

DETERMINATION AND STATEMENT OF REASONS SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	20 December 2024
DATE OF PANEL DECISION	20 December 2024
DATE OF PANEL MEETINGS	Public meeting: 21 October 2024
PANEL MEMBERS	Annelise Tuor (Chair), Penelope Holloway, Glennis James, Sam Stratikopoulos
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 7 October 2024

Public meeting held by teleconference on 21 October 2024, opened at 2:40pm and closed at 3:25pm

Further briefing on 25 October 2024 and decision deferred on 28 October 2024

Supplementary Assessment Report and papers in response to deferral circulated for eDetermination on 2 December 2024.

Briefing with Applicant and Council to discuss conditions held on 16 December 2024.

MATTER DETERMINED

PPSSSH-154 – Georges River – DA2023/0487 - 2 Wellington Street, Sans Souci

Demolition works, marina expansion: additional berths, construction of a new carpark, alterations and additions to the existing club (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at the site inspection listed at item 8 in Schedule 1.

Request to depart from a development standard:

Following consideration of a written request from the applicant, made under cl 4.6 *Georges River Local Environmental Plan (2021)* (LEP), that has demonstrated that:

- compliance with cl. 4.3 (2) (height of building) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3(2)(height of building) of the LEP and the objectives for development in the R2 Low Density Residential Zone; and
- the concurrence of the Secretary has been assumed.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

The decision was unanimous.

REASONS FOR THE DECISION

The Panel held a public determination meeting on 21 October 2024. The applicant requested a deferral of the Panel's decision to provide a view analysis and to allow further time for the EPA to provide its General Terms of Approval (GTA), which were provided on 21 October, but after the public meeting. At a further briefing of the Panel on 25 October, the Applicant proposed further amendments to address the matters in Council's independent consultant planner's assessment report (Assessment Report). The Panel determined to grant a deferral to allow:

1. The Applicant to provide Council with amended architectural and landscape plans and any updated specialist reports (including cl 4.6 request, 3D images/montages and updated acoustic report).
2. Council to provide a supplementary assessment report responding to the additional information and the EPA GTAs, following the receipt of information from the applicant.
3. The applicant to provide any response to the supplementary report and the recommended conditions by 4 December.

Further details of the Panels decision to defer their decision can be found in the Record of Deferral dated 28 October 2024.

In response to the deferral, the following information was provided by Council and the applicant and uploaded to the portal:

- Supplementary Council Assessment Report (Supplementary Report) & Conditions (*STG Motor Boat Club Supplementary Report and Conditions 2.12.24*)
- Amended Front Pages for Supplementary Report 5.12.24
- Revision F Amended Architectural Plans (11 November 2024)
- Amended Landscape Plans (Revision D, 2 November 2024)
- Revised Clause 4.6 Request (7 November 2024)
- Revised Noise Impact Assessment (Revision 8 6 November 2024)
- Applicant response to the draft conditions (Gyde 4 December 2024) (*Letter to SSPP – Response to recommended conditions 04.12.24*)

The Panel requested further information in relation to conditions and held a briefing with the Council and the Applicant on 16 December 2024. Having considered the relevant information, the Panel determined to approve the application with further amendments to the conditions for the following reasons:

- The council officer's assessment report has considered the relevant matters under section 4.15 of the Environmental Planning and Assessment Act 1979.
- The alterations and additions to the existing marina (ancillary club facility) proposed on the area of the site zoned R2 Low Density Residential Zone enjoys existing use rights and council's independent consultant planner has undertaken a merit assessment of the development application in accordance with the requirements for existing use rights of section 4.67 of the EP&A Act 1979 and section 165 of the Environmental Planning and Assessment Regulation 2021 and the relevant matters for consideration under section 4.15 of the EP&A Act 1979.
- The proposed car park and business identification signs are permissible with development consent within the R2 Low Density Residential Zone and are consistent with the relevant zone objectives.
- The extension to the existing marina is permissible in the W2 Recreational Waterways Zone and is consistent with the zone objectives.
- The development complies with the applicable State Environmental Planning Policies and satisfies the relevant provisions of the Georges River Local Environmental Plan 2021 and the Georges River Development Control Plan 2021.
- The proposed development, as amended, appropriately responds to the site, is compatible with the development within the surrounding area and does not result in unreasonable impacts on residential amenity.

In particular, the Panel notes that, for the reasons outlined in the Supplementary Report, the amended plans and information have mitigated impacts of the proposal to an acceptable level. Notably, the changes

including a further reduction in the height, setback and length of the proposed carpark, deletion of the upper-level terrace, lowering of the entry and increased landscaping have addressed height, bulk and scale, view loss and landscape character, within its residential context.

However, the Panel maintains residual concerns in relation to the operation of the Marina and its ancillary facilities. The original application proposed increases to the number of marina berths, a new carpark with additional capacity, and some physical changes to the club building, including outdoor terraces, and 24 hour trading. The amendments to the application have reduced the proposed intensity of these uses. To ensure that the alterations and additions to the club and carpark remain ancillary to the boat storage facility of the Marina and thereby continue to enjoy existing use rights, it is appropriate to review the current operation of the premises and impose additional conditions that clarify its operation.

The Panel sought information on the existing consents and trading hours of the Marina, including the berthing, club and carpark facilities. It notes that two consents (DA 29/2014 and DA 115/2016) include conditions that restrict the hours of operation of parts of the club (Café, Pizza Oven and adjoining terraces). Otherwise, the Marina is unrestricted, but the Applicant has provided information on its trading hours. Following consideration of this advice, the Panel was of the view that it is reasonable to impose a condition to clarify the operating hours for the Marina, including its ancillary uses, which is consistent with the current approvals and trading hours of the berthing facilities, existing club, and carparks. Further, the panel agrees with Council's recommendation that the use of the new ground floor terrace area should cease for all types of music and patrons at 11pm.

Furthermore, the Panel has included conditions that require a Plan of Management be prepared and implemented to ensure that the operation of the marina, ancillary club and carpark minimise impacts on the surrounding residential neighbourhood.

Subject to these conditions, the Panel is satisfied that the Proposal will not result in an unacceptable intensification of the operation of the Marina and its ancillary facilities.

CONDITIONS

The Development Application was approved subject to the conditions in the *Supplementary Report and Conditions* uploaded to the portal on 2 December 2024, with the following amendments:

- The applicant, in its letter dated 4 December 2024, requested the Panel consider the following amendments to the draft conditions:
 - **Conditions 12, 12(a), 12(b) and 12(c) - Design Changes**

The Panel agreed with the reasons provided by the applicant in relation to Conditions 12, 12(a) and (c) and made the requested changes. The Panel amended condition 12(b) by adding the following to the condition:

To ensure the design changes are consistent with the requirements of the Noise Impact Assessment prepared by Rodney Stevens Acoustics (Report R230113R1, Revision 8 (6 November 2024), The construction material of the barrier must have a minimum surface density of 12-15 kg/m² and be free from holes and gaps. All barriers must be free of gaps and penetrations, and it is particularly important to ensure that the gap at the bottom of the barrier is minimised as far as practicable. The base of the barriers should be well sealed at the junction where the barrier meets the floor, but still be designed to allow proper water drainage.
 - **Condition 39 - Underground Petroleum Storage Systems**

The Panel agreed to retain the condition with the following amendment to the first sentence as follows:

Detailed plans and specifications for any proposed Underground Petroleum Storage System (UPSS) must be submitted to the satisfaction of the Certifying Authority prior to the issue of the construction certificate, demonstrating compliance with the...

The Panel further amended the draft conditions as follows:

- **New condition 2A Consistency with previous development consents**

In the event that there is any inconsistency between this consent and previous consents, this consent shall prevail.

Reason: to ensure consistency between consent that apply to the land

- **New Condition 69A – Operational Plan of Management**

A Plan of Management (POM) is to be submitted to Council for approval prior to the issue of an Occupation Certificate or the commencement of the use of the approved works and shall include details of all operational and management procedures of the Marina, including the berthing facility, ancillary club facility and carparks.

The POM shall document the use of the Marina (including permanent boat storage and associated facilities such as berthing, ancillary club, carparks) and include measures to mitigate impacts on residential amenity within the neighbourhood of the Marina, including but is not limited to:

- i) patron capacity for all areas of the club, noting that the Sapphire Room (LG) is limited to 160 patrons and the terrace (GF) is limited to 100 patrons;
 - ii) operation and trading hours for all areas of the club, within the approved hours of operation;
 - iii) operation of the marina, including boat storage and associated activities such as mooring, servicing, repair, provision of petrol and parking;
 - iv) any management measures recommended in the Noise Impact Assessment prepared by Rodney Stevens Acoustics (Report R230113R1, Revision 8 (6 November 2024), including noise criteria;
 - v) the behaviour of patrons, liquor practices (including the responsible service of alcohol), staffing roles and responsibilities (including security personnel numbers and static points), management of patrons within the premises and their exit and dispersal from the area, and other such operational matters to ensure compliance with conditions of consent and any relevant regulatory requirements;
 - vi) management of the carparks, including measures to minimise private car use, such as courtesy buses, and to minimise disturbance from patrons arriving and departing;
 - vii) management of deliveries and servicing, waste disposal, cleaning and other activities that may occur outside the approved hours of operation for the club;
 - viii) complaints handling procedures, including contact numbers and distribution of the PoM to resident within the neighbourhood;
 - ix) Any other such operational matters to ensure compliance with relevant regulatory requirements.
- ii. An independent review of the POM may be undertaken by the Council upon providing the applicant with written notice.
 - iii. The approved POM shall not be amended except with the written consent of Council.

Reason: to ensure the operation of the Marina (including permanent boat storage and associated facilities such as berthing, ancillary club, carparks) mitigates impacts on residential amenity

- **Amend Condition 84 – Hours of Operation**

- a) The approved hours of operation for the Marina (including permanent boat storage and associated facilities such as berthing, ancillary club, carparks and cafes) shall be restricted to the following:

HOURS OF OPERATION	MONDAY - WEDNESDAY	THURSDAY	FRIDAY - SATURDAY	PUBLIC HOLIDAYS	SUNDAY
MARINA - BOAT STORAGE					

Boat storage and associated facilities (other than the ancillary club and marina office)	Unrestricted, including carparking and security				
Office, including repair and maintenance activities	7:30am – 7.30pm				
MARINA - ANCILLARY CLUB FACILITY AND CARPARKING					
Licenced club	11am - midnight	11am – 1am		11am – 11pm	
Ground floor terrace	11am - 11pm				
Lower ground floor café including adjoining terrace (Bay Breeze Café) (DA 29/2014)	5.30am - 11pm	5.30am – midnight	5.30am – 1am	Same hours as the day of the week	5.30 am - 11pm
Lower ground floor Pizza Oven including adjoining terrace (DA 115/2016)	7am – 11pm				
Carpark	5:30am – midnight	5:30am – 1am		5:30am – 11pm	

- b) Notwithstanding a), the use of the premises for activities such as administration, maintenance, cleaning, security and carparking for these purposes, or the like, which are not noise generating activities may be carried out outside these hours, as detailed in the Plan of Management required by Condition 69A.

Reason: To provide hours of operation for the Marina (including permanent boat storage and associated facilities such as berthing, ancillary club, carparks) that recognise its existing use rights and are appropriate for such use in a residential area.

