

Attachment 5 - Recommended Conditions of Consent – LDA2023/0335

GENERAL CONDITIONS

	Condition																															
1)	Approved plans and supporting documentation																															
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.																															
	Approved plans																															
	<table><tr><th>Plan Number</th><th>Revision Number</th><th>Plan Title</th><th>Drawn by</th><th>Date of Plan</th></tr><tr><td>PA3573/CP/1021</td><td>C</td><td>Marina Site Plan</td><td>Royal Haskoning DHV</td><td>01/12/2023</td></tr><tr><td>PA3573/CP/1022</td><td>E</td><td>Marina Detail Plan</td><td>Royal Haskoning DHV</td><td>31/05/2024</td></tr><tr><td>PA3573/CP/1023</td><td>C</td><td>Marina Leased Land</td><td>Royal Haskoning DHV</td><td>01/12/2023</td></tr><tr><td>PA3573/CP/1025</td><td>C</td><td>Marina Safety Features</td><td>Royal Haskoning DHV</td><td>01/12/2023</td></tr><tr><td>PA3573/CP/2002</td><td>C</td><td>Marina Typical Section</td><td>Royal Haskoning DHV</td><td>01/12/2023</td></tr></table>	Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan	PA3573/CP/1021	C	Marina Site Plan	Royal Haskoning DHV	01/12/2023	PA3573/CP/1022	E	Marina Detail Plan	Royal Haskoning DHV	31/05/2024	PA3573/CP/1023	C	Marina Leased Land	Royal Haskoning DHV	01/12/2023	PA3573/CP/1025	C	Marina Safety Features	Royal Haskoning DHV	01/12/2023	PA3573/CP/2002	C	Marina Typical Section	Royal Haskoning DHV	01/12/2023	
	Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan																											
	PA3573/CP/1021	C	Marina Site Plan	Royal Haskoning DHV	01/12/2023																											
	PA3573/CP/1022	E	Marina Detail Plan	Royal Haskoning DHV	31/05/2024																											
	PA3573/CP/1023	C	Marina Leased Land	Royal Haskoning DHV	01/12/2023																											
	PA3573/CP/1025	C	Marina Safety Features	Royal Haskoning DHV	01/12/2023																											
	PA3573/CP/2002	C	Marina Typical Section	Royal Haskoning DHV	01/12/2023																											
Approved documents																																
<table><tr><th>Document Title</th><th>Revision Number</th><th>Prepared by</th><th>Date of document</th></tr><tr><td>Construction Management Plan</td><td>1</td><td>Perifa</td><td>28/11/2023</td></tr><tr><td>Construction Air Quality Assessment</td><td>V1</td><td>Northstar</td><td>15/11/2023</td></tr><tr><td>Traffic Impact Assessment</td><td>02</td><td>Traffix</td><td>12/09/2023</td></tr><tr><td>Sediment Disturbance Assessment</td><td>-</td><td>Royal Haskoning DHV</td><td>14/07/2020</td></tr><tr><td>Maritime Archaeology Assessment</td><td>-</td><td>Cosmos Archaeology</td><td>March 2015</td></tr><tr><td>Marine Safety and Navigation Report</td><td>2.0</td><td>Royal Haskoning DHV</td><td>10/11/2023</td></tr><tr><td>Hydrology and Water Quality Assessment</td><td>2.0</td><td>Royal Haskoning DHV</td><td>14/11/2023</td></tr></table>	Document Title	Revision Number	Prepared by	Date of document	Construction Management Plan	1	Perifa	28/11/2023	Construction Air Quality Assessment	V1	Northstar	15/11/2023	Traffic Impact Assessment	02	Traffix	12/09/2023	Sediment Disturbance Assessment	-	Royal Haskoning DHV	14/07/2020	Maritime Archaeology Assessment	-	Cosmos Archaeology	March 2015	Marine Safety and Navigation Report	2.0	Royal Haskoning DHV	10/11/2023	Hydrology and Water Quality Assessment	2.0	Royal Haskoning DHV	14/11/2023
Document Title	Revision Number	Prepared by	Date of document																													
Construction Management Plan	1	Perifa	28/11/2023																													
Construction Air Quality Assessment	V1	Northstar	15/11/2023																													
Traffic Impact Assessment	02	Traffix	12/09/2023																													
Sediment Disturbance Assessment	-	Royal Haskoning DHV	14/07/2020																													
Maritime Archaeology Assessment	-	Cosmos Archaeology	March 2015																													
Marine Safety and Navigation Report	2.0	Royal Haskoning DHV	10/11/2023																													
Hydrology and Water Quality Assessment	2.0	Royal Haskoning DHV	14/11/2023																													

