

Item 1
77 Pellisier Road, Putney

Installation of an in-river swim site in the Parramatta River, off the shore of Putney Park comprising an in-river enclosure constructed of a stainless-steel reinforced polyethylene net supported from a stainless-steel cable suspended from piles embedded into the seabed. The enclosure is accessed from a beach on the riverbank via existing sandstone stairs from the park.

Report prepared by: Consultant Planner

Report approved by: Senior Coordinator - Development Assessment
 Acting Manager - Development Assessment
 Acting Executive Manager – City Development

**City of Ryde
 Local Planning Panel Report**

DA Number	LDA2023/0309
Site Address & Ward	77 Pellisier Road, Putney East Ward
Zoning	RE1 Public Recreation under the Ryde LEP 2014 Zone 1 Maritime Waters under SEPP (Biodiversity and Conservation) 2021
Proposal (as amended)	Installation of an in-river swim site in the Parramatta River, off the shore of Putney Park comprising an in-river enclosure constructed of a stainless-steel reinforced polyethylene net supported from a stainless-steel cable suspended from piles embedded into the seabed. The enclosure is accessed from a beach on the riverbank via existing sandstone stairs from the park.
Property Owner	City of Ryde & Transport for NSW
Applicant	City of Ryde

Report Author	Glenn Apps - Consultant Town Planner
Lodgement Date	4 December 2023
Notification - No. of Submissions	11 December 2023 to 15 January 2024 1 x submission
Cost of Works	\$406,230.00
Reason for Referral to LPP	Conflict of Interest – Development for which the applicant or land owner is (a) the Council. <i>Schedule 1, Part 1 of Local Planning Panels Direction.</i>
Recommendation	Approval
Attachments	Attachment 1 – Plans of proposed development Attachment 2 – Additional Assessment Report Attachment 3 – Recommended Conditions of Consent

1. Executive Summary

The subject Development Application (DA) (LDA2023/0309) seeks consent for an in-river swim site in the Parramatta River at 77 Pellisier Road, Putney, known as Putney Park.

Council was previously seeking to obtain planning approval under Part 5 of the *Environmental Planning and Assessment Act 1979 (the Act)* via a Review of Environment Factors (REF). Development for the purpose of a 'public water recreational facility', however is permitted with consent in Zone 1 - Maritime Waters and Zone 8 - Scenic Waters - Passive Use under Section 6.27 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP)*. The enclosure is situated entirely in the waterway of Parramatta River. The river is within *Zone 1 Maritime Waters* under the BC SEPP.

This DA specifically proposes to construct an enclosure in the river, accessed from a beach on the riverbank via existing sandstone stairs from the park. The enclosure extends 58m from the seawall into the river on the northern side, and 60m from the seawall into the river on the southern side. The enclosure is 67m across on the western side.

The enclosure comprises a stainless steel reinforced polyethylene net supported from a stainless steel cable suspended from piles embedded into the seabed.

The swim enclosure will be accessed from Putney Park which is primarily zoned *RE1 Public Recreation* with a small portion being *C2 Environmental Conservation* under the Ryde Local Environmental Plan 2014 (*RLEP 2014*). The site is used for public recreation, including open space, walking tracks, picnic shelters and playground areas.

This DA has been assessed in accordance with Section 4.15 of the Act.

This DA was notified from 11 December 2023 to 15 January 2024. One submission was received. Issues raised in the objection have been addressed in the report and include:

- Impact on public access to the river for small water craft such as kayaks, stand-up paddle boards;
- Traffic and parking; and
- Management of the swim facility when water quality is unsuitable.

The site is part owned by TfNSW and part owned by the City of Ryde Council, and the entire park is managed by City of Ryde Council. The development meets the criteria for *'Conflict of interest'* in accordance with the Section 9.1 – Directions by the Minister and is required to be determined by the Ryde Local Planning Panel (RLPP) pursuant to *Schedule 1, Part 1 of Local Planning Panels Direction*.

