

# ATTACHMENT B: DRAFT CONDITIONS OF CONSENT

## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

1. The development is consistent with the objectives of the zone;
2. The development is generally consistent with the development controls;
3. The development will not unreasonably compromise the amenity of nearby properties;
4. The development is compatible with the character of the area;
5. The development is considered suitable for the site; and
6. Approval is considered to be in the public interest.

## DEFERRED COMMENCEMENT

	Condition
<b>A</b>	<p style="text-align: center;"><b>Public Domain Plan</b></p> <p>The public domain plan is to be revised incorporating the following requirements (including but not limited to):</p> <ol style="list-style-type: none"> <li>i. Provision of a separate path for the trailer and tug;</li> <li>ii. Widening of the Bay Run path to maintain its width up to the end of the Maliyawul Street carpark;</li> <li>iii. Changes to existing lighting and provision of new lighting as required;</li> <li>iv. Details of all existing and proposed utility services or changes to existing utility services;</li> <li>v. Provision of a time limited parallel trailer parking zone adjacent to Leichhardt No 3. Oval where trailers can be decoupled and trailer vehicles parked</li> <li>vi. Provision of a turnaround bay at the end of the Maliyawul Street carpark;</li> <li>vii. Provision of an accessible carspace at the end of the Maliyawul Street carpark;</li> </ol> <p>Reason: To establish works to be completed in the public domain for the orderly development of the proposal and to minimise conflict with public domain users.</p>
<b>B</b>	<p style="text-align: center;"><b>Plan of Management</b></p> <p>The Plan of Management must be revised to incorporate the following requirements (but not limited to):</p> <ol style="list-style-type: none"> <li>i. 'Hours of operation' heading to be included which clearly identifies the different uses, and respective hours being               <ul style="list-style-type: none"> <li>o Rowing club and boat storage – Monday-Friday 5:00am – 9:00am, Saturday, Sunday 5:00am – 11:00am</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>○ Kiosk – 7 days 6:00am – 3:00pm</li> <li>○ Multipurpose space for community uses – 7 days 3:00pm – 7:00pm</li> <li>○ Deliveries within trading hours of the kiosk only Monday - Friday</li> <li>○ Boat transportation – 5:00am – 7:00am – 7 days</li> </ul> <ol style="list-style-type: none"> <li>i. Section 3.4 Acoustic Management chapter to be amended to reflect approved hours of operation</li> <li>ii. Section 2.5 Safety and security is to be amended to include details on CCTV surveillance</li> <li>iii. 'Waste Management' heading to be included containing details on the frequency and scope of litter patrols</li> <li>iv. 'Complaints handling' heading to be included containing an official Complaints Register is created which relates to the operation of the whole premises, this register shall contain full details of any disturbance complaints made by a person to management or staff in respect to the operation of the premises and/or the behaviour of persons associated with the premises. Such recording will include time, date, nature of the complaints and any complainant details if provided. The register is to be made available to Council or the Police on request. Management shall respond to any disturbance complaints in a timely and effective manner. All actions undertaken by management / staff to resolve such complaints shall be recorded in the Register. A non-illuminated A4 sized sign providing contact details of the person nominated as the emergency site contact, is to be located on the building.</li> <li>v. 'Kiosk' heading to be included (if included in the approval) containing delivery procedures and private waste collection procedures.</li> <li>vi. 'Public Access' heading to be included detailing that public access to the pontoon, deck, and forecourt area is to be maintained at all times and how this will be communicated to the public e.g. signage strategy.</li> <li>vii. 'Multi purpose space' heading to be included containing venue capacity of 30 people.</li> <li>viii. Section 2.1 'The Rowing Club' chapter to be amended to include: <ul style="list-style-type: none"> <li>○ No bus/coach pick up drop offs to be permitted from Maliyawul Street.</li> <li>○ Details relating to the membership make up and any commitments to including members with a physical disability.</li> </ul> </li> <li>ix. Section 3.6 'Boat Transportation' heading to be amended to specify the following: <ul style="list-style-type: none"> <li>○ Any boat transportation to be limited to a maximum 15 times per year.</li> <li>○ A register of boat trailer transportation to include time, date, number of boats. The register is to be made available to Council on request.</li> <li>○ No loading or unloading to occur within Leichhardt Park.</li> <li>○ No boat transportation outside specified hours.</li> <li>○ Trailers associated with the rowing club are not to be stored long term in any of the Leichhardt Park carparks.</li> <li>○ Identification and details of the specialised equipment and training requirements for personnel to effectively manage the transportation of boats and location for storage specified.</li> </ul> </li> </ol>
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	<p>x. 4. 'Amendments to this Plan' chapter is to be amended to include details to display a non-illuminated sign at the entrance to the building advising that a copy of the current Plan of Management is available to be viewed on-site by any person who wishes to do so. This is in addition to the provision in the Plan of Management that a copy (physical or digital) will be made available to all staff, visitors or contractors.</p> <p>Reason: To protect the amenity of Leichhardt Park</p>
<b>C</b>	<p><b>Local Traffic Committee</b></p> <p>The applicant shall provide evidence of an approved boat trailer loading zone, signage plan, and any required accessible parking spaces towards the end of Maliyawul Street carpark by Council's Local Traffic Committee.</p> <p>Reason: To ensure parking facilities maintain public and pedestrian safety, and the signage complies with relevant standards.</p>
<b>D</b>	<p><b>Sea Wall</b></p> <p>Amended Architectural plans are to be submitted demonstrating the retention of the sea wall and its height.</p> <p>Reason: To protect the foreshore from sea level rise during a flood/inundation event.</p>
<b>E</b>	<p><b>Trees on the foreshore within Leichhardt Park</b></p> <p>An Arboricultural Impact Assessment including a detailed Tree Planting Plan and site-specific Tree Protection Plan, drawn to scale, prepared by a minimum Australian Qualification Framework (AQF) Level 5, Diploma of Arboriculture, Project Arborist must be submitted to and approved by Council for the works associated with condition A Public Domain Plan. The plan must include:</p> <ul style="list-style-type: none"> <li>i. Details and locations of trees proposed for removal, retention and replacement plantings.</li> <li>ii. Location of existing and proposed structures on the site including, but not limited to; paved areas and planted areas;</li> <li>iii. Details of any earthworks, changes to existing grade and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees;</li> <li>iv. Location, numbers, type and supply of replacement trees, with reference to AS2303:2018—<i>Tree stock for landscape use</i> ;</li> <li>v. A minimum of one new tree for every one tree removed must be included in the design. The tree species must be endemic to the area and provide a mix of canopy heights and spread. Trees listed as exempt species from Council's Tree Management Controls,</li> <li>vi. New trees must be planted at natural ground. It must be demonstrated that there is sufficient soil volume to allow maturity to be achieved (refer to Council's Development Fact Sheet—Trees on Development Sites for further information);</li> </ul>