	Condition			
	Statement of Heritage Impact	-	DFP Planning	11/12/2019
	Harbour Flooding Report	2.0	Royal Haskoning DHV	25/08/2023
	Geomorphological Study Report	2.0	Royal Haskoning DHV	10/11/2023
	Marina Proposed Works – Archaeological and Heritage Compliance Letter	-	Curio Projects	December 2023
	<p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development</p>			
2)	<p>Limits on Marina</p> <p>This development consent provides the following limits on the marina:</p> <ul style="list-style-type: none"> a) A maximum of 36 berths within the marina. b) The maximum length of boats permitted to be stored in the marina is 18 metres. c) All berths are to have access to sewer pumpout facilities, power and water. d) Public access is to be provided as depicted on the approved plans. e) Overnight accommodation on the berthed vessels is not permitted. <p>Condition Reason: To ensure that the marina is operated as detailed in the application.</p>			
3)	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. 4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— 			

	Condition
	<p>(a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</p> <p>Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
4)	<p>Erection of signs</p> <ol style="list-style-type: none"> This section applies to a development consent for development involving building work, subdivision work or demolition work. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— <ol style="list-style-type: none"> showing the name, address and telephone number of the principal certifier for the work, and showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and stating that unauthorised entry to the work site is prohibited. The sign must be— <ol style="list-style-type: none"> maintained while the building work, subdivision work or demolition work is being carried out, and removed when the work has been completed. This section does not apply in relation to— <ol style="list-style-type: none"> building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. <p>Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
5)	<p>Department of Primary Industries - Fisheries – General Terms of Approval</p> <p>The development shall be undertaken in accordance with the General Terms of Approval of the Department of Primary Industries – Fisheries, dated 15 May 2024 (see Attachment 1 of this consent.)</p> <p>Condition Reason: Requirements of DPI - Fisheries.</p>
6)	<p>Transport for NSW Requirements</p> <p>The development shall be undertaken in accordance with the following Transport for NSW requirements:</p> <ol style="list-style-type: none"> The development is to be designed with adequate wave attenuation measures and built to withstand the effects of vessel wave wake associated with recreational, commercial and ferries that use the waterway. The development must provide a vessel sewage pump out facility that is available for use by clients of the marina.

	Condition Reason: Requirements of Transport for NSW
7)	Hoardings
	<ol style="list-style-type: none"> 1. A hoarding or fence must be erected between the work site and any adjoining public place. 2. Any hoarding, fence or awning erected pursuant to this consent is to be removed when the work has been completed.
	Condition reason: To ensure public safety.
8)	Protection of public domain
	The public domain must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
	Condition reason: To ensure public safety.
9)	Public Utilities and Service Alterations
	All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant's expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, TfNSW, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.
	Condition Reason: Protection of infrastructure and compliance with relevant Authorities requirements.
10)	Restoration
	Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP Part 8.5 (Public Civil Works), to the satisfaction of Council.
	Condition Reason: To ensure the amenity and state of the public domain is maintained.
11)	Design and Construction Standards
	All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management), except otherwise as amended by conditions of this consent.
	Condition Reason: To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.
12)	Protection of Public Domain
	The public domain must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
	Condition Reason: To ensure public safety.
13)	Land Boundary / Cadastral Survey
	If any design work relies on critical setbacks from land boundaries or subdivision of the land is proposed, it is a requirement that a land boundary / cadastral survey be undertaken to define the land.

	<p>The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.</p> <p>Condition Reason: To prevent encroachments of private works on public land and of public works on private land.</p>
14)	<p>Traffic Management</p> <p>Traffic management procedures and systems must be in place and practised during the works period to ensure safety and minimise the impact on adjoining pedestrian and vehicular traffic systems in accordance with AS 1742.3 - 2019 and Council's DCP Part 8.1 (Construction Activities).</p> <p>Condition reason: To ensure that appropriate procedures are in place to assist with the safety of all affected road users within the public domain when works are being undertaken.</p>
15)	<p>Road Activity Permits</p> <p>Prior to carrying out any work in, on or over a road reserve, consent from Council is required as per the Roads Act 1993. The applicant is required to review the "Road Activity Permits Checklist" (available from Council's website: https://www.ryde.nsw.gov.au/files/assets/public/forms-and-documents/2023-07-road-activity-permits-checklist.pdf) and apply for the relevant permits for approval by Council. Types of road activity permits potentially required include Road Use Permit, Work Zone Permit, Road / Footpath / Driveway / Nature Strip / Kerb & Gutter Opening Permit, Temporary Placement of Elevated Tower, Crane or Concrete Pump, Operation of a Crane Over Air Space Permit, Construction Hoarding Permit and Skip Bin on Nature Strip Permit. Penalties apply for failure to comply.</p> <p>Condition reason: To ensure the amenity and state of the public domain is maintained.</p>
16)	<p>Over Size / Over Mass Vehicles Permit</p> <p>Prior to carrying out any work in, on or over a road reserve, consent from Council is required as per the Roads Act 1993. The applicant is required to review the "Road Activity Permits Checklist" (available from Council's website: https://www.ryde.nsw.gov.au/files/assets/public/forms-and-documents/2023-07-road-activity-permits-checklist.pdf) and apply for the relevant permits for approval by Council. Types of road activity permits potentially required include Road Use Permit, Work Zone Permit, Road / Footpath / Driveway / Nature Strip / Kerb & Gutter Opening Permit, Temporary Placement of Elevated Tower, Crane or Concrete Pump, Operation of a Crane Over Air Space Permit, Construction Hoarding Permit and Skip Bin on Nature Strip Permit. Penalties apply for failure to comply.</p> <p>Condition reason: To ensure the amenity and state of the public domain is maintained.</p>
17)	<p>Duty to Notify Pollution Incidents</p> <p>Council being the 'appropriate regulatory authority' must be notified immediately of any pollution incident where material harm to the environment is caused or threatened. This duty extends to persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.</p> <p>Condition Reason: To comply with the requirements of the Protection of the Environment Operations Act 1997.</p>
18)	<p>Construction Management Plan</p> <p>All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.</p>