- **Amend Condition 89 - Acoustic mitigation infrastructure - Maintenance (EHF0010)**

Noise mitigation measures must be adopted in accordance with the Noise Impact Assessment submitted by Rodney Stevens Acoustics Reference Number: R230113R1 Revision 8 dated 6 November 2024 and be maintained at all times to ensure their acoustic performance does not diminish.

Reason: To ensure the premises continue to comply with the Acoustic Report assessment criteria and provide appropriate acoustic levels to maintain the surrounding amenity.

Add new condition 91A Operation of Plan of Management (POM)

The use must always be operated / managed in accordance with the Plan of Management (POM) approved by Council under Condition 69A. In the event of any inconsistency, the conditions of this consent will prevail over the POM.

The approved POM shall not be amended except with the written consent of Council.

Reason: To ensure the premises operate in accordance with the approved POM

The final endorsed conditions of consent, including the above amendments, are found in Schedule 2.

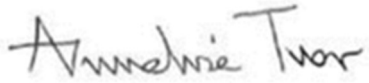
CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Existing use rights limitations
- Non-conforming with height limits, objectives of Foreshore Scenic Protection Area or access requirements
- Not compliant with conditions of approval issued in 2011
- Visual impact and loss of views from the proposed car park structure including mature trees in planters
- Impact of the marina extension on waterway navigation
- View analysis unsatisfactory
- Environmental impact – water pollution and sea grasses
- Inconsistencies between berth numbers
- Impacts on wave attenuation
- Questions around the need for additional berths
- Acoustic impacts of additional terraces
- Not in public interest due to noise and navigation issues
- Traffic generation
- Main entry on Wellington Street misleading
- Current car parking issues will be exacerbated
- Social impacts of expanding a venue for alcohol consumption and gambling
- Impact of tall car park lighting and privacy concerns from planned CCTV
- Reduction in trailer parking
- Public transport integration
- Street trees retained
- Impact on property value
- Impact on well-being from view loss
- Encroachment of green spaces
- Lack of community engagement
- Overdevelopment, the size of proposed development is excessive and additions intrusive
- Options analysis not supported
- Restriction on vessel size needed
- Foreshore access
- Air pollution
- Disposal of excavated material unknown
- Potential environmental impacts from increased slipway use
- Consequences of fire emergencies
- Structural damage to homes due to pile driving
- Waste collection
- Construction impacts: Noise, traffic and parking
- Acid sulphate soils
- No demonstrated need for GFA
- Hours of operation
- Overshadowing
- Recommended conditions of consent
- Crown Land issues
- Flaws in the EIS
- Overlooking from the car park

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting.

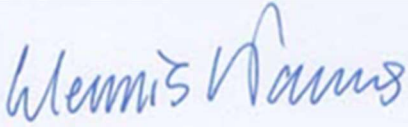
PANEL MEMBERS



Annelise Tuor (Chair)



Penelope Holloway



Glennis James



Sam Stratikopoulos

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-154 – Georges River – DA2023/0487
2	PROPOSED DEVELOPMENT	Demolition works, marina expansion, construction of a new carpark, alterations and additions to the existing club.
3	STREET ADDRESS	2 Wellington Street, Sans Souci
4	APPLICANT/OWNER	The St. George Motor Boat Club Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - marina or other related land and water shoreline facilities
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Biodiversity & Conservation) 2021</i> <i>State Environmental Planning Policy (Resilience & Hazards) 2021</i> <i>State Environmental Planning Policy (Transport & Infrastructure) 2021</i> <i>State Environmental Planning Policy (Industry & Employment) 2021</i> <i>Georges River Local Environmental Plan 2021</i> Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> <i>Georges River Development Control Plan 2021</i> Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 4 October 2024 Letter from the applicant to the Panel dated 17 October 2024 CI 4.6 request for departure from height of building development standard requested (CI 4.3(2) of the GRLEP 2021 Supplementary Council Assessment Report & Conditions (<i>STG Motor Boat Club Supplementary Report and Conditions 2.12.24</i>) Amended Front Pages for Supplementary Report 5.12.24 Revision F Amended Architectural Plans (11 November 2024) Amended Landscape Plans (Revision D, 2 November 2024) Revised Clause 4.6 Request (7 November 2024) Revised Noise Impact Assessment (Revision 8 6 November 2024) Applicant response to the draft conditions (Gyde 4 December 2024) (<i>Letter to SSPP – Response to recommended conditions 04.12.24</i>) Written submissions during public exhibition: 41 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Public - Jeff Powys for Kogarah Bay Progress Association and Kathy Christodoulou On behalf of Council - Linley Love, Kim Johnston On behalf of the applicant - Tina Christy and Cameron Jones, Matthew McCarthy

		<ul style="list-style-type: none"> Total number of unique submissions received by way of objection: 41
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 22/1/2024 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Sam Stratikopoulos, Ashvini Ambihaipahar <u>Council assessment staff</u>: Liam Frayne, Nicole Askew Site inspection: 25/3/2024 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor (Chair), Glennis James, Sam Stratikopoulos, Ashvini Ambihaipahar <u>Council assessment staff</u>: Liam Frayne, Nicole Askew, Kim Johnston Applicant Briefing: 6/5/2024 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Sam Stratikopoulos, Ashvini Ambihaipahar <u>Council assessment staff</u>: Liam Frayne, Nicole Askew, Kim Johnston <u>Applicant representatives</u>: Elina Braunstein, Tina Christy, Adrian Vermeulen, Cameron Jones, David Blyth Assessment Briefing: 17/6/2024 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Sam Stratikopoulos, Ashvini Ambihaipahar <u>Council assessment staff</u>: Liam Frayne, Linley Love, Kim Johnston <u>Applicant representatives</u>: Adrian Vermeulen and David Blyth Final briefing to discuss council's recommendation: 21/10/2024 and 25/10/2024 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Sam Stratikopoulos <u>Council assessment staff</u>: Linley Love, Kim Johnston (independent consultant) <u>Applicant representatives</u>: Tina Christy, Elina Braunstein, Cameron Jones, Greg Jones, Adrian Vermeulen, David Blyth, John Leman, Geoff Withycombe, Dani Awad, Matthew McCarthy, Desmond Raymond Further briefing with Council and Applicant: 16/12/2024 <ul style="list-style-type: none"> Panel members: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Sam Stratikopoulos Council assessment staff: Linley Love, James Hallett, Kim Johnston (independent consultant) Applicant representatives: Adrian Vermulen (St George Motor Boat Club), David Blyth (St George Motor Boat Club), Dani Awad (Rodney Stevens Acoustics), Cameron Jones (Innovate Architects), Greg Jones (Innovate Architects), Juliet Grant (Gyde Consulting) DPHI: George Dojas, Nikita Lange
9	COUNCIL RECOMMENDATION	<p>Council recommended refusal in its assessment report of 4 October 2024.</p> <p>Council made no further recommendation in its supplementary Assessment Report of 2 December 2024, however, draft conditions of consent were provided</p>

10	DRAFT CONDITIONS	Conditions attached to Supplementary Council Assessment Report, as amended by the Panel and included in Schedule 2.
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SCHEDULE 2 – Final endorsed conditions of consent

Amended Conditions of Consent

1. Approved Plans

The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Drawing No.	Date	Rev	Prepared by
Architectural Plans				
Site Plan	100	11/11/24	F	Innovate
Proposed Roof Plan	101	11/11/24	F	Innovate
Proposed Lower Ground Floor Plan	102	11/11/24	F	Innovate
Proposed Ground Floor Plan	103	11/11/24	F	Innovate
Proposed First Floor Plan	104	11/11/24	F	Innovate
Elevations & External Finishes Schedule	400	11/11/24	F	Innovate
Sections	500	11/11/24	F	Innovate
Height Blanket Diagrams	501	11/11/24	F	Innovate
Signage	502	11/11/24	F	Innovate
Sections	503	11/11/24	F	Innovate
Shadow Diagrams	600	11/11/24	F	Innovate
Calculations	601	11/11/24	F	Innovate
Proposed Car Parking	800B	11/11/24	F	Innovate
Photographic Montage 01 – View from Georges River	01	11/11/24	F	Innovate
Photographic Montage 02 – View from Wellington and Plimsoll Street intersection	02	11/11/24	F	Innovate
Photographic Montage 03 – Porte Cochere View	03	11/11/24	F	Innovate
Construction Management Plan – Stage 1	52	11/11/24	F	Innovate
Construction Management Plan – Stage 2	53	11/11/24	F	Innovate
Construction Management Plan – Stage 3	54	11/11/24	F	Innovate
Marina Plans				
Proposed Extensions Layout	6225-01	24/4/24	C	International Marina Consultants Pty Ltd
Proposed Extension Elevation	6225-02	23/6/23	A	International Marina Consultants Pty Ltd
Proposed Marina Extensions Fire Services	6225-03	11/9/23	-	International Marina Consultants Pty Ltd
Arm A Relocated Fuel Line and Race Tower Layout	6225-04	24/4/24	-	International Marina Consultants Pty Ltd
Stormwater Plans				
Cover Sheet (Project No 23H5606)	SW00	8/6/23	A	Hyten Engineering
Stormwater Plan Sheet 1 (Project No 23H5606)	SW01	8/6/23	A	Hyten Engineering

Stormwater Plan Sheet 2 (Project No 23H5606)	SW02	8/6/23	A	Hyten Engineering
Landscape Plans				
Cover Sheet	L-01	2/11/24	D	Site Design Studios
Lower Floor Detailed Plan	L-02	2/11/24	D	Site Design Studios
Ground Floor Detailed Plan	L-03	2/11/24	D	Site Design Studios
Ground Floor Section	L-03.1	2/11/24	D	Site Design Studios
First Floor Detailed Plan	L-04	2/11/24	D	Site Design Studios
Planting Details	L-05	2/11/24	D	Site Design Studios
Existing Tree	L-06	2/11/24	D	Site Design Studios
Notes	L-07	2/11/24	D	Site Design Studios
Specification	L-08	2/11/24	D	Site Design Studios
Other Plans				
Survey	9963-005-TOPO	15/6/20	D	Boxall Surveyors
Hydrographic Survey	9963-010	9/3/23	-	Boxall Surveyors
Reports				
Environmental Impact Statement	-	22/9/23	-	Gyde
Clause 4.6 Request	P-22099	7/11/24	-	Gyde
Aboriginal Cultural Heritage Report	-	Sept 2023		Dominic Steele Consulting Archaeology
Access Report	22431	18/7/24	1.2	Code Performance
Air Quality Report	610.031409.000 01	11/9/23	2.1	SLR Consulting Australia
Aquatic Ecology and Sediment Quality Assessment	311015-00420	July 2023	0	Advisian
Arborists Report	-	10/7/22	V2	Sydney Landscape Consultants
Arboricultural Report & Pruning Specification	-	29/10/24	-	Sydney Landscape Consultants
Potential Acid Sulphate Soils Report (Land Portion)	ES8866/3	27/6/23	0	Aargus Pty Ltd
Acid Sulphate Soils Report (Marina Portion)	ES8866/3	12/4/24	1	Aargus Pty Ltd
Fuel Facilities Letter Report	ES8866/4	12/4/24	1	Aargus Pty Ltd
BCA and Access Compliance Report	J4553	27/7/23	Final	DPC
Coastal Risk Management Report	311015-00420	8/9/23	2	Advisian
Construction Management Plan (Marina Expansion)	6225R02A	11/9/23		International Marina Consultants Pty Ltd
CPTED Report	-	19/7/24	-	Gyde
Geotechnical Report	GS8874-1A	21/7/23	1	Aargus Pty Ltd
Marine Navigation Report	6225R01B	11/9/23	-	International Marina Consultants Pty Ltd
Noise Impact Assessment	R230113R1	6/11/24	8	Rodney Stevens Acoustics
Construction Noise and Vibration Management Plan	R230113R1	3/10/24	3	Rodney Stevens Acoustics
Social Impact Assessment	-	24/7/24	-	Gyde
Traffic and Parking Report (incl Gyde letter - 8/5/24)	230126.01	18/8/23	A	McLaren Traffic Engineering