In consideration of the relevant matters for consideration, the proposal is satisfactory, and it is recommended that the RLPP support the application and approve the development, subject to recommended conditions of consent.

2. The Site and Locality

The subject site is known as 77 Pellisier Road, Putney and is public recreational land comprising the following allotments:

- Lot 1 DP 431246 (also known as 55 – 55A Pellisier Road), being the northernmost of the 3 allotments and containing the sandstone steps which will provide access to the in-river swim facility, playground, carparking, bushland areas, open space areas and picnic shelters. This lot is owned by City of Ryde Council.
- Lot 1 DP 320571, (also known as 77 Pellisier Road) being the middle of the 3 allotments and containing bushland areas, open space areas and picnic shelters. This lot is owned by Transport for NSW.
- Lot 1 DP 133102, (also known as 99 Pellisier Road) being the largest and southernmost of the 3 allotments and containing carparking, playground, bushland areas, open space areas and picnic shelters. Part of this lot contains an area zoned *C2 Environmental Conservation* under the RLEP 2014. This lot is owned by City of Ryde Council.

The study area and boundary for the area of the proposed works is the western foreshore of the park including the intertidal and subtidal aquatic habitat of Kissing Point Bay (see **Figure 1**). Images of the site are included in **Figures 2, 3 and 4**.

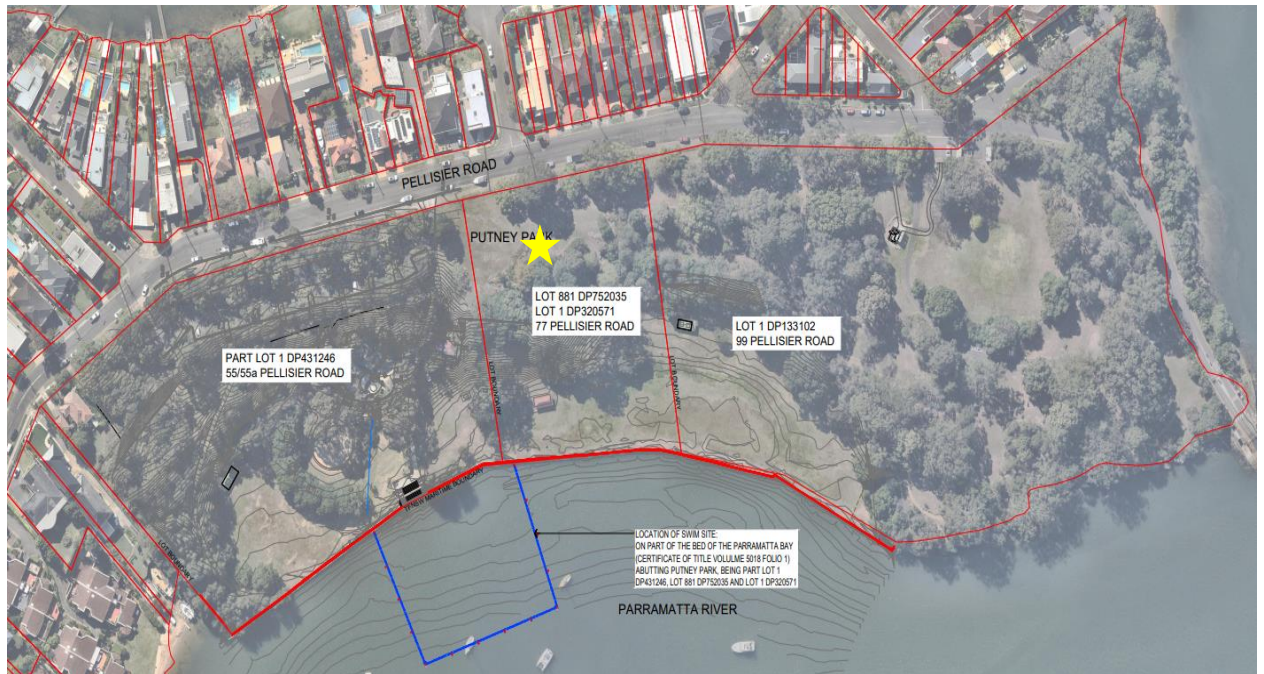


Figure 1 - Aerial photograph showing Putney Park in its neighbourhood context.