	<p>vii. New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;</p> <p>viii. Structures such as OSD's, electrical kiosks, services etc. are not to be located within areas of deep soil or under the canopy of any existing or proposed trees.</p> <p>ix. Details of planting specification and maintenance programme.</p> <p>x. A detailed site-specific Tree Protection Plan (TPP) is to be prepared in accordance with Australian Standard AS4970—<i>Protection of trees on development sites</i> and Council's Development Fact Sheet—Trees on Development Sites.</p> <p>a) The tree protection measures contained in the TPP must be shown clearly on the Construction Certificate drawings, including the Construction Management Plan.</p> <p>b) The Certifying Authority must ensure the construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPP.</p> <p>c) A Project Arborist is to be appointed prior to any works commencing to monitor tree protection for the duration of works in accordance with the requirements identified in the TPP.</p> <p>d) All tree protection measures as detailed in the approved Tree Protection Plan must be installed and certified in writing as fit for purpose by the Project Arborist.</p> <p>Reason: To protect trees during construction.</p>
<b>F</b>	<b>Fig Trees at the Mary Street entrance of Leichhardt Park</b>
	<p>An Arboricultural Impact Assessment including a site-specific Tree Protection Plan (TPP) prepared by a minimum Australian Qualification Framework (AQF) Level 5, Diploma of Arboriculture, Project Arborist. The TPP is to be prepared in accordance with Australian Standard AS4970—<i>Protection of trees on development sites</i> and Council's Development Fact Sheet—Trees on Development Sites, submitted to and approved by Council. The plan must include:</p> <p>i. The tree protection measures contained in the TPP must be shown clearly on the Construction Certificate drawings, including the Construction Management Plan.</p> <p>ii. The Certifying Authority must ensure the construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPP.</p> <p>iii. A Project Arborist is to be appointed prior to any works commencing to monitor tree protection for the duration of works in accordance with the requirements identified in the TPP.</p> <p>iv. All tree protection measures as detailed in the approved Tree Protection Plan must be installed and certified in writing as <i>fit for purpose</i> by the Project Arborist.</p>

	Reason: To protect trees during construction.
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Evidence of the above matter(s) must be submitted to Council within 2 years otherwise the Consent will not operate.

## GENERAL CONDITIONS

	Condition			
1.	<b>Documents related to the consent</b>			
	The development must be carried out in accordance with plans and documents listed below:			
	<b>Plan, Revision and Issue No.</b>	<b>Plan Name</b>	<b>Date Issued</b>	<b>Prepared by</b>
	DA 1.02 rev A	Site analysis	29 September 2023	Hill Thalys
	DA2.01 rev A	Site Plan	29 September 2023	Hill Thalys
	DA2.10 rev C	Ground Floor Plan	26 July 2024	Hill Thalys
	DA2.11 rev A	First Floor Plan	29 September 2023	Hill Thalys
	DA2.12 rev A	Roof Plan	29 September 2023	Hill Thalys
	DA2.20 rev B	Front + Rear Elevation	26 July 2024	Hill Thalys
	DA2.21 rev A	Side elevations	28 September 2023	Hill Thalys
	DA2.30 rev A	Sections	28 September 2023	Hill Thalys
	DA3.10 rev A	Materials	28 September 2023	Hill Thalys
	DA2.13 rev A	Kiosk Plan	5 December 2023	Hill Thalys
	DA2.14 rev A	Dismantling Top Course of Sea Wall	26 July 2024	Hill Thalys
	ASK2.00 rev A	Heritage Interpretation Plan – Signage	31 July 2024	Hill Thalys
	ASK2.01 rev A	Heritage Interpretation Plan – Seawall Relocation	31 July 2024	Hill Thalys
	ASK1.00 rev A	Proposed Public Domain Improvement Plan	31 July 2024	Hill Thalys