Swept path Analysis and Parking Advice	240206.03FB	7/11/24		McLaren Traffic Engineering
Visual Analysis (& Gyde cover letter dated 13/5/24)	-	29/4/24	3	Rockhunter Australia P/L
Photomontage Verification	-	1/11/24	5	Rockhunter Australia P/L
Waste Classification (Marina Portion)	ES8866/2	5/7/23	-	Aargus Pty Ltd
Waste Classification (Land Portion)	ES8866/2	12/4/24	1	Aargus Pty Ltd
Operational Waste Management Plan	5039	24/7/23	D	Elephant's Foot Consultants Pty Ltd
Construction and Demolition Waste Management Plan	-	-	-	Innovate

Reason: To ensure the development is constructed in accordance with the approved plans and supporting documentation that applies to the development

2. Vehicle Access adjoining Anderson Park

There shall be no vehicle access provided to the site via the bitumen driveway/road from Vista Street adjoining Anderson Park.

Reason: There is no legal agreement for the use of this roadway for vehicular access to the site.

2A. Consistency with previous Development Consents

In the event that there is any inconsistency between this consent and previous consents, this consent shall prevail.

Reason: to ensure consistency between consent that apply to the land

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

3. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993 (APR7.2)

Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the *Roads Act 1993* and/or Section 68 of the *Local Government Act 1993* for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land

- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate. The relevant Application Forms for these activities can be downloaded from Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9330 6222.

Reason: To ensure the development is constructed in accordance with Council's requirements and other the legislative requirements.

4. Road Opening Permit (APR7.5)

A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the RMS, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

Reason: To ensure the development is constructed in accordance with Council's requirements and other the legislative requirements.

5. Building – Hoarding Application (APR7.7)

Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the *Local Government Act 1993* and the *Roads Act 1993* must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993*:

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at www.georgesriver.nsw.gov.au) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

Reason: To ensure the development is constructed in accordance with Council's requirements and other the legislative requirements.

6. Below ground anchors – Information to be submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993 (APR7.8)

In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the *Local Government Act 1993* and the *Roads Act 1993* for approval, prior to commencement of those works. The following details must be submitted.

- (a) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council.
- (b) The applicant has indemnified Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of council.
- (c) Documentary evidence of such insurance cover to the value of \$20 million.
- (d) The applicant must register a non-terminating bank guarantee in favour of Council for the amount of [\$50,000]. The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.
- (e) That in the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors will be borne by the applicant.

Reason: To ensure the development is constructed in accordance with Council's requirements and other the legislative requirements.

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

7. General Terms of Approval (GOV8.1)

The development shall be carried out in accordance with the requirements of the General Terms of Approval (GTA) outlined below.

Approval Body	Date of GTA
NSW Environment Protection Authority	21 October 2024

A copy of the requirements of the approval Authority is attached to this consent.

Reason: To ensure the requirements of the EPA under integrated development are considered.

8. Sydney Water – Tap in TM (GOV8.12)

The approved plans must be submitted to a Sydney Water Tap inTM to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap inTM agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with the legislative requirements.

9. Notice of Requirements for a Section 73 Certificate (GOV8.13)

A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

Reason: To ensure the development is constructed in accordance with Council's requirements and other the legislative requirements.

10. Ausgrid Requirements

There is an existing kiosk style electricity substation that may be impacted by the proposed construction. Subsidence and vibration must be minimised at the substation site. The use of ground anchors under a substation is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10 metres deep. A further area of exclusion may be required in some circumstances.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings – Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres.

Any portion of a building other than a BCA Class 10a structure constructed from non-combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 1—kHz) (ICNIRP 2010).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid.

For further details refer to Ausgrid's Network Standard 143.

Reason: To ensure the development is constructed in accordance with requirements of service providers.

11. Electricity Supply (GOV8.15)

An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services).

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

12. Design Changes

The following design changes and information are required to be provided to Council's Senior Specialist Planner (Urban Design) for approval prior to the issue of a Construction Certificate for any works excluding the marina:

- (a) The vehicle entry structure at Plimsoll Street must be amended to remove the splay structure and replace it with stone cladding, with a maximum width of 1600mm facing Plimsoll Street. Landscaping shall be incorporated along the frontage of the site at this Plimsoll Street vehicle entry point and is to be outlined on the Final Landscape Plan;
- (b) The 1.4 metre high solid barrier of the first floor of the car park to Plimsoll Street and Wellington Streets shall comprise a variety of materiality to reduce the amount of brushed concrete finish to the street and to minimise the bulk. To ensure the design changes are consistent with the requirements of the Noise Impact Assessment prepared by Rodney Stevens Acoustics (Report R230113R1, Revision 8 (6 November 2024)). The construction material of the barrier must have a minimum surface density of 12-15 kg/m² and be free from holes and gaps. All barriers must be free of gaps and penetrations, and it is particularly important to ensure that the gap at the bottom of the barrier is minimised as far as practicable. The base of the barriers should be well sealed at the junction where the barrier meets the floor, but still be designed to allow proper water drainage.
- (c) Deleted
- (d) The roof over the main entry area (first floor level) shall be the same (or lower) than the height of the existing roof over the first floor office;
- (e) A detailed schedule of external colours, finishes and materials shall be provided; and
- (f) External terraces shall not be enclosed (other than the balustrade and the blinds). The blinds shall be roll-up blinds and not fixed and should not be installed on the external façade of the building. The blinds should be light weight with receding or earthy tones.

Reason: To ensure visual impacts on the surrounding streetscape and foreshore are minimised.

13. Fees to be paid (CC9.1)

The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate.

Please contact Council prior to the payment of Section 7.12 Levy to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council. Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Builders Damage Deposit (\$1236 per lineal metre of site frontage)	\$ 306,090.46
Inspection Fee for Refund of Damage Deposit	\$ 371 per inspection
DEVELOPMENT CONTRIBUTIONS	
Georges River Council Local Development Infrastructure Contributions Plan 2021	\$115,034.85

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's

Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

A Section 7.12 contribution has been levied on the subject development pursuant to the *Georges River Local Infrastructure Contributions Plan 2021 (Section 7.11 and Section 7.12)* (Contributions Plan).

Indexation

Indexation of the estimated cost of works to which a s7.12 levy relates between the date of the granted development consent and the date of payment will be undertaken by Council. The indexation of the cost of works will be conducted according to the formula in the Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Civic Centre, MacMahon Street, Hurstville and 2 Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

Reason: To ensure the appropriate fees are paid for the development.

14. Damage Deposit – Major Works (CC9.5)

In order to insure against damage to Council property the following is required:

- (a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$306,090.46.
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: \$371 per inspection.
- (c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will review the dilapidation report and the Works-As-Executed Drawings (if applicable) and inspect the public works. The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

Reason: To ensure the appropriate fees are paid for the development.

15. Site Management Plan (CC9.6)

A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- (a) location of protective site fencing;
- (b) location of site storage areas/sheds/equipment;
- (c) location of building materials for construction, e.g. stockpiles
- (d) provisions for public safety;
- (e) dust control measures;
- (f) method used to provide site access location and materials used;
- (g) details of methods of disposal of demolition materials;

- (h) method used to provide protective measures for tree preservation;
- (i) provisions for temporary sanitary facilities;
- (j) location and size of waste containers/skip bins;
- (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management;
- (m) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

Reason: To ensure the development minimises impacts on the environment and public safety.

16. Erosion & Sedimentation Control (CC9.32)

Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by Landcom 2004.

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

Reason: To ensure the development minimises impacts on the environment.

17. Construction Management Plan

Prior to the issue of the Construction Certificate, a final Construction Management Plan (consistent with the approved plans) is required which outlines:

- (a) Construction equipment, staging and timing information; and
- (b) All of the required mitigation measures recommended in the *Aquatic Ecology and Sediment Quality Assessment* prepared by Advisian dated July 2023.

Reason: To ensure the development minimises impacts on the environment.

18. Construction Vehicle and Pedestrian Plan of Management

Prior to the issuing of a Construction Certificate, a *Construction Vehicle and Pedestrian Plan of Management (CVPPM)* shall be submitted to Council for the approval of Council's Senior Traffic and Parking Assessment Officer. The CVPPM shall be prepared for the various stages of the development and include, but not be limited to, the following:

- (a) Show access for all demolition, excavation, fit out and other works related vehicles not being obtained via the access road located between the bend on Vista Street/Wellington Street and the northern end of the lower ground level car park.
- (b) Details of the scope of works to be undertaken during the demolition, excavation, construction stages etc., and the duration of each.

- (c) Indicate the consent approved hours of work.
- (d) Identify the routes to be travelled within the Council area for trucks travelling to and from the site.
- (e) Identify other developments occurring concurrently in the area including those within the street and up to 500m from the site. The developer/builder shall liaise fortnightly with other identified developers/builders to minimize any cumulative traffic impacts.
- (f) Include a plan showing the location of any schools, preschools and long day care centres within 200m of the site.
- (g) Detail the number of and where construction worker vehicles will be parked during the various stages of the development.
- (h) Identify any proposed temporary road closures, temporary changes to traffic flow and loss of pedestrian or cyclist access likely to occur as a result of works being undertaken during the various work stages.
- (i) Detail the size (including dimensions), number and frequency of trucks movements to and from the site during the various stages of work.
- (j) Include copies of all required Traffic Control Plans (TCPs). All TCP's shall be prepared by RMS accredited persons.
- (k) Provide swept wheel path drawings for the different types of vehicles accessing the site. The swept wheel path drawings:
 - Are required to confirm truck movements into and out of the site associated with the various stages of development will not damage public or private infrastructure/property.
 - Are required to confirm truck movements into and out of the site can be carried out without a loss of on street vehicle parking spaces either in close proximity to or removed from the site.
 - Shall be prepared by a suitably qualified and experienced traffic engineering consultant.
- (l) Show the location and length of any proposed Works Zones including any adjustments required to Council's infrastructure, parking control signs etc. to implement the zones. **NOTE:** Works Zones require the approval of the Georges River Council Traffic Committee prior to installation.
- (m) Show the locations of where it is proposed to stand trucks remote from the site should they be unable on arrival to immediately enter the site or an approved Works Zone. Double parking, parking in NO STOPPING/NO STANDING zones or across neighboring property driveways is not permitted.

NOTE: A copy of the approved CVPPM must be kept at the site and made available to the Principal Certifying Authority or Council on request.

Reason: To ensure the safety of the surrounding road network during construction.