The location of the in-river swim enclosure is marked with the blue outline.

Source: Extract from the Location Plan.



Figure 2 – Sandstone steps and river access at high tide.

Source: Author.



Figure 3 – Area of park adjacent to sandstone steps.

Source: Author.



Figure 4 – View of existing sandstone sea wall along river edge.

Source: Author.

Putney Park is adjoined by dwellings along Pellisier Road to the east and north as shown in the aerial photos at **Figure 1**. The proposed in-river swim enclosure is separated from the nearest dwelling by approximately 120m.

3. The Proposal

This Development Application (DA) proposes an in-river swim site in the Parramatta River, off the shore of Putney Park. The site will re-establish in-river swim facilities to the area similar to the “Ryde Baths” which operated at the site between the 1920s and 1970s.

Specifically, the DA proposes to construct an enclosure in the river, accessed from a beach on the riverbank via existing sandstone stairs from the park.

The enclosure extends 58m from the seawall into the river on the northern side, and 60m from the seawall into the river on the southern side. The enclosure is 67m across on the western side.

The enclosure comprises a stainless-steel reinforced polyethylene net supported from a stainless-steel cable suspended from piles embedded into the seabed.

The works are shown in the plans reproduced below.

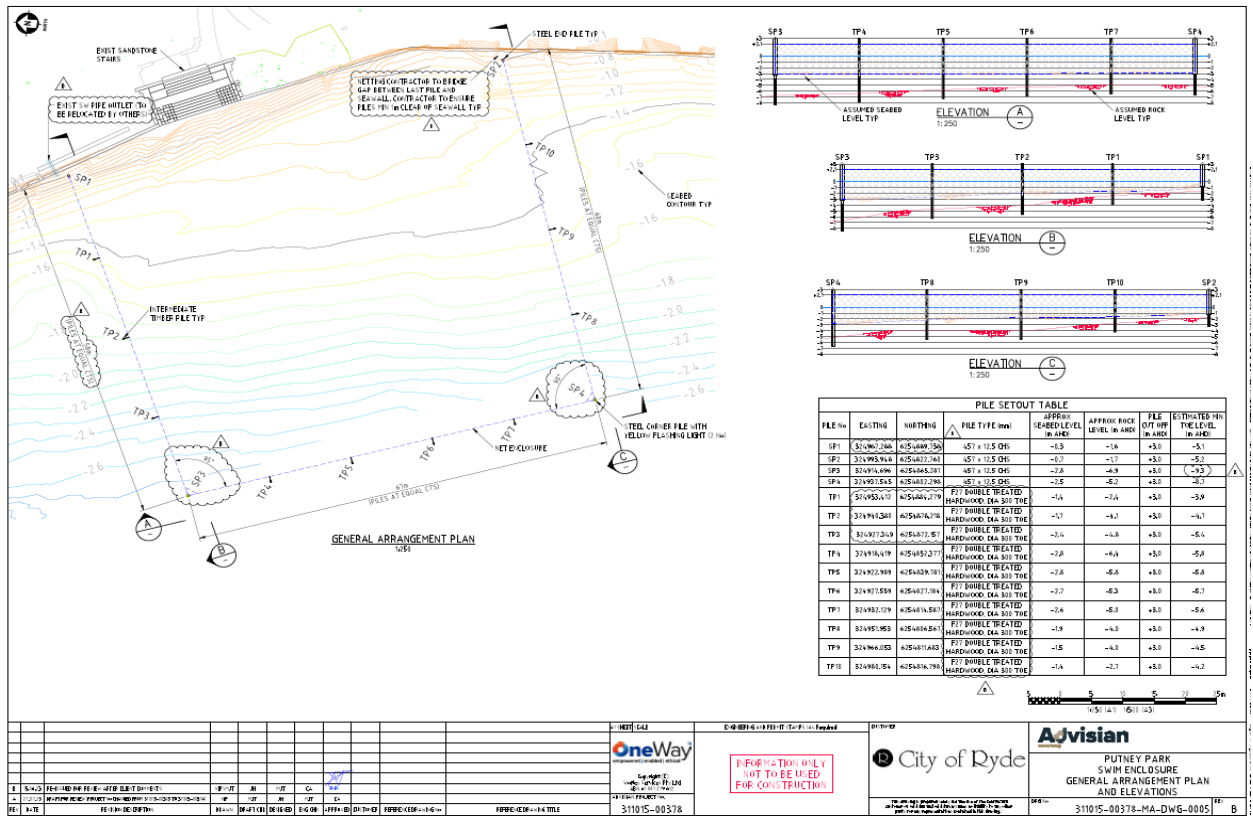


Figure 2 – Plan and Elevations.

Source: Location and Detailed Design Plans.

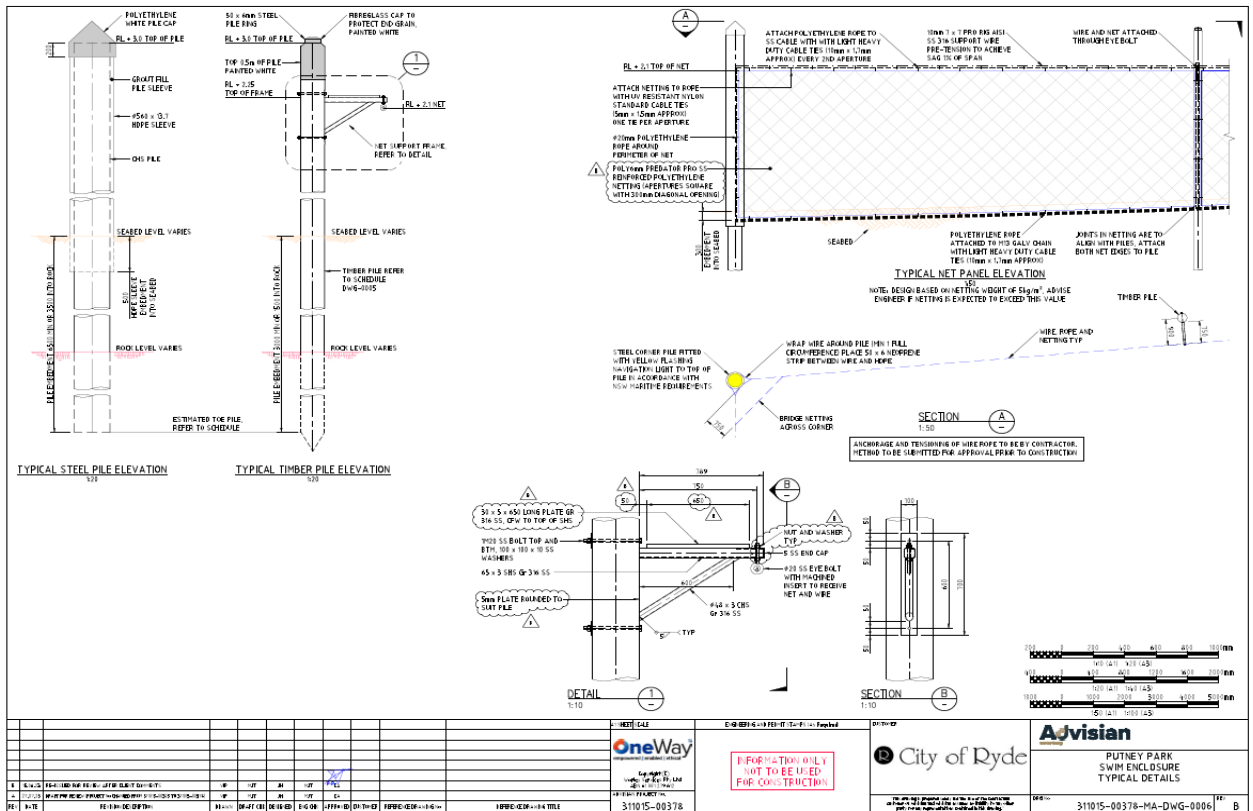


Figure 3 – Detailed Plan.