	ASK1.10 rev A	Management control – Public Domain Improvement	31 July 2024	Hill Thalys
	P2410315JR01V01	Preliminary Site Investigation	July 2024	Martens
	C01-001 rev B	Cover Sheet, Legends And Drawing Index	26 September 2023	ACOR Consultants Pty Ltd
	C01-101 rev B	Notes Sheet	26 September 2023	ACOR Consultants Pty Ltd
	C03-001 rev B	Soil Erosion And Sediment Control Plan	26 September 2023	ACOR Consultants Pty Ltd
	C03-101 rev B	Soil Erosion And Sediment Control Notes	26 September 2023	ACOR Consultants Pty Ltd
	C08-001 rev B	Stormwater Management Plan	26 September 2023	ACOR Consultants Pty Ltd
	-	Foreshore Risk Management Report for Leichhardt Park Community Boat Shed	9 October 2023	Horton Coastal Engineering
	118211 rev 1	NCC report	20 September 2023	Jensen Hughes
	-	Accessibility Report	September 2023	Accessibility Solutions Pty Ltd
	Version C	Plan of Management	6 August 2024	Civic Assessments
<p>As amended by the conditions of consent.</p> <p>Reason: To ensure development is carried out in accordance with the approved documents.</p>				
<b>2.</b>	<b>Food Premises Certification</b>			
	<p>The food premises design, construction and operation is in accordance with the following:</p> <ul style="list-style-type: none"> <li>a) Food Act 2003;</li> <li>b) Food Regulation 2010;</li> <li>c) Australia and New Zealand Food Standards Code;</li> <li>d) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises);</li> </ul>			

	<p>e) Australian Standard AS 1668 Part 1 – 1998; and f) Australian Standard AS 1668 Part 2 – 2012.</p> <p>Reason: To ensure compliance with the relevant food premises code and Australian Standards.</p>
<b>3.</b>	<p style="text-align: center;"><b>Mechanical Ventilation System Certification</b></p> <p>The mechanical ventilation systems are to be designed, constructed and operated in accordance with the following:</p> <p>a) Australian Standard AS 1668 Part 1 – 1998; b) Australian Standard AS 1668 Part 2 – 2012; c) Australian Standard 3666.1 – 2011; d) Australian Standard 3666.2 – 2011; and e) Australian Standard 3666.3 - 2011.</p> <p>The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.</p> <p>Reason: To ensure compliance with the relevant Australian Standards.</p>
<b>4.</b>	<p style="text-align: center;"><b>Car Parking</b></p> <p>The development must provide and maintain within the site at all times:</p> <p>a) 13 Bicycle parking spaces; b) 1 Loading area for trailer use only.</p> <p>Reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.</p>
<b>5.</b>	<p style="text-align: center;"><b>Storage of Materials on public property</b></p> <p>The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.</p> <p>Reason: To protect pedestrian safety.</p>
<b>6.</b>	<p style="text-align: center;"><b>Other works</b></p> <p>Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>

	<p>No approval is given for any boat moorings and/or permanent or temporary tables, chairs and umbrellas on the forecourt/Leichhardt Park.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
7.	<p><b>National Construction Code (Building Code of Australia)</b></p> <p>A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
8.	<p><b>Construction of Vehicular Crossing</b></p> <p>The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for Construction of a Vehicular Crossing &amp; Civil Works form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.</p> <p>Reason: To protect assets, infrastructure and pedestrian safety.</p>
9.	<p><b>Dial before you dig</b></p> <p>Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.</p> <p>Reason: To protect assets and infrastructure.</p>
10.	<p><b>Asbestos Removal</b></p> <p>Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.</p> <p>Reason: To ensure compliance with the relevant environmental legislation.</p>
11.	<p><b>Electrical Substations</b></p> <p>Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site or a site agreed to by Council and may be the subject of an application for modification of consent.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p>
12.	<p><b>Permits</b></p>



	<p>Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:</p> <ul style="list-style-type: none"> <li>• Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;</li> <li>• A concrete pump across the roadway/footpath;</li> <li>• Mobile crane or any standing plant;</li> <li>• Skip Bins;</li> <li>• Scaffolding/Hoardings (fencing on public land);</li> <li>• Public domain works including vehicle crossing, kerb &amp; guttering, footpath, stormwater, etc.;</li> <li>• Awning or street veranda over the footpath;</li> <li>• Partial or full road closure; and</li> <li>• Installation or replacement of private stormwater drain, utility service or water supply.</li> </ul> <p>If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p>
<b>13.</b>	<p style="text-align: center;"><b>Insurances</b></p> <p>Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.</p> <p>Reason: To ensure Council assets are protected.</p>
<b>14.</b>	<p style="text-align: center;"><b>General Terms of Approval - Aquatic Habitat Protection and Threatened Species Conservation</b></p> <p>Prior to the commencement of any work, the Certifying Authority must be provided with details of:</p>