	A copy of the Plan must be kept on site at all times and made available to the Principal Certifier or Council on request.
	Condition Reason: To ensure compliance with the Construction Management Plan.
19)	Notification of New Contamination Evidence Any new information which comes to light during site preparation, remediation, demolition or construction works which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Council. Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process (where applicable). If appropriate, Council may also require a new Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made suitable for the approved use in light of the new information. Where a NSW accredited Site Auditor is engaged in compliance with part (b) above, an occupation certificate must not be issued until a Section A Site Audit Statement has been submitted to Council by the Auditor confirming the site is now suitable for the proposed use.
	Condition Reason: To ensure controls are in place for contamination management.
20)	Spill clean-up equipment Sufficient supplies of appropriate absorbent materials and /or other spill clean-up equipment shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods only.
	Condition Reason: To ensure that any liquid spills can be contained on site and prevent the contamination of stormwater drains.
21)	Sediment and Erosion Control measures 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. These measures are to be maintained throughout the entire works.
	Condition Reason: To ensure soil and water management controls are in place before site works commence.
22)	Storage and disposal of wastes All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
	Condition Reason: To ensure the ongoing management of waste storage areas.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
23)	Section 7.12 Before the issue of a construction certificate, a monetary contribution for the services as detailed in the table below must be paid to Council. Column A and for the amount in

	Condition				
	<p>Column B must be made to Council as follows:</p> <table border="1"> <tr> <th>Column A – Contribution Type</th><th>Column B – Contribution Amount</th></tr> <tr> <td>Section 7.12 Contribution</td><td>\$73,766.00</td></tr> </table> <p>These are contributions under the provisions of Section 7.12 of the Environmental Planning and Assessment Act, 1979 as specified in City of Ryde Fixed Rate (Section 7.12) Development Contributions Plan 2020, effective from 1 July 2020.</p> <p>The above amount is current at the date of this consent and is subject to quarterly adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amount that differs from that shown above.</p> <p>Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Ryde. Personal or company cheques will not be accepted.</p> <p>A copy of the City of Ryde Fixed Rate (Section 7.12) Development Contributions 2020 Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website http://www.ryde.nsw.gov.au.</p> <p>Details are to be provided to the principal certifier.</p> <p>Condition reason: Statutory requirement.</p>	Column A – Contribution Type	Column B – Contribution Amount	Section 7.12 Contribution	\$73,766.00
Column A – Contribution Type	Column B – Contribution Amount				
Section 7.12 Contribution	\$73,766.00				
24)	<p>Relocation of Swing Moorings</p> <p>Prior to the issue of the Construction Certificate the applicant must seek approval from Transport for NSW's Manager Waterway Operations Sydney Harbour to relocate any swing moorings.</p> <p>Condition Reason: Transport for NSW requirement.</p>				
25)	<p>Construction Site Management Plan</p> <p>Before the issue of the relevant construction certificate, a construction site management plan must be prepared, and provided to principal certifier. The plan must include the following matters:</p> <ol style="list-style-type: none"> The location and materials for protective fencing and hoardings on the perimeter of the site; Provisions for public safety; Pedestrian and vehicular site access points and construction activity zones; Details of construction traffic management including: <ul style="list-style-type: none"> Proposed truck movements to and from the site; Estimated frequency of truck movements; and Measures to ensure pedestrian safety near the site; Details of bulk earthworks to be carried out; The location of site storage areas and sheds; The equipment used to carry out works; 				

