barges can move while in Homebush Bay
    - restricting boat access at low tide to ensure less disturbance of sediments
    - restricting movement of barges/larger boats/floating plant (moved by propeller action) at low tide to ensure less disturbance of sediments

- Levels of turbidity outside of the controls to be measured continuously rather than solely visually observed
- A comprehensive monitoring plan that includes specific parameters to be monitored, sampling locations, frequency of data collection and data interpretation. Real-time feedback on turbidity should be incorporated into the monitoring plan to identify elevated turbidity levels early and trigger rapid management responses.

The detailed Construction and Environmental Management Plan (CEMP) is to be reviewed and approved by the site auditor. Once approved by the site auditor, the CEMP is to be submitted to Council and NSW EPA for review and endorsement before the certification of the works.

**Reason:** To ensure mitigation of risks to human health and the environment from remobilisation of contaminated sediments.

8. A revised Risk Assessment is to be prepared to include the following:

- Consideration of all users of the facility, including general public use of the pontoon (both authorised and unauthorised activities)
- The screening component being revised to include criteria that are relevant to human health rather than ecological receptor guidelines
- The consideration of impacts from the adjacent marina which would increase risk to site users through increased turbidity.
- Consideration of sediment modelling and sediment geochemistry assessment (including depth profile analysis) results.

The revised Risk Assessment is to be reviewed and endorsed by the site auditor. Once endorsed by the site auditor, the Risk Assessment is to be submitted to Council and approved by the NSW EPA before the certification of the works.

**Reason:** To ensure mitigation of risks to human health from remobilisation of contaminated sediments.

9. The following reports are to be prepared before the certification of any works:

- (a) A revised acid sulfate soils management plan to incorporate estimate volumes of PASS which would be encountered at the site, and potential volumes to be treated or otherwise
- (b) An asbestos management plan
- (c) A construction quality and analysis plan
- (d) A materials tracking plan.

The above reports are to be reviewed and endorsed by the site auditor. Once endorsed by the site auditor, the reports are to be submitted to Council and the NSW EPA before the certification of the works.

**Reason:** To ensure mitigation of risks to human health and ecology from remobilisation of contaminated sediments and comply with the recommendations of the site auditor.

10. Before the certification of works, the applicant must receive written confirmation from Ausgrid, that the existing submarine cables within Homebush Bay adjoining the development have been disconnected from the network and sealed.

**Note:** Please contact Ausgrid's Contestable Project Coordinator on (02) 9585 5743 to facilitate the process of disconnection and completion of work requirements.

**Reason:** To minimise conflict with Ausgrid infrastructure.

11. Details of all structures and encroachment/s on Council land are to be submitted to the satisfaction of the Manager, Development and Traffic services before certification of the works. This information must be submitted with a detailed survey indicating all works on Council land. The details are to be accompanied with a detailed survey plan.  
**Reason:** To ensure the details of all encroachments are acceptable to Council.
12. With the exception of the approved access, kayak platform, ramp and canopy works as identified within Condition 11 above, the development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations, shall encroach upon Council's footpath area or over adjoining properties.  
**Reason:** To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.
13. The following sustainability measures are to be incorporated into the building and indicated with the construction drawings before the certification of the works:
- (a) all recommended measures contained within the Energy Efficiency and Sustainability Concept Report (Revision 2.1) prepared by Norman Disney & Young dated 26 July 2017
  - (b) The installation of advanced indoor and outdoor lighting controls such as occupancy sensors and daylight sensors
  - (c) A photovoltaic system of a minimum 10-15kW being installed on the roof of the building
  - (d) An electric boosted evacuated tube solar hot water system included in the hydraulic design to feed the showers
  - (e) A rainwater system of approximately 20kL.
- Reason:** To confirm the details of the application.
14. Before the certification of the works, the person certifying the work must be satisfied that all the terms and conditions of the concept approval (DA-301/2015 – Auburn Reference) have been complied with in full unless amended by this application.  
**Reason:** To ensure compliance with the concept plan approval.  
**Note:** Should any discrepancies exist between the concept plan and the details approved within this consent, this consent shall prevail.
15. Access for people with disabilities from the public domain and all car parking areas to all tenancies within the building are to be provided. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted for the certification of the works. All details shall be prepared in consideration of, and construction completed to achieve compliance with the Building Code of Australia Part D3 "Access for People with Disabilities", provisions of the Disability Discrimination Act 1995, and the relevant provisions of AS1428.1 (2001) and AS1428.4.  
**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.
16. Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 (2001) - Design for Access and Mobility - General Requirements for Access - New Building Work. This requirement shall be reflected on the plans submitted for the certification of the works.  
**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

17. Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:

- (a) entrance
- (b) lift or bank of lifts; and
- (c) sanitary facility

This requirement shall be reflected on the plans submitted for the certification of the works and supporting documentation.

**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

18. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans submitted for the certification of the works.

**Reason:** To ensure satisfactory stormwater disposal.

19. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their certifier before the certification of the works.

**Reason:** To ensure Council's assets are not damaged.

20. An appropriately sized rainwater tank fitted with a first flush treatment device must be installed to manage roof runoff water to Parramatta River to satisfy section 5.2 of Wentworth Point Precinct Development Control Plan 2014. Details of the proposed devices and their location must be submitted with the plans for the certification of the works.

**Reason:** To ensure appropriate water quality treatment measures are in place.

21. Where work is likely to disturb or impact upon utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must be submitted before the certification of the works.

**Reason:** To ensure no unauthorised work to public utility installations and to minimise costs to Council.

22. A construction phase site emergency response plan must be prepared, detailing evacuation procedure, storing of construction equipment and any procedures for the protection of the site on the occasion of a Fire, Flood or other Emergency event. Details must be submitted for Council approval prior to the certification of the works.

**Reason:** To ensure an effective site flood emergency plan is provided.

23. The structure, piling and foundations for the proposed rowing club and pontoons must be designed by a qualified and experienced marine/structural engineer to comply with AS4997 (2005) - Guidelines for the design of maritime structures. This includes design for the following actions:

- a) Permanent and imposed actions (dead and live loads) – vessel berthing, mooring loads.
- b) Effects of scour and siltation, including temporary or permanent changes in the seabed level due to sediment movement.

- c) Wave actions. Minimum 1/500 Annual probability of exceedance of design wave events, for function category 2 and 50-year design life. Consider reflected waves from the seawall interacting with incident waves.
- d) Wind actions.
- e) Boat wake/ propeller wash.
- f) Debris actions (flood and storm surge).
- g) Boat collision.
- h) Current actions.
- i) Hydrostatic actions – using the highest design water level.
- j) Natural ocean level variation (associated with El Nino etc).
- k) Sea level rise and changes in water levels due to climate change throughout the structures' design life.

The design must also consider combined loads, and possible superimposition of concurrent actions.

**Reason:** Structural safety.

24. A monetary contribution comprising **\$164,186.62** is payable to the City of Parramatta Council in accordance with Section 7.11 or 7.12 of the Environmental Planning and Assessment Act 1979 and the *Auburn Development Contributions Plan 2007 (Amendment 1)*. Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the certification of the works.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

The *Auburn Development Contributions Plan 2007 (Amendment 1)* can be viewed on Council's website at:

<https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

**Reason:** To comply with legislative requirements and to provide for the increased demand for public amenities and services resulting from the development.

25. The certification of works is not to be issued unless the certifier is satisfied the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

**Reason:** To ensure that the levy is paid.

26. An Environmental Enforcement Service Charge must be paid to Council prior to the certification of works. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

**Note:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

27. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the certification of the works.

The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

**Note:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.



**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

28. In accordance with Section 4.17(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the certification of the works.

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/643/2017;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

| Bond Type             | Amount   |
|-----------------------|----------|
| Development Site Bond | \$25,000 |

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to City of Parramatta with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

**Reason:** To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

29. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the certifying works, the certifier shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more than LAeq 15 min 5dB (A) above the background level during the day when measured at the most affected point on or within a residential property boundary site's boundaries and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the most affected point on or within a residential property boundary.