	<ul style="list-style-type: none"> <li>a) All construction works should be done without excavation and by driving piles to minimise potential disturbance to the seabed.</li> <li>b) If trenching, pump jetting or excavation of 'holes' in the seabed is required the proponent must apply for and obtain a Part 7 permit for dredging and reclamation under the FM Act from DPI Fisheries prior to any works on site. Permit application forms are available from the DPI Fisheries website at: <a href="https://www.dpi.nsw.gov.au/fishing/habitat/help/permit">https://www.dpi.nsw.gov.au/fishing/habitat/help/permit</a>.</li> <li>c) A minimum of 600 mm is to be maintained between the underside of the pontoon and the substrate at lowest astronomical tide.</li> <li>d) No materials should be stored or placed on the seabed.</li> <li>e) Adjacent seagrass habitats should be marked as no go zones. Construction vessels should not anchor or be grounded within seagrass habitat to avoid harm to seagrasses.</li> <li>f) Environmental safeguards (silt curtains, booms etc.) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms. Sediment booms/floating sediment curtains are not to be installed in seagrass.</li> <li>g) DPIRD Fisheries (1800 043 536) and the Environment Protection Authority (131 555) is to be notified immediately if any fish kills occur in the vicinity of the works. In such cases, all works other than emergency response procedures are to cease until the issue is rectified and approval is given by DPIRD Fisheries and/or the Environment Protection authority for the works to proceed.</li> </ul> <p>Reason: To confirm the terms of approval.</p>
<b>16.</b>	<p style="text-align: center;"><b>Documentation of Demolition and Construction Waste</b></p> <p>All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p>
<b>17.</b>	<p style="text-align: center;"><b>Heritage Interpretation Plan</b></p> <p>Prior to the issue of a Construction Certificate, a revised Heritage Interpretation Plan for the para-rowing boatshed must be submitted to and approved by Council's Heritage Specialist. The plan is to be prepared by a suitably qualified and experienced heritage practitioner or historian in accordance with the 'Heritage Interpretation Policy' published by the Heritage Council of NSW and the NSW Department of Planning in August 2005 and 'Heritage Information. Series, Interpreting Heritage Places and Items Guidelines' published by the former NSW Heritage Office in August 2005.</p> <p>The interpretation plan must detail how information on the history and significance of the site, the former jetty and the uppermost course of the sandstone seawall proposed</p>

	<p>to be demolished, will be provided for the public and make recommendations regarding public accessibility, signage and lighting. Public art, details of the heritage design, the display of selected artefacts are some of the means that can be used. The plan must specify the location, type, making materials and contents of the interpretation device being proposed.</p> <p>Reason: To ensure that the history of the Inner West is recorded and is made publicly available as part of the development.</p>
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## BUILDING WORK

### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
<b>18.</b>	<p style="text-align: center;"><b>Resource Recovery and Waste Management Plan - Demolition and Construction</b></p> <p>Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.</p> <p>Reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
<b>19.</b>	<p style="text-align: center;"><b>Noise General – Acoustic Report</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the <i>Protection of the Environment Operations Act 1997</i> and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>
<b>20.</b>	<p style="text-align: center;"><b>Food Premises Waste Storage Area</b></p> <p>Prior to the issue of a construction certificate, a detailed plan showing the design and location of the waste storage room must be submitted to the Principal Certifier. The designated waste and recyclable storage room must be in accordance with the following requirements:</p> <p style="margin-left: 40px;">a) The area must be fully enclosed, suitably sized to contain all waste and recyclable material generated by the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;</p>

	<p>b) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;</p> <p>c) A tap with a supply of warm running water shall be provided within the room.</p> <p>Reason: To ensure compliance with the relevant Australian Standard.</p>
<b>21.</b>	<p style="text-align: center;"><b>Tree Protection Plan</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a detailed site-specific Tree Protection Plan (TPP) prepared by a minimum Australian Qualification Framework (AQF) Level 5, Diploma of Arboriculture, Project Arborist. The TPP is to be prepared in accordance with Australian Standard AS4970—<i>Protection of trees on development sites</i> and Council's Development Fact Sheet—Trees on Development Sites..</p> <p>The tree protection measures contained in the TPP must be shown clearly on the Construction Certificate drawings, including the Construction Management Plan.</p> <p>The Certifying Authority must ensure the construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPP.</p> <p>A Project Arborist is to be appointed prior to any works commencing to monitor tree protection for the duration of works in accordance with the requirements identified in the TPP.</p> <p>All tree protection measures as detailed in the approved Tree Protection Plan must be installed and certified in writing as <i>fit for purpose</i> by the Project Arborist.</p> <p>Reason: To protect trees during construction.</p>
<b>22.</b>	<p style="text-align: center;"><b>Construction Environmental Management Plan</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Construction Environmental Management Plan (CEMP) prepared by a suitably qualified person. The CEMP is to include protocols to address any unexpected finds which may be encountered during the minor land-based excavation works, outline suitable water-based construction techniques to minimise sediment disturbance and outline all land and water based sediment and erosion control measure include the implementation of silt curtains to limit potential sediment migration.</p> <p>Reason: To ensure works are in accordance with the consent.</p>
<b>23.</b>	<p style="text-align: center;"><b>Long Service Levy</b></p> <p>Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid</p>

	<p>at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.</p> <p>Reason: To ensure the long service levy is paid.</p>				
<b>24.</b>	<p style="text-align: center;"><b>Sydney Water – Tap In</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water’s online ‘Tap In’ program to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.</p> <p>Note: Please refer to the web site <a href="http://www.sydneywater.com.au/tapin/index.htm">http://www.sydneywater.com.au/tapin/index.htm</a> for details on the process or telephone 13 20 92.</p> <p>Reason: To ensure relevant utility and service provides requirements are provided to the certifier.</p>				
<b>25.</b>	<p style="text-align: center;"><b>Street Numbering</b></p> <p>If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council’s GIS team before any street number is displayed. Link to Street <a href="#">Numbering Application</a></p> <p>Reason: To ensure occupancies are appropriately numbered.</p>				
<b>26.</b>	<p style="text-align: center;"><b>Enclosure of Fire Hydrant</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed by a suitably designed accessible screen and in accordance with the requirements of AS 2419.1 2005.</p> <p>Reason: To protect the amenity of the area.</p>				
<b>27.</b>	<p style="text-align: center;"><b>Security Deposit</b></p> <p>Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Security Deposit:</td><td>\$93,508.00</td></tr> <tr> <td>Inspection Fee:</td><td>\$1,167.00</td></tr> </table>	Security Deposit:	\$93,508.00	Inspection Fee:	\$1,167.00
Security Deposit:	\$93,508.00				
Inspection Fee:	\$1,167.00				