	Condition
	<p>e) The location of a garbage container with a tight-fitting lid; f) Dust, noise and vibration control measures; g) The location of temporary toilets; h) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:</p> <ul style="list-style-type: none"> - AS 4970 – Protection of trees on development sites; - An applicable Development Control Plan; <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> <p>Condition Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
26)	<p>Long Service Levy</p> <p>Before the issue of the relevant construction certificate, the long service levy of 0.25% of the cost of works must be paid to the Long Service Corporation of Council under the <i>Building and Construction industry Long Service Payments Act 1986</i>, section 34, and evidence of the payment is to be provided to principal certifier.</p> <p>Condition Reason: To ensure the long service levy is paid.</p>
27)	<p>Payment of security deposits</p> <p>Before the issue of the relevant construction certificate, the applicant must:</p> <ol style="list-style-type: none"> 1. make payment for a security deposit to the consent authority under the category of: other buildings with delivery of bricks or concrete or machine excavation and 2. if a principal certifier is required to be appointed for the development – provide the principal certifier with written evidence of the payment and the amount paid. <p>Condition Reason: To ensure any damage to public infrastructure is rectified and public works can be completed</p>
28)	<p>Waste Management Plan – an approved document of this consent</p> <p>Before the issue of the relevant construction certificate, a waste management plan for the development must be provided to principal certifier</p> <p>Condition Reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
29)	<p>Utilities and services</p> <p>Before the issue of the relevant construction certificate, written evidence of the following service provider requirements must be provided to the principal certifier:</p> <ol style="list-style-type: none"> 1. a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity 2. a response from Sydney Water as to whether the plans accompanying the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met 3. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them. <p>Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier</p>

	Condition
30)	<p>External lighting</p> <p>Before the issue of the relevant construction certificate, plans detailing external lighting must be prepared by a suitably qualified person.</p> <p>The lighting plan must be consistent with the approved plans and documents, and the following requirements:</p> <ol style="list-style-type: none"> 1. comply with AS 1158: Lighting for Roads and Public Spaces; 2. comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting 3. lighting must be placed at all entrances to, and exits from the premises 4. lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas; 5. lighting must not interfere with traffic safety; 6. lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and 7. external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance. 8. Relevant council development control plan. <p>The lighting plan must be submitted to the certifier.</p> <p>Note – All above documents refer to the version in effect at the time the consent is granted</p> <p>Condition Reason: To ensure external lighting is provided for safety reasons and to protect the amenity of the local area</p>
31)	<p>Construction Traffic Management Plan</p> <p>As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by a suitably qualified traffic engineer and submitted to Council for approval prior to the issue of the relevant Construction Certificate.</p> <p>The CTMP must:</p> <ol style="list-style-type: none"> (a) Make provision for all construction materials to be stored on site, at all times. (b) Include details of contractor parking during the construction phase. Contractor vehicles are to be parked within the site wherever possible. (c) Specify construction vehicle routes and rates. Nominated truck routes are to be distributed over the surrounding road network where possible. (d) Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Traffic section. (e) Wherever the site is in proximity to a Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays). (f) Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic. (g) Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of significant temporary traffic control measures.

	Condition
	<p>(h) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.</p> <p>The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, TfNSW’s Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities). The modification of parking restrictions (Work Zones) and standing heavy vehicles (crane, concrete pump, etc) on a footpath/ roadway are subject to separate approval from Council and/or the Local Traffic Committee.</p> <p>All fees and charges associated with the review of this plan are to be paid (as per Council’s Fees and Charges current at the time of payment), with payment made prior to receipt of approval from Council’s Traffic Services Department for the CTMP.</p> <p>Condition Reason: To ensure public safety and minimise any impacts of construction vehicle movements to the adjoining pedestrian and vehicular traffic systems and the surrounding community.</p>
32)	<p>Pre-Construction Dilapidation Report</p> <p>To ensure Council’s infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable.</p> <ul style="list-style-type: none"> (1) Road pavement, (2) Kerb and gutter, (3) Footpath, (4) Drainage pits, (5) Traffic signs, and (6) Any other relevant infrastructure <p>The report is to be dated and submitted to, and accepted by Council’s City Infrastructure Directorate, prior to any work commencing.</p> <p>All fees and charges associated with the review of this report shall be in accordance with Council’s Schedule of Fees and Charges and shall be paid at the time that the Dilapidation Report is submitted.</p> <p>Condition Reason: Protection of Council’s infrastructure.</p>
33)	<p>Erosion and Sediment Control Plan</p> <p>An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by NSW Department – Office of Environment and Heritage and must contain the following information;</p>