Source: Location and Detailed Design Plans.

The NSW Department of Primary Industries “*Policy and Guidelines for Fish Habitat Conservation and Management*” (2013) stipulate that netted swimming enclosures must be constructed from corrosion resistant material (i.e., stainless steel) with a mesh size greater than 150 mm and where the nets used are hung horizontally.

NSW DPI will generally not approve collapsible nets for swimming enclosures as such nets may result in inadvertent trapping of fish during low tide.

A suitable net product has been sourced, known as “*PredatorPRO*.” The netting has a stainless-steel core, a mesh size of 200mm and would be hung horizontally from a cable suspended by specially designed brackets between the piles of the swimming enclosure.

The specifications demonstrate a mesh of 200mm while the plans indicate a mesh of 300mm. Further, the plans indicate the mesh being hung diagonally. Conditions of consent can be imposed to the effect that:

- i. The mesh be 200mm in size; and
- ii. The mesh be hung horizontally to comply with NSW DPI “*Policy and Guidelines for Fish Habitat Conservation and Management*.”

No tree removal is required to carry out the development. No other infrastructure is required to be constructed.

4. Background

The below table is a timeline of the subject Development Application to date:

4 December 2023	The DA was lodged with Council.
12 December 2023 – 15 January 2024	The application was notified in accordance with the Ryde Community Participation Plan, during which 1 submission was received.
16 January 2024	A Request for Information (RFI) was sent to the applicant for further information regarding the following: <ul style="list-style-type: none"> • Clarification of the mesh size of the netting. • Clarification of whether the netting is hung to meet the requirements of the Department of Primary Industries.
25 January 2024	A response to the RFI provided the following information: <ul style="list-style-type: none"> • A 200mm mesh size is to be utilised to prevent younger shark species from entering while allowing smaller fish to swim through without being caught. • The netting is a diagonal mesh but hung vertically in accordance with the requirements of the Department of Primary Industries.
1 February 2024	A RFI was sent to the applicant for further information regarding the following: <ul style="list-style-type: none"> • Plans to be revised to include a key and reference to the TfNSW property boundary and division of waterways. • The site description is to be reviewed to reflect the correct lot numbers.
8 February 2024	Plan revisions addressing the above were received.

13 February 2024

Updated location plan submitted as requested by TfNSW.

5. Planning Assessment

The following planning policies and controls are of relevance to the development:

- State Environmental Planning Policy Resilience and Hazards SEPP 2021;
- State Environmental Planning Policy Biodiversity and Conservation SEPP 2021;
- State Environmental Planning Policy Building Sustainability Index: BASIX 2004;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;
- Ryde Local Environmental Plan 2014; and
- Ryde Development Control Plan 2014:
 - Part 4.4 Ryde Town Centre
 - Part 7.2 Waste Minimisation and Management;
 - Part 9.2 Access People with Disabilities; and
 - Part 9.3 Car Parking.

5.1 Environmental Planning and Assessment Act

5.2 State Environmental Planning Instruments

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The proposed development is satisfactory when assessed against the relevant provisions of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (BC SEPP).

The site is located within the Sydney Harbour Catchment which is designated a regulated catchment.

Part 6.2 of the BC SEPP applies to development in regulated catchments including the Sydney Harbour Catchment.

The proposed development has been considered against the relevant provisions of Part 6.2 of the BC SEPP (**Attachment 2**) and found to be satisfactory.

Part 6.3 of the BC SEPP applies to the waterways of Sydney Harbour including the foreshores and catchment. The BC SEPP also zones the waterways below mean high water mark. Relevantly, the waters at the site off Putney Park are mapped as Zone 1—Maritime Waters and Zone 8 Scenic Waters—Passive Use (see **Figure 8**).