**Note:** A certificate from an appropriately qualified acoustic engineer is to be submitted with the construction plans, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

**Reason:** To comply with best practice standards for residential acoustic amenity.

30. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for the certification of the works. The certifier must

be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) Identification of nearby residences and other sensitive land uses.
- (b) Assessment of expected noise impacts.
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.
- (d) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.

**Reason:** To prevent loss of amenity to the area.

31. The recommendations of the following reports are to be incorporated within the documentation and design details submitted with the documents for the certification of the works:

| Document Report   | Date       |
|---|------------|
| Geotechnical Report - Project 84357 – Rev 0 - Douglas Partners                                  | 23.09.2014 |
| Contamination Management Plan - Reference 21/2310607 – Rev 2 - GHD                              | 12.12.2017 |
| Site Audit Report & Site Audit Statement - 0503-1709 - JBS&G                                    | 18.12.2017 |
| Rowing Club - Marine Ecology Environmental Assessment 301015-03538-005 – Rev 4 - Worley Parsons | 26.07.2017 |
| Noise Assessment - 47.7090.R1:GA/DT/2017 - Rev 02 - Atkins Acoustics and Associates Pty Ltd     | July 2017  |
| Energy Efficiency & Sustainability Concept Report - Revision 2.1 - Norman Disney & Young        | 26.07.2017 |
| Energy Efficiency & Sustainability Concept Report Revision 2.1 - Norman Disney & Young          | 26.07.2017 |
| Crime Prevention Through Environmental Design (CPTED) Assessment – 16789 - JBA                  | 25.07.2017 |

Note: Approval is not granted for any recommendations requiring work on public land.

The certifier shall be satisfied that the recommendations have been incorporated into the plans before the certification of the works.

**Reason:** To protect the amenity of the area and confirm the details submitted with the application.

32. Prior to the certification of the works, a further report including accompanying plans shall be submitted to the satisfaction of the certifier that provides details of the private contractor that will be engaged to collect commercial waste from the site. If Council is not the certifier a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.

**Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

33. Detailed plans of any food/beverage preparation facilities and waste storage areas shall be submitted to the certifier prior to the certification of the works.

The fit-out of the food premises shall comply with:

- (a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- (b) Food Safety Standards
  - Standard 3.2.2 Food Safety Practices and General Requirements
  - Standard 3.2.3 Food Premises and Equipment
- (c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- (d) No approval is granted for any remote storage area.
- (e) The business being registered with NSW Food Authority.
- (f) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

If a certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Environmental Health Officer may be engaged to carry out the required inspection for a prescribed fee.

**Note:** Copies of AS 4764 may be obtained from Standards Australia. Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

Alternatively, you may obtain a copy of the 'Food premises design, construction and fit-out guide' from Council. This guide is based on the above standards and sets out minimum requirements to achieve compliance.

**Reason:** To ensure design of the premises meets relevant public health standards.

34. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the certifier upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

**Reason:** To ensure the requirements of Sydney Water have been complied with.

35. The applicant is to make a formal submission to Ausgrid by means of a duly completed Connection Application and/ or Preliminary Enquiry form to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (e.g. whether a substation is required on site) before the certification of works.

**Note:** Any work undertaken near Ausgrid assets needs to be done in accordance with various standards, rules and guidelines including:

- Ausgrid's Network Standards
- Ausgrid's Electrical Safety Rules.

The developer is to ensure that the proposed works do not contravene Ausgrid's Technical Standards and statutory requirements with regards to the safe and reliable operation and maintenance of its network.

**Reason:** To comply with the requirements of Ausgrid.

36. Documentary evidence to the satisfaction of the certifier is to accompany the construction documentation confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

If a substation is required of the energy provider, it must be located internally within a building/s.