	Condition
	<p>a) Existing and final contours</p> <p>b) The location of all earthworks, including roads, areas of cut and fill</p> <p>c) Location of all impervious areas</p> <p>d) Location and design criteria of erosion and sediment control structures,</p> <p>e) Location and description of existing vegetation</p> <p>f) Site access point/s and means of limiting material leaving the site</p> <p>g) Location of proposed vegetated buffer strips</p> <p>h) Location of critical areas (drainage lines, water bodies and unstable slopes)</p> <p>i) Location of stockpiles</p> <p>j) Means of diversion of uncontaminated upper catchment around disturbed areas</p> <p>k) Procedures for maintenance of erosion and sediment controls</p> <p>l) Details for any staging of works</p> <p>m) Details and procedures for dust control.</p> <p>The ESCP must be submitted with the application for a Construction Certificate.</p> <p>Condition Reason: To protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.</p>
34)	<p>Structural Details of Marine Structures</p> <p>Prior to the issue of a construction certificate, the applicant shall submit to the satisfaction of the Principal Certifier, detailed and dimensioned structural drawings and specifications prepared and signed by a suitably qualified structural engineer, experienced in the design of maritime structures that demonstrate compliance with:</p> <p>a) Transport for NSW's engineering standards and guidelines for marine structures.</p> <p>b) The relevant clauses of the Building Code of Australia.</p> <p>c) The development consent.</p> <p>Condition Reason: To require structural engineered design.</p>
35)	<p>Disabled Access</p> <p>Prior to the issue of a construction certificate, the applicant shall demonstrate that the proposal provides access and facilities for people with a disability in accordance with the Building Code of Australia. The certifying authority must ensure that evidence of compliance with this condition from an appropriately qualified consultant is provided and that the requirements are referenced on the relevant plans.</p> <p>Condition Reason: To ensure disabled access to the facility in accordance with the BCA.</p>
36)	<p>Reflectivity</p> <p>The building materials used on the marine structures shall have a maximum normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of waterway users. Details demonstrating compliance with these requirements is to be submitted to the satisfaction of the Principal Certifier prior to the issue of a construction Certificate.</p> <p>Condition Reason: To ensure that reflectivity is within reasonable limits.</p>
37)	Sydney Water Notice of Requirements

	Condition
	<p>If required, an application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the Sydney Water Act 1994 (Compliance Certificate) prior to the issue of a Construction Certificate.</p> <p>Condition Reason: To ensure compliance with Sydney Water requirements.</p>
38)	<p>Construction Environmental Management Plan (CEMP)</p> <p>Prior to the issue of any Construction Certificate a detailed Construction Environmental Management Plan (CEMP) will be prepared to the satisfaction of the Certifying Authority. The CEMP will include measures regarding the minimising impacts on local water and sediment quality, protecting aquatic habitats and associated fauna, including but not limited to:</p> <ul style="list-style-type: none"> a) All wetland areas and mangroves located near the site should be designated as no-go zones during construction. b) Contractors shall take all necessary actions to avoid adverse actions of vessels, vehicles and construction equipment with aquatic fauna and flora. c) A turbidity curtain of a specification to be certified by a suitably qualified consultant shall be used locally around the perimeter of pile driving/drilling works or any construction zone in their intertidal area to limit the spread of plumes generated by piling or other activities. Drilling spoil and cuttings will be deposited at seabed level. d) Water quality will be visually monitored for any visible signs of hydrocarbon spills and contamination. If visual monitoring indicates potential contamination, works must stop immediately, and the spill cleaned up. e) Any demolition products generated should be contained during works and then removed from the site and disposed of appropriately. f) No refuelling of any equipment will be undertaken within 50m from waterways. If this is not possible, a refuelling procedure with detailed environmental controls are to be articulated in the detailed CEMP for the project. g) Sleeves will be fitted over hydraulic hoses on equipment operating on the waterway to capture any hydraulic fluid that may be spilt from a ruptured hose or an alternative mitigation measure in lieu of sleeving that achieves the same water quality management intent such as use of biodegradable hydraulic oil, regular pre-start hose/pump inspections, floating boom or other measures. h) A soft start procedure will be adopted for any noisy construction equipment and piling equipment to reduce potential noise impacts on fauna. i) No construction related items are to be left on the seabed following construction completion. j) If required, bunding of chemical storage areas on board construction vessels, barges and land-based construction areas. Chemicals stored in accordance with the product Safety Data Sheet (SDS) and applicable Australian Standards.