Figure 8 – Extract from Foreshores and Waterways Area zoning map

Source: NSW Planning Portal

For the purposes of the BC SEPP, the proposed development comprises a *public water recreational facility* which is defined as:

Public water recreational facility means a waterfront structure primarily used for public recreation and may include a pier, wharf or boat launching ramp.

Development for the purpose of a “public water recreational facility” is permitted with consent in both Zone 1 - Maritime Waters and Zone 8 - Scenic Waters - Passive Use under Section 6.27 of the BC SEPP.

The proposed development is consistent with the objectives of each zone and is consistent with the matters for consideration under Section 6.28 of the BC SEPP.

The site is not mapped as containing seagrasses or rocky foreshores.

State Environmental Planning Policy (Resilience and Hazards) 2021

The proposed development is satisfactory when assessed against the relevant provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021* (RH SEPP).

Under Chapter 2 – Coastal Management of the RH SEPP, the area of the proposal is mapped as ‘coastal environment area’ with the adjacent foreshore mapped as a ‘coastal use area’. However, under Section 2.10(3) and Section 2.11 (2) of the RH SEPP, the development requirements for the coastal environment and coastal use area do not apply to land within the Foreshores and Waterways Area within the meaning of the BC SEPP. The site is mapped within the Foreshores and Waterways

Area and as such the provisions of Chapter 2 – Coastal Management of the RH SEPP do not apply.

There are no Coastal Wetlands or Littoral Rainforests mapped along the Parramatta River

Chapter 4 – Remediation of Land of the RH SEPP applies to the whole of the State and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

A Human Health Risk Assessment has been carried out which concludes that there is no risk to human health from contamination and the swim site is suitable for the proposed activity.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Development consent is being sought under Part 6.3 of the BC SEPP, therefore *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TI SEPP) is not applicable.

Notwithstanding, Section 2.15(2)(c) of the TI SEPP requires Council as the applicant to give written notice to Transport for NSW (TfNSW) for the carrying out of a development comprising a fixed or floating structure in or over navigable waters.

Council carried out consultation with TfNSW to satisfy Section 2.15(2)(c) of the TI SEPP in relation to “development comprising a fixed or floating structure in or over navigable waters.”

As noted above when discussing external referrals, TfNSW has provided their comments and conditions.

5.3 Ryde Local Environmental Plan 2014


The subject site is primarily zoned *RE1 Public Recreation*, with areas also within the *C2 Environmental Conservation* under the provisions of RLEP 2014 (**Figure 9**). The site is used as a ‘recreation area’, which is permissible form of development in the RE1 and R2 zones but not in the C2 zone. The proposal does not seek any works within the C2 zoned land. The development is therefore permissible with consent.



Figure 9 - Zoning map of the subject site and immediate locality.

Source: NSW Planning portal Spatial viewer.

The following table provides a summary of the key provisions that apply to the proposal:

Clause	Proposal	Compliance
4.3 Height of Buildings		
N/A - no maximum height is prescribed.	No structures are proposed on the land.	N/A
4.4 Floor Space Ratio		
N/A – no maximum FSR is prescribed.	No additional floor area is proposed.	N/A
5.10 Heritage Conservation		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,</p> <p>(c) To conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance</p>	<p>The subject site is not located within a heritage conservation area however contains an item of environmental heritage, being <i>Putney Park (former Putney Park Pleasure Grounds including seawall, remains of “Lunnhilda”/“Dudhope” house and remains of Slazenger factory).</i></p>  <p>Considering the nature of the proposed works and the distance between the proposed works to the nearest heritage item, the proposal is unlikely to impact on the heritage significance of these items.</p>	Yes