	<p>Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.</p> <p>The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.</p> <p>Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.</p> <p>A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.</p> <p>The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.</p> <p>Reason: To ensure required security deposits are paid.</p>
<b>28.</b>	<p><b>Stormwater Drainage System – Minor Developments (OSD is not required)</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:</p> <ul style="list-style-type: none"> <li>a) The design must generally be in accordance with the Stormwater Drainage Concept plan on Drawing No.C08-001 prepared by ACOR Consultants dated 26/09/23</li> <li>b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to directly to Iron Cove in accordance with the requirements of Transport for NSW;</li> <li>c) Details of water-reuse and a water balance model shall be provided to ensure water re-use is maximised.</li> <li>d) Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.</li> </ul> <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p>

<b>29.</b>	<p align="center"><b>Structural and Geotechnical Report</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the structural stability and proposed changes to the sea wall adjacent to the proposed development. The report and plans must be prepared/ amended to make provision for the following:</p> <ul style="list-style-type: none"> <li>a) Any existing or proposed sea walls that provide support to the Council's land must be adequate to withstand the loadings that could be reasonably expected including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 50 years;</li> <li>b) Recommendations regarding the method of construction, vibration emissions and identifying risks to the sea wall and existing structures; and</li> <li>c) Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.</li> </ul> <p>Reason: To ensure that the design of the sea wall is structurally sound and has been appropriately certified.</p>
<b>30.</b>	<p align="center"><b>Public Domain Works – Prior to Construction Certificate</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design for works in Leichhardt Park and Council's Road Reserve, approved under condition A, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the <i>Roads Act 1993</i>. In accordance with the deferred commencement condition including but not limited to:</p> <ul style="list-style-type: none"> <li>a) Provision of detailed long sections and cross sections for both the path to the boat shed and the Bay Run;</li> <li>b) Proposed works required to the sea wall and path below including stairs;</li> </ul> <p>All works must be completed prior to the issue of an Occupation Certificate.</p> <p>Reason: To ensure public domain works are constructed to Council's standards</p>
<b>31.</b>	<p align="center"><b>Flood Risk Management Plan</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Foreshore Risk Management Plan prepared and certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional</p>

	<p>Engineer qualifications with Professionals Australia (RPEng). The Plan must be prepared/amended to make provision for the following:</p> <ol style="list-style-type: none"> <li>a) The plan must be generally in accordance with the recommendations of the Foreshore Risk Management Report prepared by Horton Coastal Engineering dated 9 October 2023.</li> <li>b) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The precautions must include but not be limited to the following: <ol style="list-style-type: none"> <li>i. Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.</li> <li>ii. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.</li> <li>iii. Flood warning signs/depth indicators for areas that may be inundated.</li> <li>iv. A flood evacuation strategy.</li> <li>v. On-site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the Esterine Planning Level.</li> </ol> </li> <li>c) The Boat shed must meet the entry path at the height of the Existing Seawall</li> <li>d) All works must be designed to comply with the ABCB Standard: Construction of Buildings in Flood Hazard Areas in accordance with the National Construction Code and the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below; <ul style="list-style-type: none"> <li>• Building Code of Australia</li> <li>• Defined flood level (DFL) 100-year Average Recurrence Interval flood level</li> <li>• Defined flood event (DFE) 100-year Average Recurrence Interval flood</li> <li>• Flood hazard level (FHL) Flood Planning Level (FPL).</li> </ul> </li> </ol> <p>Reason: To protect human life and property during a flood event</p>
<b>32.</b>	<p style="text-align: center;"><b>Dilapidation Report – Pre-Development – Minor</b></p> <p>Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the following:</p> <ol style="list-style-type: none"> <li>a) Leichhardt Park adjacent from the Maliyawul St carpark to the site including all trees;</li> <li>b) The Bay Run and path to Giovinazzo Plaza from the end of Maliyawul Street;</li> <li>c) The road pavement of Maliyawul Street from Le Montage to its dead end;</li> <li>d) The Sea Wall and path below for 30m either side of the proposed development;</li> </ol>



	<p>e) Existing signage, line marking and any service pole or pits within the park adjacent to the proposed development; and</p> <p>f) Any existing lighting with the park adjacent to the site.</p> <p>Reason: To ensure Council assets are protected.</p>									
33.	<p align="center"><b>Construction Methods to Minimise Impact on Trees</b></p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must verify that <b>no proposed underground services</b> are located beneath the canopy of any prescribed trees .</p> <table border="1"><thead><tr><th>Tree No.</th><th>Botanical/Common Name</th><th>Radius in metres</th></tr></thead><tbody><tr><td>1</td><td><i>Ficus rubignosa</i> (Port Jackson Fig)</td><td>In accordance with the approved TPP</td></tr><tr><td></td><td>All trees located between the proposed facility and Maliyawul Street car park.</td><td>In accordance with the approved TPP</td></tr></tbody></table> <p>Reason: To mitigate the impact of the work on trees to be retained.</p>	Tree No.	Botanical/Common Name	Radius in metres	1	<i>Ficus rubignosa</i> (Port Jackson Fig)	In accordance with the approved TPP		All trees located between the proposed facility and Maliyawul Street car park.	In accordance with the approved TPP
Tree No.	Botanical/Common Name	Radius in metres								
1	<i>Ficus rubignosa</i> (Port Jackson Fig)	In accordance with the approved TPP								
	All trees located between the proposed facility and Maliyawul Street car park.	In accordance with the approved TPP								