19. Amended Construction Noise and Vibration Management Plan

Prior to the issue of a Construction Certificate, an amended *Construction Noise & Vibration Management Plan* (CNVMP) must be submitted to Council and the EPA (in accordance with the General Terms of Approval). The amended CNVMP must include details and timeframes to implement all feasible and reasonable mitigation measures to manage construction noise, including respite periods where high impact activities such as piling and jack/rock hammering are proposed.

The amended CNVMP must also accurately reflect the stages of construction outlined in the Construction Management Plan required by this consent.

Reason: To ensure construction noise and vibration is minimised during construction.

20. Temporary Ramp – southern car park

Detailed engineering drawings of the works proposed within the site to provide the temporary ramp to access the southern car park shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

The engineering drawings shall include the extent of works and structural details of the section of wall on the boundary to be demolished and works required to reinstate the wall.

Reason: To ensure full details of these proposed works are provided to protect public safety.

21. Amendments to Car Spaces

Prior to the issue of a Construction Certificate, amendments shall be carried out to the design of planter boxes and /or the aluminium privacy screen to make provision for car spaces G36, G37, G64, F17 and F18 to have a minimum width of 2.7 metres. Plans showing the amended widths of the spaces shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure compliance with relevant Australian Standards for car parking spaces.

22. Vehicle Movement and Pavement Markings Signage

The following matters are to be outlined on the Construction Certificate plans:

- (a) Vehicle movement signage - Signs shall be installed within the site to prevent the following vehicle movements at the ground floor level carpark:
 - (i) Entry from Wellington Street
 - (ii) Exit to Plimsoll Street
 - (iii) Left turns from both access aisles at the southern end on the ground floor of the car park and left turns from the ramp providing access down from the first floor level at the northern end.

Details of the location, size and wording of the signs shall be submitted to the Principal Certifying Authority for approval on the Construction Certificate plans.

- (b) Pavement Markings - Directional arrows shall be painted on the ground floor level both inside and outside the multi-storey car park and on the first floor level to ensure vehicles travel in the directions shown on the approved plans. Details of the location and dimensions of the markings shall be submitted to the Principal Certifying Authority for approval.
- (c) Vehicle Turning Bay - The vehicle turning bay on the first floor level shall be provided with pavement markings and signage to prevent it from being used for parking. Details of the pavement markings and signage shall be submitted to the Principal Certifying Authority for approval.
- (d) EV Parking Spaces - The six (6) electric vehicle (EV) parking spaces on the first floor level of the car park shall not be limited to the parking only of electric vehicles. The spaces shall be made available for the parking electric and non-electric vehicles. Details of the signage required to inform drivers the spaces are not restricted to the parking only of electric vehicles shall be submitted to the Principal Certifying Authority for approval.

The signage shall be installed prior to the issue of the Occupation Certificate.

Reason: To ensure car park safety and compliance with relevant Australian Standards for car parking.

23. Pedestrian Access Pathway (Wellington Street)

Full engineering details including materials of construction, dimensions and levels of the pedestrian pathway proposed from Wellington Street to the club entry shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure car park safety and compliance with relevant Australian Standards for pedestrian safety.

24. Safety and Security Measures

The following safety and security measures are to be implemented at the site and reflected on the Construction Certificate plans:

- (a) CCTV cameras are to be installed at the entry / egress points, external areas of the building, including the car parks, and other strategic areas of congregation to provide maximum surveillance.
- (b) Appropriately trained security guard(s) shall be provided on site for the purpose of random patrols.
- (c) Install appropriate wayfinding signage to clearly distinguish entry points from the lower ground, ground and first floor to create pedestrian channelling into relevant entries.
- (d) Access controls such as gates and doors must be designed and fitted to meet the relevant Australian Standards.
- (e) Prepare a plan of management to assist with achieving suitable territorial reinforcement, including ensuring continued site cleanliness, rapid repair of vandalism and graffiti, the prompt replacement of broken light fixtures/globes and the removal or refurbishment of decayed physical elements.
- (f) Install appropriate lighting to Australian Standards at entry/exits and throughout the car parks (particularly the area on the ground floor under the ramp to the first floor).
- (g) Ensure adequate lighting is provided along pedestrian access points and entry / egress points from the car parks.
- (h) Use materials and techniques to reduce the incidence of vandalism (particularly graffiti) and suitably maintained landscaping.

Reason: To ensure the safety of patrons using the site and residents in the surrounding area during operation of the development.

25. Low reflectivity roof (CC9.13)

Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

Reason: To ensure reflectivity is minimised in the area.

26. Service Utilities (CC9.14)

Arrangements shall be made to the satisfaction of all Service Utility Authorities in respect to the services supplied by those authorities to the development

Reason: To ensure the development is constructed in accordance with requirements of service providers.

27. Stormwater System (CC9.34)

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

- (a) All stormwater shall drain by gravity to the proposed kerb inlet pit located in front of the property in accordance with the *Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended)*.
- (b) Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (2016) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.

Reason: To ensure the development is constructed in accordance with Council's requirements.

28. Council Property Shoring (CC9.45)

Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be

supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

Reason: To ensure public safety and that the development is constructed in accordance with Council's requirements..

29. Fire Safety Measures (CC9.47)

Prior to the issue of a construction certificate, a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such a list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

Reason: To ensure the development is safe for public use in accordance with the legislative requirements.

30. Structural details (CC9.48)

Engineer's details prepared by a practising Structural Engineer for all reinforced concrete work, structural beams, columns & other structural members is required prior to the issue of the Construction Certificate. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the PCA.

Reason: To ensure the development is structurally sound.

31. Engineer's Certificate (CC9.51)

A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is structurally sound.

32. Access for Persons with a Disability (CC9.52)

Access and sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of:

- (a) *The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards),*
- (b) *the Building Code of Australia, and*
- (c) *AS 1428.1: Design for access and mobility.*

Details must be submitted with the Construction Certificate Application.

Reason: To ensure the development is accessible in accordance with legislative requirements. .

33. Geotechnical report (CC9.54)

The applicant must submit a Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who is registered on the National Engineering Register in relation to dilapidation reports, all site works and construction. This is to be submitted before the issue of the Construction Certificate and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
- (b) On-site guidance by a vibration specialist during the early part of excavation.
- (c) Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.
- (d) Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

Reason: To ensure the development is constructed in accordance with site-specific geotechnical advice.

34. Traffic Management – Compliance with AS2890.2 (CC9.61)

All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (*for car parking facilities*) and AS 2890.2 (*for commercial vehicle facilities*). A certification is to be submitted from a qualified consulting traffic engineer outlining that traffic management systems design complied with AS2890.2 prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with the relevant Australian Standards for car parking and vehicle access.

35. Stormwater Drainage Application (CC9.91)

This Development Consent does not give approval to undertake works on public infrastructure. A separate approval of a Stormwater Drainage Application is required under Section 138 of the *Roads Act 1993* and/or Section 68 of the *Local Government Act 1993* to undertake:

- (a) Stormwater & ancillary works in the road reserve. This includes new pits/pipes and associated connections to Council's drainage systems.
- (b) Stormwater & ancillary to public infrastructure on private land

The Stormwater Drainage Application approval must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate. The Application Form for this activity can be downloaded from Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9330 6400.

Reason: To ensure the development is constructed in accordance with Council's requirements.

36. Compliance with submitted Acoustic Report (CC9.68)

The Construction Certificate plans must demonstrate compliance with the approved Acoustic Report, titled *Noise Impact Assessment*, prepared by Rodney Stevens Acoustic, dated 6 November 2024 (Revision 8) and must be accompanied by certification from a suitably qualified and experienced acoustic consultant, to the satisfaction of the Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure the design of the development incorporates the measures outlined in the Acoustic Report and to ensure appropriate acoustic levels to maintain the surrounding amenity.

37. Food Premises – Details and Fit-Out (EHB0015)

Details of the construction and fit-out of food premises must be submitted to the satisfaction of Council's Environmental Health Officer. The plans and specifications must demonstrate compliance with the:

- a. [Food Act 2003](#) (NSW) (as amended),
- b. [Food Regulation 2015](#) (NSW) (as amended),
- c. [Food Standards Code](#) – Standard 3.2.3 (as amended) - published by Food Standards Australia, and
- d. Sydney Water – Trade Waste Requirements.

Prior to the release of the Construction Certificate, written approval of Council's Environmental Health Officer must be provided to the Certifying Authority, and the plans approved by Council's Environmental Health Officer must be incorporated into the Construction Certificate documentation.

Reason: To ensure food premises are fitted out in accordance with legislative requirements.

38. Food Premises - Waste Facility (EHB0017)

Details of the construction and fit-out of the waste storage facility must demonstrate compliance with the following:

- (a) [Food Act 2003](#) (NSW) (as amended),
- (b) [Food Regulation 2015](#) (NSW) (as amended),
- (c) AS4674:2004 – Design, Construction and Fit out of Food Premises, and
- (d) The current or most recent version of the [Food Standards Code](#) – Standard 3.2.3 - published by Food Standards Australia.

and must be:

- (e) provided with a hose tap connected to the water supply, and
- (f) paved with impervious floor materials, and
- (g) coved at the intersection of the floor and the walls, and
- (h) graded and drained to a waste disposal system in accordance with the requirements of Sydney Water, and
- (i) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the [Protection of the Environment Operations Act 1997](#) (as amended), and
- (j) large enough to accommodate the bins required.

Prior to the release of the Construction Certificate, the written approval of Council's Environmental Health Officer must be provided to the Certifying Authority. The plans approved by Council's Environmental Health Officer must be incorporated into the Construction Certificate documentation.

Reason: To ensure the provision of appropriate and sanitary waste storage facilities.

39. Underground Petroleum Storage Systems (EHB0026)

Detailed plans and specifications for any proposed Underground Petroleum Storage System (UPSS) must be submitted to the satisfaction of the Certifying Authority prior to the issue of the construction certificate, demonstrating compliance with the:

- (a) [Protection of the Environment Operations \(Underground Petroleum Storage System\) Regulation 2019](#) (NSW) (as amended),
- (b) the current or most recent version of AS1940 – *The storage and handling of flammable and combustible liquids*,
- (c) the current or most recent version of AS4897 – *The design, installation and operation of underground petroleum storage*, and

- (d) any other relevant standards (as amended) - SafeWork NSW (13 10 50) is to be contacted separately to obtain any additional requirements for the installation of underground storage tanks.

Detailed plans and specifications for the Underground Petroleum Storage System must be incorporated into the Construction Certificate documentation.

Reason: To ensure the impacts on the environment are minimised and the storage of petroleum products are in accordance with the legislative requirements.

40. Waste Management during construction and demolition

The applicant must provide details of the proposed contractors used for managing demolition/construction wastes to Council prior to the issue of a Construction Certificate. The applicant must maintain records of licensed waste management disposal for up to 7 years as evidence of correct management of wastes from the development. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

Reason: To ensure waste is appropriately managed during construction and demolition.