Substations are not permitted within the front setback of the site or within the street elevation of the building; unless such a location has been outlined and approved on the Council stamped Development Application plans. Substations are not permitted within Council's road reserve. Nothing in this condition prevents a substation for the rowing club to be located within the dry boat store carpark in accordance with DA/644/2017.

**Reason:** To ensure adequate electricity supply to the development and to ensure appropriate streetscape amenity.

37. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany the construction documentation and be to the satisfaction of the certifier. A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

**Reason:** To protect Council's infrastructure.

38. Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of the certifier. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
  - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
  - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
  - (iii) The locations of proposed Work Zones in the egress frontage roadways,
  - (iv) Location of any proposed crane standing areas,
  - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
  - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
  - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
  - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

- (c) Traffic Control Plan(s) for the site:
  - (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
  - (ii) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
  - (i) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road,
  - (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
  - (iii) Minimising construction related traffic movements during school peak periods.

**The traffic management plan shall incorporate the provision of parking of worker's vehicles on the site, or other areas as agreed with Council.**

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

#### **Prior to Work Commencing**

- 39. Prior to commencement of work, the person having the benefit of the Development Consent and certification of works approval must:
  - (a) Appoint a certifier and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
  - (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The certifier must determine and advise the person having the benefit of the certification of works when inspections, certification and compliance certificates are required.

**Reason:** To comply with legislative requirements.

- 40. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site on land above mean high water mark to prevent unauthorised access. The fence must be installed to the satisfaction of the certifier prior to the commencement of any work on site.

**Reason:** To ensure public safety.

41. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
- (a) Unauthorised entry of the work site is prohibited;
  - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
  - (c) The name, address and telephone number of the certifier;
  - (d) The development consent approved construction hours;
  - (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
  - (f) This condition does not apply where works are being carried out inside an existing building.

**Reason:** Statutory requirement.

42. Prior to work commencing, adequate toilet facilities are to be provided on the work site.  
**Reason:** To ensure adequate toilet facilities are provided.

43. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:
- (a) Above;
  - (b) Below; or
  - (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

**Note:** Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

**Reason:** To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

44. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

**Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

45. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

In addition, no drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

**Reason:** To protect Council's assets throughout the development process.

46. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. This includes, but is not limited to, the following measures:

- i. A silt curtain
- ii. A minimum 500mm depth of pea gravel above the areas where piles are to be installed.
- iii. A water quality monitoring strategy within the river at the construction site.

In addition, the erosion and sediment control strategy must comply with the recommendations of the report 'Environmental management plan (Final), Homebush bay sediments, dated 06/11/2014, prepared by Thiess'. These measures are to be maintained throughout the entire works.

**Reason:** To ensure soil and water management controls are in place before site works commence.

47. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:
- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
  - (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
  - (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
  - (d) the site is to be maintained clear of weeds; and
  - (e) all grassed areas are to be mowed on a monthly basis.

**Reason:** To ensure public safety and maintenance of the amenity of the surrounding environment.

48. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:  
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.

(d) Kerbside restrictions - construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

The application is to be lodged with Council's Customer Service Centre.

**Reason:** Proper management of public land.

49. Seawall reconstruction works within the site frontage, approved under DA-40/2015 (Auburn Reference), must be completed prior to commencement of foundation works for this development. Notwithstanding, concurrent construction may occur at the interface of the rowing club if necessary for foundations, footings and services.

**Reason:** To protect the environment.

**During Work**

50. All work is to comply with the requirements contained within the approved Construction and Environmental Management Plan (CEMP) as approved through Condition 7 of this consent.