## BEFORE BUILDING WORK COMMENCES

	Condition						
34.	<b>Tree Protection</b>						
	No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council's Tree Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent. Any public tree within 5 metres of the development and access path from Maliyawal Street carpark must be protected in accordance with AS4970— <i>Protection of trees on development sites</i> and Council's Development Fact Sheet—Trees on Development Sites. No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.						
	The existing trees detailed below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent.						
	<table><tr><th>Tree Number</th><th>Species</th><th>Location</th></tr><tr><td></td><td></td><td></td></tr></table>	Tree Number	Species	Location			
Tree Number	Species	Location					

	1	<i>Ficus rubignosa</i> (Port Jackson Fig)	Entrance to Leichhardt Park - left hand side
		All trees	Within 5m of the proposed development and access path from Maliyawul Street car park.
	Reason: To ensure that trees to be retained are protected.		
35.	<b>Project Arborist</b>		
	Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist (a person holding a minimum Australian Qualification Framework (AQF) Level 5, Diploma of Arboriculture), must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.		
	Reason: To protect and retain trees.		
36.	<b>Waste Management Plan</b>		
	Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.		
	Reason: To ensure resource recovery is promoted and local amenity is maintained.		
37.	<b>Erosion and Sediment Control</b>		
	Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.		
	Reason: To ensure resource recovery is promoted and local amenity is maintained.		
38.	<b>Standard Street Tree Protection</b>		
	Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.		
	Reason: To protect and retain trees.		
39.	<b>Verification of Levels and Location</b>		
	Prior to the commencement of the erection of any part of the building structure, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the ground floor and the location of the		

	<p>building with respect to the boundaries of the site to AHD.</p> <p>Reason: To ensure works are in accordance with the consent.</p>
<b>40.</b>	<p style="text-align: center;"><b>Construction Fencing</b></p> <p>Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.</p> <p>Reason: To protect the built environment from construction works.</p>
<b>41.</b>	<p style="text-align: center;"><b>Hoardings</b></p> <p>The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.</p> <p>If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.</p> <p>Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public roads or you must obtain a Public Access Permit for works in a Public Park.</p> <p>Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.</p>
<b>42.</b>	<p style="text-align: center;"><b>Construction Traffic Management Plan – Detailed</b></p> <p>Prior to any building work, the Certifying Authority and Council, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Council must approve the CTMP prior to the commencement of any works, including demolition. The CTMP must instruct vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.</p> <p>The following matters should be addressed in the CTMP (where applicable):</p> <ul style="list-style-type: none"> <li>a) Description of the demolition, excavation and construction works;</li> <li>b) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;</li> <li>c) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);</li> </ul>

	<ul style="list-style-type: none"> <li>d) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;</li> <li>e) To avoid congestion and disruption to Council's road reserves, car parks and Leichhardt Park where practical, materials and equipment shall be barged in to the maximum extent possible;</li> <li>f) Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;</li> <li>g) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);</li> <li>h) Proposed hours of construction related activities and vehicular movements to and from the site;</li> <li>i) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);</li> <li>j) Any activities proposed to be located or impact upon Council's road, footways or any public place;</li> <li>k) Measures to maintain public safety and convenience;</li> <li>l) Any proposed road and/or footpath closures;</li> <li>m) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;</li> <li>n) Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council;</li> <li>o) Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);</li> <li>p) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;</li> <li>q) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;</li> <li>r) On-site parking area for employees, tradespersons and construction vehicles as far as possible;</li> <li>s) Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and</li> <li>t) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.</li> <li>u) Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.</li> </ul> <p>If in the opinion of Council, TfNSW or the NSW Police the works results in unforeseen traffic congestion or unsafe work conditions the site may be shut down and alternative Traffic Control arrangements shall be implemented to remedy the situation. In this</p>
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	<p>regard you shall obey any lawful direction from the NSW Police or a Council officer if so required. Any approved CTMP must include this as a note.</p> <p>Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
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## DURING BUILDING WORK

	Condition								
43.	<b>Contamination – New Evidence</b>								
	<p>Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.</p> <p>Reason: To protect the amenity of the neighbourhood from contamination.</p>								
44.	<b>Tree Protection</b>								
	<p>No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council’s Tree Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent. Any public tree within 5 metres of the development and along the access path from Maliyawal Street carpark must be protected in accordance with AS4970—<i>Protection of trees on development sites</i> and Council’s Development Fact Sheet—Trees on Development Sites. No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.</p> <p>The existing trees detailed below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent.</p> <table><tr><th>Tree Number</th><th>Species</th><th>Location</th></tr><tr><td>1</td><td><i>Ficus rubignosa</i> (Port Jackson Fig)</td><td>Entrance to Leichhardt Park - left hand side</td></tr><tr><td>As specified on Tree Protection Plan to satisfy deferred commencement</td><td>All trees</td><td>Within 5m of the proposed development and access path from Maliyawul Street car park.</td></tr></table> <p>Reason: To ensure that trees to be retained are protected.</p>	Tree Number	Species	Location	1	<i>Ficus rubignosa</i> (Port Jackson Fig)	Entrance to Leichhardt Park - left hand side	As specified on Tree Protection Plan to satisfy deferred commencement	All trees
Tree Number	Species	Location							
1	<i>Ficus rubignosa</i> (Port Jackson Fig)	Entrance to Leichhardt Park - left hand side							
As specified on Tree Protection Plan to satisfy deferred commencement	All trees	Within 5m of the proposed development and access path from Maliyawul Street car park.							