41. Final Landscape Plan

A Final Landscape Plan must be submitted with the Construction Certificate which is consistent with the Landscape Plans prepared by *Site Design and Studios* dated 2 November 2024 'Revision D' and which illustrates the following:

- (a) The planting of a total of eight (8) medium trees along the foreshore boundary of the site comprising the following:
 - (i) Planting of a *Banksia integrifolia* (coastal banksia) in each of the planting areas adjoining the waterfront between the northern site boundary and the existing boat ramp, with 2 trees to be planted in the area closest to the ramp (five (5) trees in total). The trees are to be medium trees, capable of a mature height of between 8 metres and 12 metres; and
 - (ii) Planting of a *Cupaniopsis anacardioides* (tuckeroo) in each of the planting areas to the south of the existing boat ramp (three (3) trees in total). The trees are to be medium trees, capable of a mature height of between 8 metres and 12 metres;

Details of each of these trees is to be clearly shown in each planting area.

- (b) Planting along the Plimsoll Street and Wellington Street boundaries is to comprise greater layering of landscaping (i.e. medium sized plants, in addition to the Lilly Pilly Straight and Narrow and grasses) to ensure the car park wall and lower level are screened from the street;
- (c) The 20 new trees as shown on Landscape Plans must be fully self-supporting without being tied to a prop (i.e. staked);
- (d) New tree plantings must be grown to AS2303: 2018 - *Tree Stock For Landscape Use* and be planted by a Horticulturalist or AQF level 3 Arborist.

The Final landscape plan must be approved by Council's Senior Landscape and Arboricultural Assessment Officer prior to the issue of a Construction Certificate.

Reason: To ensure the landscaping on the site is satisfactory.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)

42. Demolition & Asbestos (PREC10.1)

The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – *Demolition of Structures*, NSW *Work Health & Safety Act 2011* and the NSW *Work Health & Safety Regulation 2017*. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PC prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW *Work Health & Safety Act 2011* and the NSW *Work Health & Safety Regulation 2011* unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the Demolition Code of Practice (NSW Work Cover August 2019). **Note:** Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the *Work Health and Safety Regulation 2017*.

Reason: To ensure waste is appropriately managed during construction and demolition.

43. Demolition Notification Requirements (PREC10.2)

The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining occupants five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

Reason: To ensure waste is appropriately managed during construction and demolition.

44. Before You Dig Australia (PREC10.10)

The applicant shall contact "Before You Dig Australia" at <https://www.byda.com.au/> to obtain a Service Diagram prior to the issuing of the Construction Certificate. The reference number for the enquiry obtained from "Before You Dig Australia" shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

Reason: To ensure existing services are protected during construction of the development.

45. Dilapidation Report on Public Land (PREC10.11)

Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site, within:

- (a) Plimsoll Street
- (b) Wellington Street

The report must include the following:

- (c) Photographs showing the existing condition of the road pavement fronting the site,
- (d) Photographs showing the existing condition of the kerb and gutter fronting the site,
- (e) Photographs showing the existing condition of the footpath pavement fronting the site,
- (f) Photographs showing the existing condition of any retaining walls within the footway or road, and
- (g) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site,
- (h) The full name and signature of the structural engineer,
- (i) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council. The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

Reason: To ensure protection of public assets during construction.

46. Temporary ramp – Southern carpark

Prior to carrying out works on Council's road reserve associated with the provision of the temporary vehicle access on Plimsoll Street, a "Driveway Crossing and Associated Works on Council Road Reserve Application Form" shall be submitted to Council to obtain the required approval, plans and specifications.

Reason: To ensure the required consent is obtained for works in Council's road reserve.

47. Utility Arrangements (PREC10.15)

Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicants expense.

Reason: To ensure the development is constructed in accordance with requirements of service providers.

DURING CONSTRUCTION

48. Site sign – Soil & Erosion Control Measures (CON11.1)

Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

Reason: To ensure the development is constructed in accordance with Council's requirements.

49. Hours of Construction (demolition, excavation and building work) (CON11.2)

All construction works and activities must be undertaken within standard hours, as defined by the *Interim Construction Noise Guideline* (2009) and must adhere to the following requirements:

- (a) Monday to Friday: 7.00am to 6.00pm
- (b) Saturday: 8.00am to 1.00pm
- (c) No work on Sundays or public holidays

Note: A penalty infringement notice may be issued for any offence.

Reason: To ensure the amenity of the area is protected during construction and the development is constructed in accordance with Council's requirements.

50. Environmental Impact Mitigation Measures

To limit the impact to the waterway of Georges River and natural environment, the following safeguards measures must be implemented during building works:

- (a) All the mitigation measures outlined in the *Aquatic Ecology and Sediment Quality Assessment* prepared by Advisian dated 17 July 2023;
- (b) Silt curtains must be put in place to minimise siltation on nearby habitats during works with potential to mobilise sediments;
- (c) No materials must be stored or placed on the seabed; and
- (d) All construction works must be done without excavation and by driving any required footings to minimise potential disturbance to the seabed. Pile driving techniques must be used to for the installation of pilings during construction to limit disturbance of Class 1 acid sulfate soils sub-surface.

Reason: To ensure the amenity of the area is protected and environmental impacts are minimised during construction.

51. Physical connection of stormwater to site (CUSTOM)

No work is permitted to proceed above the ground floor slab level of the building/car park until there is physical connection of the approved stormwater drainage system from the land that is the subject of this consent to existing satisfactory drainage system.

Reason: To ensure impacts to the environment are minimised during construction.

52. Cost of work to be borne by the applicant (CON11.12)

The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

Reason: To ensure protection of public assets and public safety during construction.

53. Obstruction of Road or Footpath (CON11.13)

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the *Roads Act 1993* and/or under Section 68 of the *Local Government Act 1993*. Penalty infringement Notices may be issued for any offences and severe penalties apply.

Reason: To ensure protection of public safety during construction.

54. Worksite Traffic and Pedestrian Control

Traffic and pedestrian control shall be in accordance with TfNSW '*Traffic Control at Works Sites-Technical Manual*' version 6.1-February 2022.

Reason: To ensure pedestrian safety during construction.

55. Road Opening Permit (CON11.15)

A Road Opening Permit must be obtained from Council for every opening of a public road reserve to access services including sewer, water mains, gas mains, connecting of stormwater to the kerb and telecommunication. This is for any work that involves excavation through or within a public road, kerb and gutter, and or the public footway between the road and the property boundary. The permit is to be lodged prior to the commencement of works. Additional approval is required from Roads and Maritime Services for works on a State Road.

Reason: To ensure compliance with the legislative requirements.

56. Contaminated Land – Unexpected Contaminants (EHD0001)

Any new information that is identified during demolition, excavation or construction which has the potential to alter previous conclusions about site contamination and remediation, must be notified to the Certifying Authority (and Council if Council is not the Certifying Authority) immediately.

All works must cease and a qualified Land Contamination Consultant (certified under the consultant certification schemes recognised by the NSW EPA), must be engaged to assess and provide a Remedial Action Plan on the management of the contamination in accordance with any relevant NSW EPA adopted guidelines.

Works on site must not recommence until such time as the contaminants are managed in accordance with:

- (a) the Remedial Action Plan, and
- (b) a Validation Report and or Environmental Management Plan is obtained, and
- (c) both Remedial Action Plan and Validation Report are provided to the Certifying Authority. If the Council is not the Council, then a copy of the Remedial Action Plan and the Validation Report is to be provided to Council.

Reason: To ensure land contamination is adequately managed and to minimise impacts on the environment.

57. Site Maintenance (EHD0005)

The premises shall be maintained in a manner that will not adversely impact upon public health and safety until such time as an occupation certificate is issued. The premises shall be maintained during construction in accordance with the following:

- (a) There must be no burning of any material.
- (b) All putrescible waste must be disposed of in a suitable manner within 24 hours of generation.
- (c) All grass and vegetation must be maintained within the development site so the grass and vegetation (excluding trees, shrubs and any other protected vegetation) does not exceed a height of 100mm above ground level, until such a time that all approved landscaping works have been completed in accordance with the approved landscaping plan.
- (d) Any accumulated or ponded water must be removed within 5 days (weather permitting). The removal of any water must comply with the *Protection of the Environment Operations Act 1997* (NSW) so as to not cause a pollution incident.
- (e) Fencing must be provided and installed within the boundary of the premises. Fencing must be maintained so as to eliminate access to the public.
- (f) All Activity associated with the development including storage or depositing of any goods or maintenance of any machinery and equipment must be conducted wholly within the site boundaries.

Reason: To protect the environment and maintain public health and safety.

58. Underground Storage Tanks and associated pipework (CON11.19)

The underground storage tanks and/or any associated pipework must be installed in accordance with:

- (a) *Protection of the Environment Operations (Underground Petroleum Storage System) Regulation 2014*
- (b) *AS 1940-2004 - The storage and handling of flammable and combustible liquids, AS4897-2008 – The design, installation and operation of underground petroleum storage (as amended) and*
- (c) *any other relevant standards (as amended).*

SafeWork NSW (13 10 50) are to be contacted separately to obtain any additional requirements for the installation of underground storage tanks. Certification from a professional engineer or consultant shall be submitted to the PCA to verify compliance with the relevant Australian Standards.

Reason: To ensure the impacts on the environment are minimised and the storage of petroleum products are in accordance with the legislative requirements.

59. Waste Management Facility (CON11.21)

All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

Reason: To ensure waste is appropriately managed during construction and demolition.

60. Damage within Road Reserve and Council Assets (CON11.30)

The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.

Reason: To ensure public safety and that the development is constructed in accordance with Council's requirements..

61. Public Utility and Telecommunication Assets (CON11.31)

The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines and cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.

Reason: To ensure the development is constructed in accordance with requirements of service providers.

62. Landscape Plans (CC9.84)

All landscape works shall be carried out in accordance with the approved landscape plans. The landscaping shall be maintained in accordance with the approved plans in perpetuity.

Reason: To ensure the development is constructed in accordance with the requirements of the approved landscape plan.

63. Tree Removal prohibited (CC9.85)

No tree on Council's public footway, public reserves or on neighbouring properties and protected under the Georges River Tree Management Policy may be removed, pruned or otherwise damaged without Council consent.

Reason: To ensure all of Council's trees and trees located on adjoining properties are retained.

64. Tree Removal on site

Permission is granted for the removal of the following trees as outlined in the *Arboricultural Impact Assessment Report* (AIA) prepared by Sydney Landscape Consultants dated 22 June 2023 Version V2 for tree numbering and location only:

Tree No.	Species	Location
11	<i>Phoenix roebelenii</i>	Garden bed within site

All tree removal shall be carried out by a minimum AQF Level 3 Arborist with appropriate insurance. Tree removal is to be undertaken safely and in compliance with AS 4373-2007 - *Pruning of Amenity Trees* and *Tree Works Industry Code of Practice* (Work Cover NSW 1.8.98).

Reason: To ensure all other trees are retained.

65. Tree Pruning

Permission is granted for the pruning of two (2) branches as specified in 'Section 2' of the *Arboricultural Report & Pruning Specification* prepared by Sydney Landscape Consultants dated 29 October 2024 and as detailed below:

Tree No.	Species	Branch diameter & Location
2	<i>Lophostemon confertus</i> (Brush Box)	One (1) 60mm and one (1) 90mm branch over the driveway

All tree pruning shall be carried out by a minimum AQF Level 3 Arborist with appropriate insurance. Tree pruning is to be undertaken safely and in compliance with AS 4373-2007 - *Pruning of Amenity Trees* and *Tree Works Industry Code of Practice* (Work Cover NSW 1.8.98).