**Reason:** To minimise the impacts of construction on the environment.

51. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

**Reason:** To ensure compliance with this consent.

52. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

**Reason:** To protect the amenity of the area.

53. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

**Reason:** To ensure pedestrian access.

54. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

**Reason:** To protect the amenity of the area.



55. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:
- (a) The date and time of the complaint;
  - (b) The means by which the complaint was made;
  - (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
  - (d) Nature of the complaints;
  - (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
  - (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.
- The complaints register must be made available to Council and/or the certifier upon request.
- Reason:** To allow the certifier/Council to respond to concerns raised by the public.
56. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.
- Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.
- Reason:** To protect the amenity of the area.
57. Works are not to result in sedimentation and/or run-off from the approved works onto the adjoining properties, public lands or the receiving waterway. The person having the benefit of this consent must ensure that sediment within Homebush Bay is not mobilised as a result of construction works.
- Reason:** To ensure no adverse impacts on neighbouring properties or the environment.
58. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.
- Reason:** To protect public safety.
59. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.
- Reason:** To ensure proper management of Council assets.
60. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within the City of Parramatta LGA.
- Reason:** To ensure maintenance of Council's assets.
61. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.
- Reason:** To confirm waste minimisation objectives are met.

62. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).  
**Reason:** To prevent pollution of the environment.
63. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.  
**Reason:** To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.
64. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.  
**Reason:** To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.
65. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and ANZECC standards for water quality.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To prevent pollution of waterways.

**Prior to the issue of an Occupation Certificate or Occupation whichever occurs first**

66. Occupation or use of the building or part of the building is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 and 6.10 of the Environmental Planning and Assessment Act 1979, or until certification has been provided that all conditions of the consent have been complied with, including the completion of all certified works.  
**Reason:** To comply with legislative requirements of the Environmental Planning and Assessment Act 1979.
67. A detailed **Operational and Environmental Management Plan (OEMP)** is to be prepared and include, but not be limited to, the following:
- The inclusion of management and mitigation measures to ensure risks to future users of the public pontoon are also considered and managed.
  - The undertaking of annual hydrographic surveys of the facility for the first five years following completion of the facility. The survey should also include a water quality and benthic sediment quality and a contamination assessment. The annual assessment must assess for dioxin and DDT contamination, and water quality parameters, to determine the effects of the development compared to baseline (pre-construction) levels. Increased levels of contamination in environmental media sampled or a decrease in water quality must prompt immediate reporting to the NSW EPA and reassessment of management controls. Annual reporting should be submitted to the NSW EPA.
  - Users of the rowing facility should be informed and educated about the contamination issues within Homebush Bay and the requirements to minimise the

remobilisation of sediments and their exposure to sediments. This should include adequately visible and clearly articulated signage visible from the pontoon to alert users before they enter the water.

- Any repairs to the facility undertaken that could disturb the sediment should be done in a manner that ensures minimal disturbance. In addition, the NSW EPA should be notified of any repairs or maintenance work that might disturb sediments.
- The inclusion of a long term environmental management plan.
- The provision of lighting to minimise light spill to waterways
- The development of provisions to ensure that watercraft does not encroach onto restricted "No Go Zones" including Haslams Creek (upstream of Bennelong Road Bridge) and the southern end of Homebush Bay (all waters to the east of Sydney Olympic Park Waterbird Refuge, including Powells Creek)
- Appropriate provision of litter bins

The detailed Operational and Environmental Management Plan (OEMP) is to be reviewed and approved by the site auditor. Once approved by the site auditor, the OEMP is to be submitted to Council and NSW EPA for review and endorsement before the issue of the Occupation Certificate or occupation of the building, whichever occurs first.

**Reason:** To ensure mitigation of risks to human health and the environment from remobilisation of contaminated sediments.

68. An easement for the rowing club access and structural encroachments over Council owned property is to be created to the satisfaction of the Manager, Development and Traffic Services. The easement documentation is to be accompanied with a detailed survey indicating the area to be used and details of the structure encroachment/s into this land. The easement is to be registered at the NSW Land Registry Services, with evidence being provided to Council before the occupation of the premises.

**Reason:** To enable access and structures across Council owned property.

69. Subject to the approval of the Parramatta Traffic Committee under Delegated Authority, the applicant shall submit an application to Council's Service Manager - Traffic and Transport regarding the installation of the parking restrictions on Burroway Road at least 4 months prior to the final occupation of the building as works instruction will need to be forwarded to Council's Trades Supervisor for implementation. The cost of supply and installation of the appropriate signs are to be paid by the applicant at no cost to Council.