Clause	Proposal	Compliance
	<p>A search of the Aboriginal Heritage Information System (AHIMS) found that there are 8 recorded heritage items in the vicinity of the proposed development including 5 recorded in Putney Park, being:</p> <ul style="list-style-type: none"> • 45-6-2031 • 45-6-2030 • 45-6-2029 • 45-6-2545 • 45-6-3137 • 45-6-2028 • 45-6-2556 • 45-6-2033 <p>However, all these Aboriginal heritage sites are located away from the Putney Park foreshore. Therefore, it is unlikely that the construction of the proposed Swim Site, that will extend into the water from the foreshore, will have any adverse impacts on the Aboriginal archaeological heritage values of the place.</p> <p>As discussed above, the application was referred to Council's Heritage Advisor who raised no objections to the proposal subject to conditions.</p>	
Add CI 5.23 Public Bushland		
(1) The objective of this clause is to protect and ensure the ecological viability of bushland, including rehabilitated areas in urban areas.	The proposal is not seeking to remove or significantly disturb any existing bushland. Precautionary conditions are recommended to be imposed on any consent granted to ensure minimal impacts during movement of construction material and machinery.	Yes
6.1 Acid Sulfate Soils		
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The works are restricted to the aquatic environment and are unaffected by Acid sulfate soils.	N/A
6.2 Earthworks		
(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	<p>The proposed earthworks will be limited to the relatively small footprint of the footings within the aquatic environment for each of the posts.</p> <p>The proposed earthworks are not anticipated to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	Yes
6.3 Flood Planning		
(1) The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land,	The subject site is not affected by flooding.	N/A

Clause	Proposal	Compliance
(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment.		
6.5 Limited development on foreshore area		
(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.	Putney Park is not mapped as being affected by the foreshore area or a foreshore building line.	N/A

5.4 Draft Environmental Planning Instruments

There are no Draft Environmental Planning Instruments that are relevant to the proposed development or the subject site.

5.5 Ryde Development Control Plan 2014 (RDCP 2014)

Ryde Development Control Plan 2014 (RDCP)

The relevant provisions within the RDCP relate to standard construction practices, all of which can be managed with standard conditions of consent.

Part 9.3 of the RDCP relates to Parking Controls, however does not list provisions for recreation facilities of this nature. Rather, the RDCP calls for a traffic and parking assessment to carry out a merit assessment of the parking impacts.

The development application is accompanied by a Traffic Impact Assessment which concludes that the proposed facility will not exacerbate the local road traffic and parking capacity.

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (DCP)

The DCP supports the BC SEPP and provides design guidelines for development and criteria for natural resource protection for the foreshores and waterways of Sydney Harbour.

The DCP uses maps of ecological communities to identify the conservation status for sites of interest which, combined with potential development impacts, determine performance criteria for proposed works.

The intertidal area of the proposed swim site at Putney Park is mapped as *mixed rocky intertidal and sand* aquatic ecological community as shown below (**Figure 10**). The *mixed rocky intertidal and sand* ecological community is listed as having high conservation status.