Reason: To ensure all other trees are protected.

66. Tree Protection

The tree protection measures must be implemented throughout the relevant stages of construction in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.

The following trees must be **protected** in accordance with the conditions of consent throughout the construction and development (as outlined in the *Arboricultural Impact Assessment* prepared by Sydney Landscape Consultants dated 22 June 2023 Version V2 for tree numbering and location only).

Tree No.	Species	Location
1, 2, 3, 4, 5, 6, 7	<i>Lophostemon confertus</i> (Brush Box)	Plimsoll Street trees
8, 9, 10	<i>Tristanopsis laurina</i> (Water Gum)	Wellington Street trees

Reason: To ensure specific trees are protected.

67. Street Tree Protection

All street trees directly outside the site must be retained and protected in accordance with Australian Standard AS 4970-2009: *Protection of trees on development sites*. The street trees must be protected during the construction works as follows:

- (a) Tree protection installation must be undertaken prior to the commencement of any works. The protection must be installed and certified by a qualified AQF Level 5 Arborist.
- (b) All hoarding support columns must be placed a minimum of 300mm from edge of the existing tree pit/setts, to prevent sinking or damage to existing tree setts/pits. Supporting columns must not be placed on any exposed tree root.
- (c) Nothing is to be attached or fixed to any street tree.
- (d) The storage or mixing of materials, washing equipment, disposal of liquids or building materials, site sheds etc. must not occur under/around the tree canopy or within 7 meters of the trucks of any street trees.
- (e) Any excavation works (including stormwater infrastructure) within the Tree Protection Zone (TPZ) of any tree must be referred to the Site Arborist with regards to tree protection, prior to the commencement of the works.
- (f) Any excavation work suspected/ known to have tree roots greater than 30mm diameter must be undertaken by hand and supervised by Project Arborist.
- (g) Alternative installation methods for services, such as redirection or services or directional drilling/boring must be employed where large woody roots greater than 30mm diameter are encountered during installation of any services adjacent to the specified TPZ.
- (h) Footings/piers/posts must be relocated / realigned if any tree root greater than 30mm diameter is present. A minimum of 150mm clearance must be provided between the footing/piers/posts and tree root.
- (i) Existing kerb sections adjacent to any street tree must not be removed without approval from Council. Removal of kerbs adjacent to mature trees can cause trees to become unstable.
- (j) Any damage to street trees as a result of construction activities must be immediately reported to Council's Landscape & Arboriculture Assessment Officer. Any damage to street trees as a result of construction activities may result in a prosecution under the Local Government Act 1993 and/or the Environmental Planning Assessment Act 1979
- (k) Trees specified for retention are to be inspected, monitored and remedial work undertaken as required during and after completion of development works by a qualified AQF Level 5 Project Arborist. Regular inspections and documentation from the Arborist to the PCA and Council's Tree Compliance Officer are required at the following hold points:

HOLD POINT	ACTION REQUIRED BY AQF LEVEL 5 PROJECT ARBORIST
1. a) Prior to commencement of demolition/construction works.	Site meeting with builder to discuss and confirm understanding of tree protection measures required.
1. b) Prior to commencement of demolition/construction works.	Supervise and certify installation of tree protection measures. Tree protection measures are to be installed as per the Tree Protection Conditions. Clear and dated photographs of the installed tree protection fencing must be submitted to Council.
2. Works within the TPZ areas of trees to be retained.	Supervise, direct and photograph all approved works within the TPZ areas of tree to be retained. <ul style="list-style-type: none"> a) During demolition of any existing structure within close proximity to Tree Protection Zones (TPZ); b) During any excavation, trenching or construction that has been approved by Council within the TPZ of any tree to be retained; c) During any landscape works within the TPZ of any tree to be retained.

3. Arboricultural Compliance Report.	<p>Inspect, photograph and report on tree health and condition, maintenance of tree protection measures and remedial tree works as required.</p> <p>a) Certification tree protection measures have been installed in accordance with the conditions prior to the commencement of works;</p> <p>b) Certification of compliance with each key milestone listed above within 48 hours of completion;</p> <p>c) Details of any other works undertaken on any tree to be retained or with TPZ(s);</p> <p>d) A final compliance report shall be submitted prior to the issuing of the Occupation Certificate.</p>
4. Prior to issue of Occupation Certificate	<p>Final inspection of trees to be retained and provision of follow up report detailing activities during construction including any damage to the trees and any remedial work required to ensure the ongoing health and structural stability of the trees and/or replacement trees required. Any recommendations for remedial work and/or replacement trees will be required to be approved by Council's Tree Compliance Officer and actioned prior to the issue of an occupation certificate for the development</p>

Reason: To ensure all of Council's trees are protected and retained.

68. Landscape Works

All landscape works shall be carried out in accordance with the approved landscape plans (submitted for CC), subject to the following -

- (a) A licensed and reputable nursery grower must be engaged early within the build phase and order all trees and plant material early to ensure that all tree and plant material, pot/bag sizes and quantities are guaranteed at the time of the landscape and planting phase.
- (b) All trees proposed upon the approved landscape plan shall comply with AS 2303 – 2018, *Tree Stock for Landscape use* and be fully self-supporting without being tied to a prop (i.e. steaked).

Reason: To ensure landscaping is provided in accordance with Council's requirements.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

69. Arborist Supervision and Reporting

An Arboricultural Compliance Report prepared by an AQF Level 5 Arborist which includes photographic evidence and details of the health and condition of trees to be retained and protected, must be submitted to the PCA for approval prior to the issue of an Occupation Certificate. Documentation must also be submitted to Council.

The Arborist must certify compliance with each key milestone below:

- (a) Installation of tree protection measures in accordance with conditions;
- (b) During demolition of structures and/or excavation of ground surfaces that has been approved by Council within the TPZ of any tree to be retained;
- (c) During any other works including landscaping within the TPZ of any tree to be retained;

Reason: To ensure specific trees are protected and retained.

69A. Operational Plan of Management

A Plan of Management (POM) is to be submitted to Council for approval prior to the issue of an Occupation Certificate or the commencement of the use of the approved works and shall include details of all operational and management procedures of the Marina, including the berthing facility, ancillary club facility and carparks.

The POM shall document the use of the Marina (including permanent boat storage and associated facilities such as berthing, ancillary club, carparks) and include measures to mitigate impacts on residential amenity within the neighbourhood of the Marina, including but is not limited to:

- i) patron capacity for all areas of the club, noting that the Sapphire Room (LG) is limited to 160 patrons and the terrace (GF) is limited to 100 patrons;
 - ii) operation and trading hours for all areas of the club, within the approved hours of operation;
 - iii) operation of the marina, including boat storage and associated activities such as mooring, servicing, repair, provision of petrol and parking;
 - iv) any management measures recommended in the Noise Impact Assessment prepared by Rodney Stevens Acoustics (Report R230113R1, Revision 8 (6 November 2024), including noise criteria;
 - v) the behaviour of patrons, liquor practices (including the responsible service of alcohol), staffing roles and responsibilities (including security personnel numbers and static points), management of patrons within the premises and their exit and dispersal from the area, and other such operational matters to ensure compliance with conditions of consent and any relevant regulatory requirements;
 - vi) management of the carparks, including measures to minimise private car use, such as courtesy buses, and to minimise disturbance from patrons arriving and departing;
 - vii) management of deliveries and servicing, waste disposal, cleaning and other activities that may occur outside the approved hours of operation for the club;
 - viii) complaints handling procedures, including contact numbers and distribution of the PoM to resident within the neighbourhood;
 - ix) Any other such operational matters to ensure compliance with relevant regulatory requirements.
- iv. An independent review of the POM may be undertaken by the Council upon providing the applicant with written notice.
 - v. The approved POM shall not be amended except with the written consent of Council.

Reason: to ensure the operation of the Marina (including permanent boat storage and associated facilities such as berthing, ancillary club, carparks) mitigates impacts on residential amenity

70. Completion of Landscape Works (OCC12.6)

All landscape works, the planting of all tree and plant material in accordance with approved landscape plans and specifications and conditions of consent, must be completed prior to the issue of a final occupation certificate for the site. A certificate of compliance for the planting of all trees and shrubs proposed for the site must be prepared by a qualified Horticulturist, Landscape Designer or AQF Level 5 Arborist and forwarded to the PCA for approval prior to the issue of an occupation certificate. Documentation must also be submitted to Council.

Reason: To ensure landscaping is provided in accordance with Council's requirements.

71. Dilapidation Report on Public Land for Major Development Only (OCC12.31)

Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site including:

- (a) Plimsoll Street
- (b) Wellington Street

The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

- (c) Photographs showing the condition of the road pavement fronting the site,
- (d) Photographs showing the condition of the kerb and gutter fronting the site,
- (e) Photographs showing the condition of the footway including footpath fronting the site,
- (f) Photographs showing the condition of retaining walls within the footway or road,
- (g) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (h) The full name and signature of the structural engineer.

The Report must be provided to the PCA and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether or not to refund the damage deposit. Council's Assets and Infrastructure Division must advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate.

Reason: To ensure protection of public assets during construction.

72. Requirements prior to the issue of the Occupation Certificate - Stormwater Works (OCC12.26)

The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans including a certificate from consulting stormwater drainage engineer submitted to Council prior to the issue of the Occupation Certificate.
- (b) Work as Executed Plans jointly prepared and duly signed by a Chartered Consulting Stormwater Drainage Engineer and Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA and the Council (for Council's final approval of WAE plans) prior to the issue of the Occupation Certificate.

Reason: To ensure stormwater management for the site is in accordance with Council's requirements.

73. Stormwater drainage works – Works As Executed (OCC12.32)

Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (c) Pipe invert levels and surface levels to Australian Height Datum;
- (d) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink;
- (e) This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the Principal Certifier.

Council must advise in writing that they are satisfied with the Works-As-Executed plans (with copies of plans & certifications to Council for record) prior to the issue of an Occupation Certificate.

Reason: To ensure stormwater management for the site is in accordance with Council's requirements and

are adequately documented.

74. Driveways, ramp design and certification

The design and construction of the vehicle crossings/driveways and internal driveways and ramps shall comply with the requirements of *AS/NZS 2890.1:2004 Parking Facilities, Part 1- Off street car parking*.

Prior to the issue of an Occupation Certificate, documentation from a suitably qualified and experienced engineering consultant shall be submitted to the Principal Certifying Authority certifying the footpath crossing/driveway and internal driveways and ramps have been constructed in accordance with the approved plans and the above Australian Standard.

Reason: To ensure car parking and vehicle access and manoeuvring for the site is in accordance with relevant Australian Standards and Council's requirements.

75. Carpark layout, design and certification

The layout and design of off street car parking areas shall comply with the requirements of *AS/NZS 2890.1:2004 Parking Facilities, Part 1- Off street Car parking* and other Australian Standards as applicable.

Prior to the issue of an Occupation Certificate, documentation from a suitably qualified and experienced Traffic Engineering consultant shall be submitted to the Principal Certifying Authority certifying the carparking facilities have been constructed in accordance with the approved plans and the above Australian Standard.

Reason: To ensure car parking and vehicle access and manoeuvring for the site is in accordance with relevant Australian Standards and Council's requirements.