45.	<div><div>Inspections by Project Arborist</div><div>The Project Arborist must oversee various stages of work within the Tree Protection Zone (TPZ) of any tree listed for retention including street trees. The Arborist must certify compliance with each key milestone detailed below:<div><div>a) The installation of tree protection measures prior to the commencement of any construction works;</div><div>b) During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;</div><div>c) During construction/connection of services within the TPZ of any trees;</div><div>d) During any excavation and trenching within the TPZ;</div><div>e) During any Landscape works within the TPZ which has been approved by Council.</div></div><div>An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by certifying authority at each hold-point listed below:<div><div>a) Certification that tree protection measures have been installed in accordance with these consent conditions</div><div>b) Certification of compliance with each key milestone listed above within 48 hours of completion;</div><div>c) Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.</div><div>d) A final compliance report must be submitted to and approved by certifying authority prior to the issue of any Occupation Certificate.</div></div><div>Reason: To protect and retain trees</div></div></div></div>									
46.	<div><div>Limited Root Pruning</div><div>No tree roots of 30mm or greater in diameter located within the specified radius of the trunks of the following trees may be severed or injured in the process of any works during the construction period:<table><tr><th>Tree No</th><th>Botanical/Common Name</th><th>Radius in metres</th></tr><tr><td>1</td><td>Ficus rubignosa (Port Jackson Fig)</td><td>In accordance with the approved TPP</td></tr><tr><td></td><td>All trees located between the proposed facility and Maliyawul Street car park.</td><td>In accordance with the approved TPP</td></tr></table></div><div>All excavation within the specified radius of the trunks of the above trees being hand dug using either pneumatic or hydraulic tools only (e.g. Airspade®)—note—the pressure must be correctly calibrated to limit delamination of bark to a depth of 1m</div></div>	Tree No	Botanical/Common Name	Radius in metres	1	Ficus rubignosa (Port Jackson Fig)	In accordance with the approved TPP		All trees located between the proposed facility and Maliyawul Street car park.	In accordance with the approved TPP
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1	Ficus rubignosa (Port Jackson Fig)	In accordance with the approved TPP								
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	<p>under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and fit for purpose tool. The pruning must be undertaken by a practicing Arborist.</p> <p>Note – The installation of services must be undertaken accordingly.</p> <p>Reason: To protect and retain trees.</p>						
47.	<p style="text-align: center;"><b>Works to Trees</b></p> <p>Approval is given for the following trees to be removed, after the issue of a Construction Certificate:</p> <table border="1"><thead><tr><th>Tree No.</th><th>Botanical/Common Name</th><th>Location</th></tr></thead><tbody><tr><td></td><td>All trees as specified under Tree Planting Plan to satisfy deferred commencement condition E</td><td></td></tr></tbody></table> <p>All tree works shall be undertaken by an arborist with minimum Australian Qualification Framework (AQF) Level 3, Certificate of Arboriculture, as defined by the Australian Qualification Framework and in compliance with Australian Standard AS 4373—<i>Pruning of amenity trees</i> and Safe Work Australia’s Guide to Managing Risks of Tree Trimming and Removal Work.</p> <p>Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) shall be undertaken by an approved network service provider contractor for the management of vegetation conflicting with such services. Contact the relevant network service provider for further advice in this regard.</p> <p>The trees to be removed must be included on all Construction Certificate plans shown in red.</p> <p>Reason: To identify trees permitted to be removed.</p>	Tree No.	Botanical/Common Name	Location		All trees as specified under Tree Planting Plan to satisfy deferred commencement condition E	
Tree No.	Botanical/Common Name	Location					
	All trees as specified under Tree Planting Plan to satisfy deferred commencement condition E						
48.	<p style="text-align: center;"><b>Construction Hours – Class 2-9</b></p> <p>Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:</p> <p>7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm); 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and at no time on Sundays or public holidays.</p>						

	<p>Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.</p> <p>In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.</p> <p>This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.</p> <p>Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to 8:00am to 12:00pm, Monday to Saturday; and 2:00pm to 5:00pm Monday to Friday.</p> <p>The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works. "Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>
49.	<p style="text-align: center;"><b>Survey Prior to Footings</b></p> <p><b>Upon excavation of the footings and before the construction of the piles,</b> the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.</p> <p>Reason: To ensure works are in accordance with the consent.</p>
52.	<p style="text-align: center;"><b>Aboriginal Heritage and Historic Archaeology – Unexpected Findings</b></p> <p>If unexpected archaeological deposits or Aboriginal objects are found during the works covered by this approval, work must cease in the affected area(s) and the Office of Environment &amp; Heritage must be notified. Additional assessment and approval pursuant to the <i>National Parks and Wildlife Act 1974</i> may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</p> <p>Reason: To ensure that the Aboriginal and historical archaeology of the Inner West is conserved as part of the development.</p>

## BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
53.	Implementation of Heritage Interpretation Plan



	<p>Prior to the occupation certificate being issued, the approved interpretation plan must be implemented to the satisfaction of Council's Heritage Specialist.</p> <p>Reason: To ensure that the history of the Inner West is recorded and is made publicly available as part of the development.</p>
<b>54.</b>	<p style="text-align: center;"><b>Noise – Acoustic Report</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997 and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.</p> <p>Reason: To ensure compliance with the relevant Australian Standard.</p>
<b>55.</b>	<p style="text-align: center;"><b>Contamination – Disposal of Soil</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the <i>Protection of the Environmental Operations Act 1997</i>.</p> <p>Reason: To ensure compliance with the relevant environmental legislation.</p>
<b>56.</b>	<p style="text-align: center;"><b>Food Premises Grease Trap – Trade Waste Agreement</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification confirming that the grease trap has been installed to the premises in accordance with Australian Standard AS 3500 and the National Plumbing and Drainage Code. A copy of the Sydney Water Trade Waste Agreement must also accompany the certification.</p> <p>Reason: To ensure works are in accordance with the relevant Sydney Water requirements, Australian Standard and National Construction Code (Building Code of Australia).</p>
<b>57.</b>	<p style="text-align: center;"><b>Project Arborist Certification</b></p> <p>Prior to the issue of an Occupation Certificate, the Certifying Authority is to be provided with certification from the Project Arborist that the requirements of the conditions of consent related to the landscape plan/approved tree planting plan and the role of the project arborist have been complied with.</p>