**Reason:** To ensure that appropriate parking is provided before the occupation of the site.

70. Prior to the commencement of trade of the liquor licence, the applicant must provide a Plan of Management for the day to day operations of the premises. The Plan of Management should include but not be limited to the following requirements:

- Hours of operation
- Amenity of neighbourhood
- Noise
- Behaviour of patrons and Responsible Service of Alcohol
- Live Entertainment/Functions management
- Deliveries and waste removal and complaint management
- Maintenance
- House policy
- Staff training
- Security management plan
- Capacity of premises
- Use of levels and courtyards.

The Plan of Management shall be submitted to the approval of the NSW Police and Council.

**Reason:** To comply with the licensing requirements of the NSW Police.

71. Before the commencement of any use within the premises, details of the proposed signage (in accordance with the relevant signage zones approved within this consent) shall be submitted to, and approved by the Manager, Development & Traffic Services. Details shall include the materials used, signage dimensions, wording and illumination.

**Reason:** To ensure the signage detail complies with the provisions of State Environmental Planning Policy 64 – Advertising and Signage.

72. The certifier shall be responsible for ensuring the recommendations of the following reports have been incorporated within the design and construction of the development:

| Document Report   | Date       |
|---|------------|
| Geotechnical Report - Project 84357 – Rev 0 - Douglas Partners                                  | 23.09.2014 |
| Contamination Management Plan - Reference 21/2310607 – Rev 2 - GHD                              | 12.12.2017 |
| Site Audit Report & Site Audit Statement - 0503-1709 - JBS&G                                    | 18.12.2017 |
| Rowing Club - Marine Ecology Environmental Assessment 301015-03538-005 – Rev 4 - Worley Parsons | 26.07.2017 |
| Noise Assessment - 47.7090.R1:GA/DT/2017 - Rev 02 - Atkins Acoustics and Associates Pty Ltd     | July 2017  |
| Energy Efficiency & Sustainability Concept Report - Revision 2.1 - Norman Disney & Young        | 26.07.2017 |
| Energy Efficiency & Sustainability Concept Report Revision 2.1 - Norman Disney & Young          | 26.07.2017 |
| Crime Prevention Through Environmental Design (CPTED) Assessment – 16789 - JBA                  | 25.07.2017 |

Certification from appropriately qualified consultants shall be submitted to the certifier confirming that all relevant works have been carried out or complied with before the issue of an Occupation Certificate/occupation of the premises.

**Reason:** To ensure the recommendations of the reports have been implemented within the development.

73. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate or occupation of the premises.

**Reason:** To ensure appropriate electricity services are provided.

74. A written application to Council's Civil Assets Team for the release of a bond must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued, or occupation of the premises permitted until correspondence has been issued by Council detailing the bond has been released.

**Note:** Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

**Reason:** To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

75. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.

The report is to be submitted to the certifier prior to the issue of the occupation certificate/occupation of the premises. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the certifier must compare the post-construction dilapidation report with the pre-construction dilapidation report.

A copy of this report is to be forwarded to Council.

**Reason:** To establish any damage caused as a result of the building works.

76. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate/occupation of the premises. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92.

**Reason:** To ensure the requirements of Sydney Water have been complied with.

77. An evacuation report and procedure shall be prepared by an appropriate consulting engineer. This report is to demonstrate how the occupants of the development will egress the site in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). It must also detail measures to be taken by rowing club /RMS staff in the lead-up to inclement weather to secure boats/pontoons, to prevent them from becoming pollutants in the event of a flood. The report shall be submitted to the certifier prior to the issue of the Occupation Certificate/occupation of the premises. A copy of the report shall be forwarded to Council.

**Reason:** To make property owners/residents aware of the procedure in the case of flood.

78. Prior to an Occupation Certificate being issued or occupation of the premises, Council must be notified that the premises is to be used for the preparation or manufacture of food for sale so that the premises can be registered on Council’s food premises licensing database.