76. Traffic Control Devices (OCC12.30)

The internal road network, pedestrian facilities and parking facilities (including visitor parking and employee parking) shall be designated and line marked in accordance with *Australian Standard - AS1742, Manual of Uniform Traffic Control Devices*.

If an exit from car park utilises a pedestrian footpath, then a warning system such as flashing light and/or 'alarm sound' must be installed on the subject property to alert pedestrians of vehicles exiting the car park. The Alarm System must be designed and installed in accordance with AS2890.1 - 2004.

Reason: To ensure car parking and vehicle access and manoeuvring for the site is in accordance with relevant Australian Standards and Council's requirements.

77. Contaminated Land – Site Validation Report (for contaminants found during demolition or construction) (EHE0006)

Where any unexpected contaminants (defined under the *Contamination Lands Act*) are found during demolition or construction, a Site Validation Report prepared by a Contaminated Land Consultant (certified under the consultant certification schemes recognised by the NSW EPA) in accordance with the [*Protection of the Environment Operations \(Clean Air\) Regulation 2022*](#) (NSW) (as amended), must be submitted to the satisfaction of the Certifying Authority.

The Site Validation Report must be incorporated into the Occupation Certificate documentation and provided to Council.

Reason: To ensure site remediation works are appropriately completed, to protect the environment and maintain public health.

78. Fire Safety Certificate before Occupation or Use (OCC12.34)

In accordance with Clause 41 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Part 11 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 86 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that is required.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

Reason: To ensure the development/building is safe for occupation.

79. Slip Resistance (OCC12.35)

At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with *AS/NZS 4663:2004: Slip resistance measurement of existing pedestrian surfaces*. Proof of compliance must be submitted with the application for the Occupation Certificate.

Reason: To ensure the development is safe for occupation.

80. Easement – Stormwater Infrastructure

Subject to the conditions in this easement, the Proprietor of the lot burdened grants the Authority Benefited and its Authorised Users the right to enter, pass and repass through and across the Easement Site to access the Lot Burdened for the following purposes:

- (a) to carry out an inspections of the Authorities Stormwater infrastructure within the Lot Burdened; and
- (b) in order to install, connect, replace, inspect, clean, repair, maintain or renewing any of the Authorities Stormwater infrastructure within the Lot Burdened; and
- (c) to enter, pass and repass through and across the Easement Site' with or

without vehicles and equipment for such reasonable time as may be necessary for the purpose of installing, connecting, replacing, inspecting, cleaning, repairing, maintaining or renewing the Authorities Stormwater infrastructure within the Lot Burdened.

In exercising those powers, Authority Benefited and its Authorised Users must:

- (d) cause as little inconvenience as practicable to the owners or an occupier of the Lot Burdened;
- (e) cause as little damage as is practicable to the Lot Burdened and any improvements on it;
- (f) make good any collateral damage as is practicable to its former condition;
- (g) except in an emergency, give the owners or an occupier of the lot burdened or its nominee at least 48 hours' notice of their intention to enter the Lot Burdened;
- (h) comply with all reasonable requirements and directions of the owners or an occupier of the Lot Burdened.

In exercising those powers, the Authority Benefited and its Authorised Users must not:

- (i) park or stand motor or other vehicles and equipment on the Easement Site unless agreed to by the owner or an occupier of the Lot Burdened,
- (j) obstruct use of the Easement Site by any person and equipment unless agreed to by the owners or an occupier of the Lot Burdened.

Georges River Council is to be nominated as the Authority to release, vary or modify this Easement.

Reason: To ensure stormwater management for the site is in accordance with Council's requirements and is adequately documented.

81. Acoustic Certification (EHE0007)

Prior to the issue of any Occupation Certificate, or use of the premises, the following reports/certification must be provided:-

- (a) Recommendations of the Noise Impact Assessment - A report prepared by a suitably qualified acoustic consultant or engineer must be submitted to the Certifying Authority, certifying that the construction has incorporated the recommendations in the approved Noise Impact Assessment as referenced in this consent; and
- (b) Plant and Equipment - The operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 (as amended)* and Regulations. A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's *NSW industrial Noise Policy*.

This Acoustic Certification must be incorporated into the Occupation Certificate documentation and provided to Council and the PCA.

Reason: To ensure appropriate acoustic level to surrounding amenities.

82. Food Premises – Environmental Health Inspection and Notification (EHE0013)

Prior to the issue of any Occupation Certificate or occupation or use of the food premises, evidence demonstrating compliance with the following requirements must be provided to the satisfaction of the Certifying Authority:

- (a) Written confirmation of a satisfactory final inspection of the food premises fit out by Council's Environmental Health Officer; and
- (b) Notification of the food business with Council as required under Section 100 of the *Food Act 2003* (NSW) (as amended).

Reason: To ensure the food premises fit-out complies with legislative requirements.

83. Installation of Underground Storage Tanks (EHE0020)

Prior to the issue of any Occupation Certificate or the use of the underground storage tank and/or associated pipework, certification from a suitably qualified engineer or consultant must be submitted to the satisfaction of the Certifying Authority, verify that the installation of underground storage tanks is compliant with the:

- (a) *Protection of the Environment Operations (Underground Petroleum Storage System) Regulation 2019* (NSW) (as amended);
- (b) The current or latest version of *AS1940 - The storage and handling of flammable and combustible liquids*; and

- (c) The current or latest version of *AS4897 – The design, installation and operation of underground petroleum storage*.

The Certification for the installation of the Underground Storage Tanks must be incorporated into the Occupation Certificate documentation and provided to Council.

Reason: To comply with legislative requirements and to ensure the tanks are safe and will not adversely impact the environment.

OPERATIONAL CONDITIONS (ON-GOING)

84. Hours of operation (ONG14.2)

- a) The approved hours of operation for the Marina (including permanent boat storage and associated facilities such as berthing, ancillary club, carparks and cafes) shall be restricted to the following:

HOURS OF OPERATION	MONDAY - WEDNESDAY	THURSDAY	FRIDAY - SATURDAY	PUBLIC HOLIDAYS	SUNDAY
MARINA - BOAT STORAGE					
Boat storage and associated facilities (other than the ancillary club and marina office)	Unrestricted, including carparking and security				
Office, including repair and maintenance activities	7:30am – 7.30pm				
MARINA - ANCILLARY CLUB FACILITY AND CARPARK					
Licenced club	11am - midnight		11am – 1am		11am – 11pm
Ground floor terrace	11am - 11pm				
Lower ground floor café including adjoining terrace (Bay Breeze Café) (DA 29/2014)	5.30am - 11pm	5.30am – midnight	5.30am – 1am	Same hours as the day of the week	5.30 am - 11pm
Lower ground floor Pizza Oven including adjoining terrace (DA 115/2016)	7am – 11pm				
Carpark	5:30am – midnight		5:30am – 1am		5:30am – 11pm

- b) Notwithstanding a), the use of the premises for activities such as administration, maintenance, cleaning, security and carparking for these purposes, or the like, which are not noise generating activities may be carried out outside these hours, as detailed in the Plan of Management required by Condition 69A.

Reason: To provide hours of operation for the Marina (including permanent boat storage and associated facilities such as berthing, ancillary club, carparks) that recognise its existing use rights and are appropriate for such use in a residential area.

85. Use of Ground Floor Loading Dock

The ground floor loading dock shall only be used between 7.00am to 11.00am Mondays to Sundays and is only to be used by small rigid vehicles.

Reason: To protect pedestrian safety in the vicinity of the pedestrian crossing facility at the entrance to the club.

86. Vehicle Access to Vista Street

The road/driveway through Anderson Park shall not be used for vehicle access to the club.

Reason: To protect pedestrian safety in the vicinity of the site and to ensure only legal vehicle access is used by the development

87. Ongoing Tree & Landscape Maintenance Works

- (a) All newly planted trees and plants must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying trees and plants and other operations required to maintain healthy trees, plants and turfed areas.
- (b) Trees must be maintained until they reach a height where they are protected by Councils Tree Management Controls. If any trees are found to be faulty, damaged, dying or dead before they are protected by Councils Tree Management Controls then they must be replaced with the same species and pot/bag size.
- (c) Mature trees shall be inspected for health and structural integrity by an AQF Level 5 Arborist 12 month post completion of works. A certificate of compliance and/or report with recommendations for remedial work will be required to be approved by Council's Tree Compliance Officer.
- (d) The Lilly Pilly Straight and Narrow trees along Plimsoll Street shall be maintained to a height of approximately 500mm above the car park wall height.

Reason: To ensure landscaping is provided and maintained in accordance with Council's requirements.

88. Acoustic Report – Commercial/industrial - Verification of Noise report (EHF0009)

Within 90 days from the date of issue of an Occupation Certificate, an acoustic assessment must be carried out by an appropriately qualified acoustic consultant, in accordance with the NSW Environment Protection Authority's "[Noise Policy for Industry \(2017\)](#)" (Policy) submitted to Council for consideration.

The report should include, but not be limited to, details verifying that the noise control measures as recommended in the approved acoustic report referenced in this consent have been achieved and if not, provide further information on works required to achieve the required outcome/s. **Note:** Where rectification works require further development consent or owners' consent these must be sought prior to such works being carried out.

Reason: To ensure the premises complies with the Acoustic Report and reduces adverse impacts upon the environment and surrounding neighborhood.

89. Acoustic mitigation infrastructure – Maintenance (EHF0010)

Noise mitigation measures must be adopted in accordance with the Noise Impact Assessment submitted by Rodney Stevens Acoustics Reference Number: R230113R1 Revision 8 dated 6 November 2024 and be maintained at all times to ensure their acoustic performance does not diminish.

Reason: To ensure the premises continue to comply with the Acoustic Report assessment criteria and provide appropriate acoustic levels to maintain the surrounding amenity.

90. Offensive Noise (EHF0008) and (ONG 14.12)

The use of the premises must not give rise to the transmission of Offensive Noise to any place of different occupancy. Offensive Noise is defined in the *Protection of the Environment Operations Act 1997* (NSW) (as amended).

Reason: To ensure the protection of neighbourhood amenity.

91. Amenity of the neighbourhood (ONG14.27)

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

Reason: To protect the neighbourhood amenity.

91A. Operation of Plan of Management (POM)

The use must always be operated / managed in accordance with the Plan of Management (POM) approved by Council under Condition 69A. In the event of any inconsistency, the conditions of this consent will prevail over the POM.

The approved POM shall not be amended except with the written consent of Council.

Reason: To ensure the premises operate in accordance with the approved POM

92. Underground storage tanks – maintenance and testing (F0037) & (ONG14.17)

The underground storage tank/s must be maintained, operated, monitored, and tested in accordance with the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019* (NSW) (as amended).

Reason: To ensure impacts on the environment are minimised.

93. Outdoor Lighting (ONG14.25)

To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with *AS 4282-1997: Control of the obtrusive effects of outdoor lighting*.

Reason: To protect the neighbourhood amenity.

94. Lighting – General Nuisance (ONG14.26)

Any lighting on the site shall be designed and installed so as not to cause a nuisance to other

residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.

Reason: To protect neighbourhood amenity and road safety.

95. Activities and storage of goods outside buildings (ONG14.28)

There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.

Reason: To protect public amenity.

96. Loading & Unloading of vehicles (ONG14.62)

All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within the dedicated loading dock/areas.