	Condition
	<p>k) Management of marine pests and biosecurity relating to the vessel movements to be undertaken following the National Biofouling Management Guidelines for Marinas, Slipways, Boat Maintenance and Recreational Boating Facilities (2021) and Australian Biofouling Management Requirements (DAFF 2023).</p> <p>l) A preference for using hydraulic oils that are biodegradable and non-toxic during the works, except where a product is unsuitable for the desired purpose or outcome. In this case an alternative product shall be selected by the contractor/s.</p> <p>m) Sediment and erosion control devices will be used around all land or intertidal based works during construction and will be in accordance with the guidelines of Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom 2004).</p> <p>n) DPI Fisheries (1800 043 536) is to be immediately notified of any fish or marine mammal kills within the construction site. In such cases, all works other than emergency response procedures are to cease until the issue is rectified and approval to proceed is provided by the DPI Fisheries.</p> <p>o) Any injured or distressed marine mammals or birds near the site should be immediately reported to the ORRCA 24-hour hotline on 02 9415 3333 or NPWS on 1300 361 967.</p> <p>Condition Reason: To protect the surrounding environment.</p>
39)	<p>Waste Management Plan</p> <p>A Waste Management Plan, to the satisfaction of the Principal Certifier, for the demolition, construction and on-going use of the premises is required prior to the issue of any Construction Certificate.</p> <p>Condition Reason: To ensure the appropriate management and disposal of waste.</p>
40)	<p>Aquatic Ecology Assessment</p> <p>Prior to the issue of a Construction Certificate, the construction methodology must be assessed and certified by a suitably qualified professional to be in accordance with any requirements and recommendations of the approved report prepared by Aquatic Ecological assessment had been prepared by Ocean Environmental, dated 5 December 2023.</p> <p>Condition Reason: To ensure appropriate aquatic protection measures are used.</p>
41)	<p>Waste Storage Area</p> <p>A waste storage area is to be provided for the marina and any waste/bins are to be emptied/stored in the relevant waste storage areas approved as part of the land-based development.</p> <p>Condition Reason: To protect the environment and ensure waste is adequately contained.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
42)	<p>Payment of fees</p> <p>Before any site work commences, the following must be paid to council and written evidence of these payments provided to the principal certifier:</p> <p>1. Infrastructure Restoration and Administration Fee</p> <p>Condition Reason: To ensure fees are paid for inspections carried out by council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to council property.</p>
43)	<p>Safety fencing</p> <p>Before any site works commences, the site must be fenced and maintained throughout demolition and construction and must comply with SafeWork NSW requirements and be a minimum of 1.8m in height</p> <p>Condition reason: Statutory requirement.</p>
44)	<p>Lease Agreement with Transport for NSW</p> <p>Prior to the commencement of works, the applicant must enter into an Agreement for Lease with Transport for NSW.</p> <p>Condition Reason: To ensure that a lease agreement has been entered into.</p>
45)	<p>Pre-Construction Dilapidation Report</p> <p>To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable.</p> <ul style="list-style-type: none"> (1) Road pavement, (2) Kerb and gutter, (3) Footpath, (4) Drainage pits, (5) Traffic signs, and (6) Any other relevant infrastructure <p>The report is to be dated and submitted to, and accepted by Council's City Infrastructure Directorate, prior to any work commencing.</p> <p>All fees and charges associated with the review of this report shall be in accordance with Council's Schedule of Fees and Charges and shall be paid at the time that the Dilapidation Report is submitted.</p> <p>Condition Reason: Protection of Council's infrastructure.</p>
46)	<p>Construction Contractor</p> <p>The applicant is to ensure that the works are undertaken by a suitably qualified maritime construction contractor familiar with seabed conditions in the Parramatta River. The applicant is to demonstrate compliance with this condition to the Principal Certifier prior to the commencement of works.</p>

	Condition
	Condition Reason: To ensure that works are undertaken by a suitable contractor.
47)	Heritage Induction Prior to the commencement of works, all workers are to receive a heritage induction by a suitably qualified heritage consultant. Condition Reason: To ensure that workers are aware of the heritage features of the site.
48)	Archival Recording Archival recording of all maritime archaeological assets is to be undertaken prior to the commencement of works. Condition Reason: To ensure that archaeological features are suitably recorded.

DURING BUILDING WORK

	Condition
49)	Hours of work Site work must only be carried out between the following times: <ul style="list-style-type: none"> Monday to Friday - 7.00am and 7.00pm (other than public holidays) Saturday - 8.00am and 4.00pm Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority. Condition Reason: To protect the amenity of the surrounding area
50)	Implementation of the site management plans While site work is being carried out: the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and a copy of these plans must be kept on site at all times and made available to council officers upon request Condition Reason: To ensure site management measures are implemented during the carrying out of site work.
51)	Noise and Vibration requirements While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5db(A) above background noise, when measured at a lot boundary of the site. Condition Reason: To protect the amenity of the neighbourhood during construction
52)	Procedure for critical stage inspections While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate. Condition Reason: To require approval to proceed with building work following each critical stage inspection
53)	Waste management While site work is being carried out: <ol style="list-style-type: none"> all waste management must be undertaken in accordance with the waste management plan, and upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier, detailing the following:

	Condition
	<p>3. The contact details of the person(s) who removed the waste</p> <p>4. The waste carrier vehicle registration</p> <p>5. The date and time of waste collection</p> <p>6. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill</p> <p>7. The address of the disposal location(s) where the waste was taken</p> <p>8. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.</p> <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council</p> <p>Condition Reason: To require records to be provided, during site work, documenting the lawful disposal of waste.</p>
54)	<p>Sediment and dust control</p> <p>During site works, no sediment, dust, soil or similar material must leave the site.</p> <p>Condition reason: To protect the amenity of the area.</p>
55)	<p>Construction materials</p> <p>All materials associated with construction must be retained within the site.</p> <p>Condition reason: To ensure the public domain is not affected during construction.</p>
56)	<p>Consent documents available on site</p> <p>At all times during the construction, a copy of the development consent and approved stamped plans are to be kept on site. These documents are to be made available to any Council Officer as requested.</p> <p>Condition reason: To ensure Council Officers are able to access the consent during any site inspection.</p>
57)	<p>Traffic Management</p> <p>Traffic management procedures and systems must be implemented during the construction period to ensure a safe environment and minimise impacts to pedestrian and other vehicle traffic. Any traffic management procedures and systems must be in accordance with AS 1742.3 2019 and the DCP 2014 Part 8.1 (Construction Activities).</p> <p>Condition Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.</p>
58)	<p>Construction Traffic Management Plan (Implementation)</p> <p>All construction works are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management controls must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council's Traffic Services Department for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the principal certifier or Council on request.</p> <p>Condition reason: To ensure that the controls stated in the approved CTMP are carried out by the builder during construction.</p>
59)	Maintenance of Area Surrounding Site

	Condition
	The area surrounding the construction site must be maintained to reduce the incidence of illegal dumping and management of litter from the site and workers associated with the site must be undertaken.
	Condition Reason: To manage litter.
60)	Stormwater Management
	Appropriate measures are to be implemented, such as the grading of surface levels in the vicinity of the works and extension of the stormwater system, to ensure that stormwater runoff from the development does not adversely impact downstream property and is managed in a manner which generally complies with the objectives of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
	Condition Reason: To ensure the works are aligned with the objectives of the City of Ryde 2014 DCP part 8.2.
61)	Erosion and Sediment Control Plan (Implementation)
	The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.
	Condition Reason: To prevent soil erosion and the discharge of sediment over the land.
62)	Heritage Protection/Preservation
	During construction, the measures outlined in the Archaeological and Heritage Compliance Letter, Prepared by Curio Projects, Pages 10 – 11, dated December 2023 are to be complied with.
	All works in sensitive zones are to be undertaken under the guidance of maritime archaeologists.
	An unexpected finds protocol is to be implemented throughout all works.
	Condition Reason: To ensure that the archaeological features of the site are not impacted during construction.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
63)	Removal of waste upon completion
	Before the issue of an occupation certificate: all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and written evidence of the waste removal must be provided to the satisfaction of the principal certifier .
	Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.
64)	Completion of works

	Condition
	Before the issue of the relevant occupation certificate, all works shown on the approved plans are to be completed.
	Condition reason: To ensure all approved works are completed.
65)	Light spill impacts (compliance report)
	Before the issue of an occupation certificate, a compliance report must be obtained from a suitably qualified and experienced lighting engineer. The report must certify that light spill impacts comply with Australian Standard AS4282-1997 Control of obtrusive effects of outdoor lighting.
	Condition reason: To ensure lighting complies with relevant standards.
66)	Post-Construction Dilapidation Report
	<p>To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.</p> <ul style="list-style-type: none"> (1) Road pavement, (2) Kerb and gutter, (3) Footpath, (4) Drainage pits, (5) Traffic signs, and (6) Any other relevant infrastructure <p>The report shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and accepted by Council's City Infrastructure Directorate, prior to issue of the Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, and to assess whether restoration works will be required prior to the issue of the Compliance Certificate for External Works and Public Infrastructure Restoration.</p> <p>All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges and shall be paid at the time that the Dilapidation Report is submitted.</p>
	Condition Reason: Protection of public assets.
67)	Sydney Water Compliance
	If required, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from the Sydney Water Corporation. The Section 73 Certificate must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
	Condition Reason: To ensure compliance with Sydney Water requirements.
68)	Plan of Management
	The Operational Environmental Management Plan prepared by Advanced Marina Management Pty Ltd, reference: Draft, Version 5, dated August 2024, must be accepted and endorsed. The finalised document must be submitted to the satisfaction of Council and the Principal Certifier prior to the issue of any Occupation Certificate.

	Condition
	Condition Reason: To ensure that the plan is finalised to protect the amenity of the locality.