**Reason:** Compliance with the requirements of the Food Act.

79. Adequate ventilation to work areas and other occupied enclosures shall be provided in accordance with the requirements of the Building Code of Australia. Where any system of mechanical ventilation is installed, certification that the system functions in accordance with Australian Standard AS 1668 (Parts 1 & 2) is to be provided to the certifying authority prior to occupation of the premises.

**Reason:** To comply with the Building Code of Australia and the relevant Australian Standard.

80. Certification to be provided to the certifier, prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004.

It is incumbent on the certifier to determine the competency of the person providing this certification, based on that person’s qualifications, experience and currency of practice.

**Reason:** To ensure construction and fit-out of the premises meets relevant public health standards.

## **The Use of the Site**

81. The use of the building approved under this consent cannot operate until such time as the relevant works under DA-40/2015 (Auburn Reference) and DA/644/2017 associated with the use have been constructed and certified as complete (unless interim facilities are agreed to by Council and provided to support the rowing club). These works include (but are not limited to):

- (a) Remediation, earthworks, seawall construction, promenade construction along Homebush Bay (Lots 203 and 204)
- (b) Burroway Road cul-de-sac including promenade and public domain works
- (c) The construction of the dry boat store carpark and operational facilities for the rowing club.

**Reason:** To ensure the appropriate timing of works.

82. The following shall apply at all times to the use of the rowing club:

- (a) The use of the Club Restaurant can only be made available to club members and their guests;
- (b) The use of the Club Function Room shall be the subject of an authorisation under s23 of the Registered Clubs Act 1979.

**Reason:** To ensure compliance with the zoning requirements under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and the approved Concept Plan.

83. The operation of the premises is to comply with the requirements contained within the approved Operational and Environmental Management Plan (OEMP) as approved through Condition 67 of this consent.

**Reason:** To minimise the impacts of construction on the environment.

84. A closed-circuit television system (CCTV) must be maintained on the premises in accordance with the following requirements:

- (a) The system must record continuously
- (b) Recordings must be in digital format and at a minimum of 15 frames per second
- (c) Any recorded image must specify the time and date of the recorded image
- (d) The system's cameras must cover the following areas:
  - i) All entry and exit points on the premises
  - ii) All publicly accessible areas (other than toilets) on the premises.

The person acting upon this consent must also keep all recordings made by the CCTV system for at least 30 days, and ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.

**Reason:** To minimise the opportunity for crime to occur and comply with the requirements of the NSW Police.

85. The hours of operation are restricted to:

| <b>Activity</b>                       | <b>Hours of Operation</b>  |
|---------------------------------------|--|
| Boat Shed<br>Rigging Deck and Pontoon | 5am to 7pm daily<br>A maximum of 2 motorised vessels are permitted on the water before 7am |

|                                     |                   |
|-------------------------------------|-------------------|
| Public Kayak Launch Area            | 5am to 10pm daily |
| Ancillary Restaurant                | 7am to 10pm daily |
| Ancillary Club Room (Function Room) | 7am to 10pm daily |
| Ancillary Gym                       | 5am to 10pm daily |
| Ancillary Café                      | 6am to 10pm daily |

Notwithstanding the above, the ancillary restaurant and club room may operate between 7:00am and 12:00 midnight on any day for a trial period of 12 months from the date of an Occupation Certificate/occupation of that part of the premises, whichever occurs first.

A further application may be lodged to continue the extended operating hours outlined above before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions and any substantiated complaints received.

**Reason:** To protect the amenity of the area.

86. The outdoor terraces shall not be accessed by patrons after 10pm and the doors to the terraces are to be closed from 10pm.

**Reason:** To protect the amenity of the surrounding neighbourhood.

87. The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2015 and the Australia New Zealand Food Authority Food Standards Code.

**Reason:** To ensure operation of the premises complies with the relevant legislation and standards.

88. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

**Reason:** To prevent loss of amenity to the area.

89. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

**Reason:** To reduce noise levels.

90. There are to be no external speakers at the premises.

**Reason:** To prevent loss of amenity to the area.

91. Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management/licensee must be responsible for the control of noise and

litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.