Reason: To ensure the surrounding road network is not impacted by the development and for the protection of the amenity of the area.

97. Entering & Exiting of vehicles (ONG14.63)

All vehicles shall enter and exit the premises in a forward direction.

Reason: To ensure the surrounding road network is not impacted by the development and for the protection of the amenity of the area.

98. Maximum Vehicle Size (ONG14.64)

The maximum size of truck using the ground floor loading area shall be limited to Small Rigid Vehicle as denoted in AS2890.2-2018: *Parking Facilities, Part 2 – Off-street commercial vehicle facilities*.

Reason: To protect pedestrian safety in the vicinity of the pedestrian crossing facility at the entrance to the club.

99. Food Premises - Air Quality – Odour Control - Maintenance (EHF0002)

The operation of the premises must not cause Offensive Odour as defined under the *Protection of the Environment Operations Act 1997* (NSW) (as amended). Any fitted odour control equipment must be operated, maintained and serviced in accordance with the manufacturer's specifications.

Reason: To protect the environment, maintain public health and prevent offensive odour.

100. Food Premises – Cleaning of waste receptacles (EHF0025)

The cleaning of waste receptacles must be conducted in a designated waste storage area. The washing of waste receptacles must be conducted so not allow or have the potential to allow polluted water to enter the stormwater drainage system. Where this cannot be achieved, a waste contractor must be engaged to remove and clean waste receptacles off-site. The cleaning of waste receptacles must be carried out comply with the *Protection of the Environment Operations Act 1997* (NSW) (as amended).

Reason: To ensure appropriate wastewater containment and disposal. To protect the environment and maintain public health.

101. Food premises – maintenance of food premises (ONG14.45)

The food premises must be maintained in accordance with the *Food Act 2003* (as amended), *Food Regulation 2015* (as amended); the *Food Standards Code* as published by Food Standards Australia

& New Zealand and Australian Standard AS 4674-2004: *Construction and fit out of food premises* (as amended).

Reason: To ensure the protection and maintenance of public health.

102. Food premises – Removal of waste and prevention of offensive Garbage Odour (EHF0029) and (ONG14.46)

A waste contractor must be engaged to remove all waste from the garbage storage area on a regular basis so to eliminate the overflow of rubbish. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour as defined under the provision of the *Protection of the Environment Operations Act, 1997* (NSW) (as amended).

Reason: To protect the neighbourhood amenity and maintain public health.

103. Food premises – Storage of waste – used cooking oil (ONG14.47) & (EHF0024)

Used oil shall be contained in a leak proof container and stored in a covered and bunded area prior to off-site disposal. Copies of receipts for the disposal of used cooking oil shall be kept on-site and made available to Council Officers upon request.

Reason: To ensure appropriate wastewater containment and disposal, to protect the environment and maintain public health and safety.

104. Retail/Commercial - Outdoor Gaming/Smoking Area – Smoke-Free Compliance (EHF0027)

This development consent does not imply or otherwise verify compliance with the *Smoke-Free Environment Act 2000* (NSW) (as amended) and/or the *Smoke-Free Environment Regulation 2016* (NSW) (as amended). The applicant and/or owner of the premises should seek their own legal advice as to compliance with Act and/or Regulation if proprietors of the premises intend to allow smoking in any area of the premises, including that area subject to this consent.

Reason: To comply with legislative requirements.

105. Waste Management

Waste management at the site shall be undertaken in accordance with the *Operational Waste Management Plan* prepared by Elephants Foot Consulting Pty Ltd dated 24 July 2024 and must comply with the following requirements at all times:

- (a) All Marina Arms as described in the Architectural Plans must have access to general waste and co-mingled recycling bins located at entry/exit points.
- (b) Patrons utilising the trailer boat access ramp must have access to general waste and co-mingled recycling bins.
- (c) All waste and recycling containers located on or near the Marina Arms shall be secured so as to prevent unintentional mobilisation and pollution of waterways.
- (d) Dedicated space within food preparation areas as well as waste and recycling storage areas is to be provided for the storage and recycling of food waste for collection.
- (e) All waste and recycling containers shall be stored in the approved waste storage area.

Reason: To ensure waste management is adequate for the site.

106. Waste Collection

Waste collection from the site must comply with the following requirements at all times:

- (a) Private waste collection services provided for the commercial waste from the premises are restricted to a maximum of thrice weekly between Monday – Friday and within the hours of 6am – 10pm.
- (b) Private waste collection services are to occur entirely within the confines of private property with bins or waste originating from commercial tenants prohibited from being placed on Council land.
- (c) Private waste collection services must occur in a source separated manner with all wastes collected separately according to the following streams: general waste, commingled recycling and organics at a minimum.

Reason: To ensure waste management is adequate for the site.

107. Waste Handling Systems (CC9.82)

All waste handling equipment and systems used in conjunction with the provision of waste and recycling services shall be manufactured, installed and maintained in accordance with any applicable regulatory requirements, relevant Australian Standards, and relevant manufacturer's specifications.

Reason: To ensure waste management is adequate for the site.

108. Emergency Spill Response Management Plan (ONG14.19)

An Emergency Spill Response Management Plan shall be prepared and submitted to Council within three months of the issuing of the Occupation Certificate. The Plan shall include the following:

- (a) list of chemicals and maximum quantities to be stored at the site;
- (b) identification of potentially hazardous situations;
- (c) procedure for incident reporting;
- (d) details of spill stations and signage;
- (e) containment and clean-up facilities and procedures; and
- (f) the roles of all staff in the Plan and details of staff training.

Reason: To ensure there are minimal impacts to the environment arising from the development.

109. Bunding Work Areas (ONG14.21)

All work areas where spillage is likely to occur shall be bunded. This is to be done by way of speed humps, grading the floor area or by any other appropriate means, to prevent contaminated water entering the stormwater system. The bunded area is then to be drained to a sump for collection and appropriate disposal of the liquid.

Reason: To ensure there are minimal impacts to the environment arising from the development.

110. Storage and handling of flammable and combustible liquids (EHF0031) and (ONG14.22)

The storage and handling of flammable and combustible liquids must be in accordance with the current or latest version of Australian Standard AS1940 - *The storage and handling of flammable and combustible liquids*.

Reason: To protect the environment and public safety.

111. Annual Fire Safety Statement (ONG14.67)

The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of Section 89 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

Reason: To ensure the development/building is safe for occupation.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

112. Requirement for a Construction Certificate (OPER15.1)

The erection of a building must not commence until a Construction Certificate has been issued.

Reason: To ensure compliance with legislative requirements.

113. Appointment of a PCA (OPER15.2)

The erection of a building must not commence until the applicant has:

- (a) appointed a PCA for the building work; and
- (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

An Information Pack is attached for your convenience should you wish to appoint Georges River Council as the PCA for your development.

Reason: To ensure compliance with legislative requirements.

114. Notification of Critical Stage Inspections (OPER15.3)

No later than two days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

Reason: To ensure compliance with legislative requirements.

115. Notice of Commencement (OPER15.4)

The applicant must give at least two days' notice to the Council and the PCA of their intention to commence the erection of a building. A Notice of Commencement Form is attached for your convenience.

Reason: To ensure compliance with legislative requirements.

116. Critical Stage Inspections (OPER15.7)

The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Section 61 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Reason: To ensure compliance with legislative requirements.

117. Notice to be given prior to critical stage inspections (OPER15.8)

The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out. Where Georges River Council has been appointed as the PCA, 48 hours' notice in writing, or alternatively 24 hours' notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

Reason: To ensure compliance with legislative requirements.

118. Occupation Certificate (OPER15.9)

A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the PCA appointed for the building work can issue the Occupation Certificate. An Occupation Certificate Application Form is attached for your convenience.

Reason: To ensure compliance with legislative requirements.

PREScribed CONDITIONS

119. Section 69 – Building Code of Australia & Home Building Act 1989 (PRE16.2)

Requires all building work to be carried out in accordance with the *Building Code of Australia*. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.

120. Section 70 – Erection of Signs (PRE16.3)

Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

121. Section 73 – Maximum Capacity Signage (PRE16.6)

This prescribed condition applies to entertainment venues, function centres, pubs, registered clubs and restaurants. This condition requires the erection of a sign which states the maximum number of persons (as specified in the consent) that are permitted in the building.

122. Section 74 – Protection & support of adjoining premises (PRRE16.7)

If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

General Terms of Approval – NSW Environmental Protection Authority (EPA)

General

1. The development must be undertaken in accordance with the *Protection of the Environment Operations (POEO) Act 1997* (POEO Act) and associated regulations as well as EPA Environment Protection Licence (EPL) (No. 11166).
2. Should the development be approved, the Proponent will be required to make a separate application to the EPA to vary the existing EPL. The EPL variation must include a commitment to undertake an options assessment for an improved slipway arrangement at the Premises in alignment with current best practice guidelines which must be completed by December 2027.
3. Except as expressly provided by these conditions, works and activities must be carried out in accordance with the Proposal contained in:
 - a. *Revision 3 Construction Noise & Vibration Management Plan | Proposed Additions & Alterations | St George Motor Boat Club* by Rodney Stevens Acoustics (ref. R23011R1) dated 3 October 2024.
 - b. *EIS STGMBC Marina DDA 2 Wellington St and Waterway_PAN-379562* by GYDE Consulting dated 22 September 2024.
 - c. *St George Motorboat Club Aquatic Ecology and Sediment Quality Assessment* by Advisian Worley Group (ref. 311015-00420) dated 17 July 2023; and
 - d. All other documents supplied to the EPA in relation to the development.

Air

4. All development works and activities must be undertaken in a manner which minimises or prevents the emission of dust and odour from the Premises.

Water

5. Except as may be expressly provided by a licence under the POEO Act in relation to the development, Section 120 of the POEO Act must be complied with in and in connection with the carrying out of the development.
6. Unless otherwise agreed in writing by the EPA, by 1 January 2027, the Proponent must submit a proposed design which incorporates vessel maintenance on a bunded hardstand (which does not slope to the water), with a water collection and management system.
7. Upgraded Vessel Maintenance Facility
Unless otherwise agreed in writing by the EPA, by 1 January 2028, the applicant must undertake any vessel maintenance on a bunded hardstand (which does not slope to the water), with a water collection and management system.

Noise

8. Construction Noise & Vibration Management Plan
Prior to the commencement of construction, an amended *Construction Noise & Vibration Management Plan* (CNVMP) must be submitted to the EPA. The amended CNVMP must include: a details and timeframes to implement all feasible and reasonable mitigation measures to manage construction noise, including respite periods where high impact activities such as piling and jack/rock hammering are proposed.

Note: The EPA may implement further EPL conditions on review of the CNVMP.

9. All development works and activities undertaken must adhere to the *CNVMP*, including the following requirements:

- a. All construction works must be completed within standard hours, as defined by the *Interim Construction Noise Guideline* (2009):

Monday to Friday 7am to 6pm

Saturday 8am to 1pm

No work on Sundays or Public Holidays.

- b. Attended noise monitoring must be undertaken in the event of a complaint being received by the construction contractor.
- c. Attended vibration monitoring must be undertaken in the event of a complaint being received by the construction contractor.
- d. Effective mitigation strategies must be adopted to minimise noise and vibration impacts on surrounding sensitive receivers.