OCCUPATION AND ONGOING USE

	Condition
69)	Compliance with Operational Plan of Management The use shall be operated and managed in accordance with the Approved Operation Environmental Management Plan, as outlined in Condition No. 68. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. The Plan of Management may not be amended without the approval of Council. Condition Reason: To ensure compliance with the Operational Plan of Management.
70)	Parking Allocation Both the owner and occupier of the development must provide and maintain the minimum parking allocation as part of the land-based development as follows; <ul style="list-style-type: none"> • 17 Marina parking spaces Condition Reason: To ensure the development maintains the capacity and allocation of parking spaces on the site.
71)	Complaints Procedure The marina operator must ensure that the following facilities are available to handle community complaints associated with the operation of the marine structures: <ul style="list-style-type: none"> a) A 24 hour telephone number on which complaints may be registered. b) A postal address to which written complaints may be sent. c) An email address to which electronic complaints may be sent. Condition Reason: To ensure that there is a suitable complaints procedure in place.
72)	Complaints Register The marina operator must record all details of all complaints received in a Complaints Register. The Register must record: <ul style="list-style-type: none"> a) The date and time of the complaint. b) The means by which the complaint was made (phone, mail, email, etc) c) Any personal details of the complainant that were provided. d) The nature of the complaint. e) Any actions that were taken by the operator in relation to the complaint, including follow-up contact. f) If no action was taken by the operator in relation to the complaint, the reason(s) why no action was taken. Condition Reason: To ensure that complaints are satisfactorily addressed and actioned.
73)	Vessel Repairs and Antifouling No vessel repairs or antifouling of vessels is permitted in the marina. Condition Reason: To prevent environmental harm.
74)	External Lighting External lighting shall comply with <i>AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting</i> .

	Condition
	Condition Reason: To ensure that external lighting complies with the Australian Standard.
75)	Water Quality
	The applicant must comply with Section 120 of the <i>Protection of the Environment Operations Act 1997</i> which prohibits the pollution of waters.
	Condition Reason: Environmental protection.
76)	Spillage Control
	The operator must ensure that spillage control equipment, such as absorbent pads and absorbent brooms are available at the marine structures at all times and stored in a location where they can be deployed quickly if a spill occurs.
	Condition Reason: Environmental protection.
77)	Chemical Storage
	All chemicals, paints and other liquids shall be stored in approved receptacles in an area that is bunded or has a spill containment system that will minimise the risk of pollution from liquid spills and leaks. Where applicable the construction of bunds must comply with the requirements of: <ul style="list-style-type: none"> a) Australian Standard AS 1940D1993: The storage and Handling of Flammable and Combustible Liquids; b) Australian Standard AS 4452B1997: The storage and Handling of Toxic Substances.
	Condition Reason: Environmental Protection
78)	Air Emissions
	The use of the premises shall not give rise to air pollution or an offensive odour within the meaning of the Protection of the Environment Operations Act 1997.
	Condition Reason: To protect human health and the environment.
79)	Dangerous Goods/Hazardous Chemical Storage
	The storage of dangerous goods and hazardous chemicals at the premises shall comply with SafeWork NSW requirements.
	Condition Reason: To protect human health and the environment.
80)	Spill Kit Required
	Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any spills. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.
	Condition Reason: To protect the environment.
81)	General Noise Emission Criteria
	<ul style="list-style-type: none"> a) Cumulative noise from the development must not exceed any required project amenity/intrusiveness noise level or maximum noise level as determined in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI). b) Background noise monitoring for the purpose of ensuring compliance with the NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI. c) An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed

	Condition
	<p>inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:</p> <ul style="list-style-type: none"> -The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed. - Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise. <p>d) Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfI.</p> <p>Condition Reason: To protect residential amenity.</p>
82)	<p>Council may require acoustical consultant's report</p> <p>Upon receipt of a justified customer request, Council may require the submission of an acoustic report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.</p> <p>Condition Reason: To demonstrate compliance with relevant legislation.</p>
83)	<p>No 'offensive noise'</p> <p>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.</p> <p>Condition Reason: To reduce noise levels.</p>
84)	<p>Control of Noise</p> <p>A clearly visible sign shall be placed immediately adjacent to the entry/exit to the marina indicating that patrons are use the premises in a manner that does not disturb the quiet and good order of the neighbourhood.</p> <p>Condition Reason: Public interest.</p>
85)	<p>Prohibition of Environmentally Harmful Chemicals</p> <ul style="list-style-type: none"> a) The use, discharge or disposal of environmentally hazardous antifouling paints containing tributyltin, organo-tin and other similarly hazardous components shall be prohibited b) The of any biocide including copper-based antifouling on in-water infrastructure shall be prohibited. c) In-water hull cleaning of vessels painted with any biocide including copper-based antifouling shall be prohibited. <p>Condition Reason: To protect the environment.</p>

End of conditions