	Reason: To ensure the protection and ongoing health of trees to be retained.
<b>58.</b>	<p><b>Smoke Alarms - Certification of upgrade to NCC requirements</b></p> <p>Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.</p> <p>Reason: To ensure compliance with the National Construction Code (Building Code of Australia).</p>
<b>59.</b>	<p><b>Section 73 Certificate</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the <i>Sydney Water Act 1994</i>.</p> <p>Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.</p>
<b>60.</b>	<p><b>Public Domain Works</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the approved public domain works on the Road Reserve and within Leichhardt Park have been completed in accordance with the requirements of the approval under Section 138 of the <i>Roads Act 1993</i> and/or the Park Access Permit and to Council's satisfaction.</p> <p>Reason: To ensure Council assets are protected, and that works that are undertaken in the public domain maintain public safety.</p>
<b>61.</b>	<p><b>Easements, Restrictions on the Use of Land and Positive Covenants</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the <i>Conveyancing Act 1919</i>, has been created on the title of the property detailing the following:</p> <ul style="list-style-type: none"> <li>a) Positive Covenant related to monitoring and maintenance of the seawall beneath the entry path/interface between Leichhardt Park the boat shed and the adjacent stairs;</li> <li>b) Public right of ways to the pontoon, ground deck, and forecourt area within the site;</li> <li>c) Positive Covenant related to maintenance of the public right of ways</li> </ul> <p>The wording in the Instrument must be in accordance with Councils Standard wording.</p> <p>Reason: To ensure that the relevant easements are registered on the property.</p>

62.	<p align="center"><b>Flood Risk Management Plan - Certification</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that all aspects of the flood/foreshore risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.</p> <p>Reason: To ensure the approved works are undertaken in accordance with the consent.</p>
63.	<p align="center"><b>Dilapidation Report – Post-Development</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.</p> <p>Reason: To ensure Council assets are protected.</p>

### OCCUPATION AND ONGOING USE

	Condition						
64.	<p align="center"><b>Noise General</b></p> <p>The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the <i>Protection of the Environment Operations Act 1997</i> and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>						
65.	<p align="center"><b>Hours of Operation</b></p> <p>a) The hours of operation of the rowing club and boat storage must not exceed the following:</p> <table border="1" data-bbox="472 1617 1273 1740"> <tr> <th>Day</th><th>Hours</th></tr> <tr> <td>Monday to Friday</td><td>5:00am – 9:00am</td></tr> <tr> <td>Saturday and Sunday</td><td>5:00am – 11:00am</td></tr> </table> <p>b) Boat transportation by the rowing club and their affiliates is limited to a maximum 15 times per year and must not exceed the following:</p>	Day	Hours	Monday to Friday	5:00am – 9:00am	Saturday and Sunday	5:00am – 11:00am
Day	Hours						
Monday to Friday	5:00am – 9:00am						
Saturday and Sunday	5:00am – 11:00am						

	<table><tr><th>Day</th><th>Hours</th></tr><tr><td>Monday to Sunday</td><td>5:00am – 7:00am</td></tr></table> <p>c) The hours of operation of the multipurpose space must not exceed the following:</p> <table><tr><th>Day</th><th>Hours</th></tr><tr><td>Monday to Sunday</td><td>3:00pm – 7:00pm</td></tr></table> <p>d) The hours of operation of the kiosk must not exceed the following:</p> <table><tr><th>Day</th><th>Hours</th></tr><tr><td>Monday to Sunday</td><td>6:00am – 3:00pm</td></tr></table> <p>d) Kiosk deliveries are to only occur Monday to Friday (excluding public holidays) within the kiosk hours of operation.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>	Day	Hours	Monday to Sunday	5:00am – 7:00am	Day	Hours	Monday to Sunday	3:00pm – 7:00pm	Day	Hours	Monday to Sunday	6:00am – 3:00pm
Day	Hours												
Monday to Sunday	5:00am – 7:00am												
Day	Hours												
Monday to Sunday	3:00pm – 7:00pm												
Day	Hours												
Monday to Sunday	6:00am – 3:00pm												
66.	<p><b>Plan of Management - Operation</b></p> <p>The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>												
66.	<p><b>Bin Storage</b></p> <p>All bins are to be stored within the site.</p> <p>Reason: To ensure resource recovery is promoted and amenity is protected.</p>												
68.	<p><b>Documentation of Businesses Waste Services</b></p> <p>All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.</p> <p>Reason: To ensure resource recovery is promoted and amenity is protected.</p>												
69.	<p><b>Public Access</b></p> <p>The pontoon, ground deck, and forecourt area shall be available by the general public at all times.</p>												

	Reason: To protect public access to Sydney Harbour.
70.	<b>Loading/unloading on site</b>
	<p>All loading and unloading of boats off the trailer must be undertaken on site. Boat trailers must not be parked within Leichhardt Park.</p> <p>Reason: To ensure that any designated loading dock is available for servicing the site at all times.</p>