**Reason:** To prevent loss of amenity to the area.

92. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

**Reason:** To ensure the removal of graffiti.

93. A waste storage room is to be provided on the site (as approved under DA/644/2017) and shall be constructed to comply with the following:

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet;
- (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

**Reason:** To ensure provision of adequate waste storage arrangements.

94. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

**Reason:** To ensure provision of adequate waste disposal arrangements.

95. All waste storage areas are to be maintained in a clean and tidy condition at all times.

**Reason:** To ensure the ongoing management of waste storage areas.

96. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

**Reason:** To ensure waste is adequately stored within the premises.

97. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

**Reason:** To maintain the amenity of the area.

98. Separate waste bins are to be provided on site for recyclable waste.

**Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

99. Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

**Reason:** To ensure compliance with Sydney Water's requirements and protect the environment.

100. All loading and unloading (excluding rowing boats associated with the rowing club) must take place within the designated loading area within the dry boat store located on the



subject property and wholly within the site at all times in accordance with the terms and conditions of DA/644/2017.

**Reason:** To protect the amenity of the neighbourhood.

101. A minimum of 100 car parking spaces are to be provided for use of the rowing club and ancillary uses and contained within the dry boat store as approved under DA/644/2017.

**Reason:** To ensure adequate car parking is provided for the rowing club.

102. The proprietors of the venue shall be responsible at all times for the orderly dispersal of patrons from the venue.

**Reason:** To protect the amenity of the surrounding neighbourhood.

103. No live music or entertainment shall be provided within the premises.

**Reason:** To protect the amenity of the surround neighbourhood.

104. Security personnel licensed under the Security Industry Act 1997 shall be engaged by the licensee to patrol the area to ensure that patrons do not cause nuisance, or annoyance to the quiet and good order of the neighbourhood.

**Reason:** To protect the amenity of the area.

105. Any air conditioner/s must not: (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

- (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day.
  - (iii) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and
  - (iv) above, which exceeds the background (LA90, 15 minute) by more than 5dB(A).
- The source noise level must be measured as a LAeq 15 minute.

**Reason:** To prevent loss of amenity to the area.

106. The supply and/or sale of alcohol is not permitted until consent has been obtained from Office of Liquor Gaming and Racing. Such consent must to be submitted to Council prior to occupation of the premises.

**Note:** Any licence obtained from the Office of Liquor Gaming and Racing is not to permit takeaway liquor sales or the provision of gaming prior to further approval being obtained from Council.

**Reason:** To protect the amenity of the area.

### **ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

### **NSW EPA Licensing**

The applicant or person acting upon this consent may need to obtain the following licences from the NSW EPA:

- A Scheduled Development Works License under the provisions of the POEO before the commencement of any works in relation to this application
- An Environmental Protection Licence under the provisions of the POEO before the occupation of any building or structure in relation to this application.

It is recommended that you contact the NSW Environment Protection Authority to determine whether the above licences are required.

### **Sydney Water Requirements**

Sydney Water have advised of the following requirements for this development:

#### Water

- *Our initial strategic investigation shows that there is sufficient capacity in the trunk water system to supply drinking water to the proposed development.*
- *However, the existing 150mm water main on Burroway Road fronting the development site will need to be upsized to a 250mm water main to service the proposed site.*

#### Wastewater

- *There is no existing wastewater available to service the proposed development.*
- *Servicing the site will depend on the construction and completion of the pressure sewers proposed under Sydney Water cases 145024WW and 152313WW in proximity of the proposed site. Sydney Water gives no assurance of the stratus or timeframe of these works. For more information about these cases, please contact Water Servicing Coordinators: Qalchek Pty Ltd and MGP Building & Infrastructure Service Pty Ltd.*
- *The developer will need to construct a low -pressure wastewater main in Burroway Road connecting abovementioned sewers to service the proposed development.*

*This advice is not a formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 certificate.*

*More information about the Section 73 application process is available on the Sydney Water web page in the Land Development Manual.*