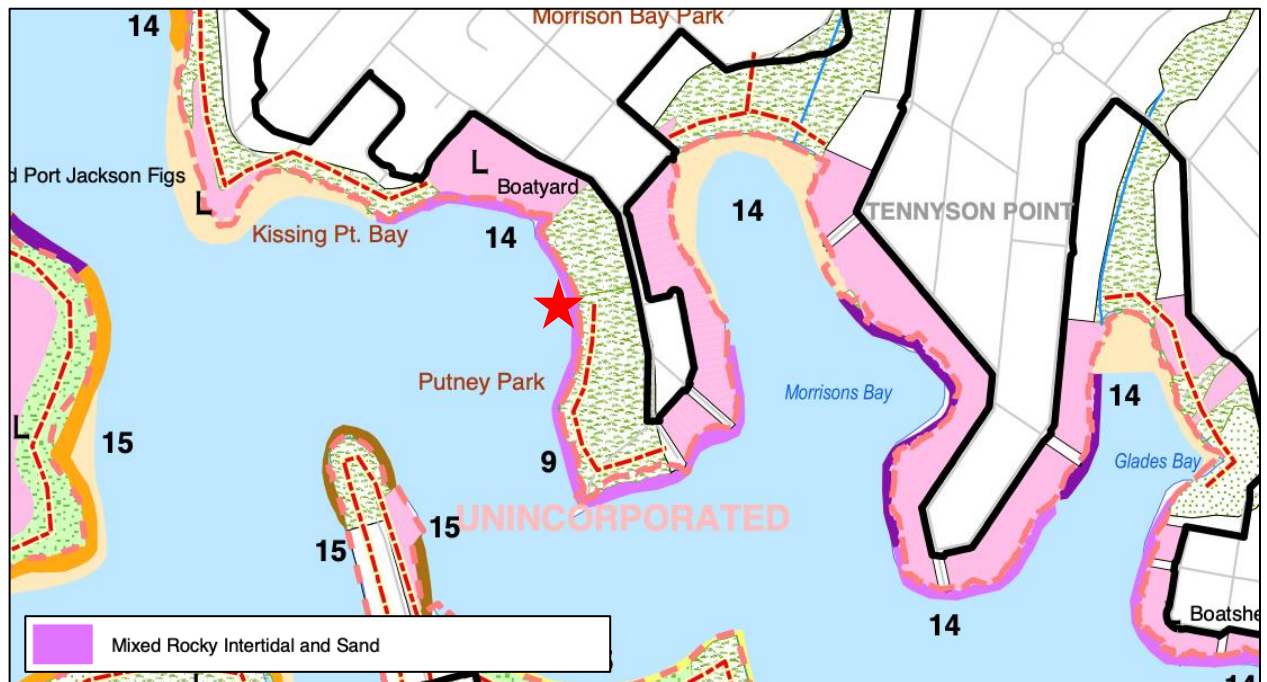


Figure 10 – Extract from the Ecological Communities and Landscape Characters Map.

Source: Planning NSW.

Developments occurring within high conservation aquatic communities are subject to environmental performance criteria. The proposed development satisfies those criteria as addressed in **Attachment 2**.

The DCP contains specific criteria for swimming enclosures which are also addressed in **Attachment 2**. The proposed development satisfies those criteria.

5.6 Planning Agreements OR Draft Planning Agreements

The application is not the subject of any planning agreements or draft planning agreements.

5.7 City of Ryde Section 7.11 - Development Contributions Plan 2020

The City of Ryde Fixed Rate Levy Development Contributions Plan 2020 applies to non-residential development. Pursuant to Section 2.5 of this plan, the proposed development would be exempt from contributions under the plan, given there is no proposed increase in gross floor area, and that the development is proposed by Council.

5.8 Any matters prescribed by the regulation

Section 4.15(a)(iv) of the Act requires the consent authority to consider the Regulations, to the extent that they prescribe matters for the purposes of that paragraph. There are no relevant provisions within the regulations that apply to the proposal.

6. The likely impacts of the development

Likely impacts have been discussed throughout this report, with a summary of these impacts to the built, natural, and social environment is discussed below.

Boat Navigation

Kissing Point Bay is a private mooring site for approximately 69 small (i.e., less than 9 m in length) vessels.

Three moorings (CY030, CY052 and CL8097.1) near the site would require relocation to new locations within Kissing Point Bay prior to construction and in conjunction with TfNSW.

Small yellow flashing lights in accordance with TfNSW requirements would be placed on the corner steel piles, to warn vessels of the structure. The proposed works are not expected to interfere with navigation in the river. TfNSW has confirmed it had no navigation concerns for this proposal.

Noise

The works will take place along a public foreshore with the nearest sensitive receivers being the local residents along Pellisier Road, approximately 130m to the west. There is expected to be noise generated by the proposed construction equipment during the construction phase, particularly the driving in of the piles. The impact is considered low due to the distance of the nearest sensitive receiver.

Additionally, the noise would be typical of an urban construction site and limited to the hours of 7:00am–7:00pm Monday to Friday and 8:00am–4:00pm on Saturdays.

Noise generated from the use of the swim enclosure is expected to be similar to that generated by the current recreational use of the park.

Visual Impact

The addition of the swimming enclosure is not considered to be out of character with other foreshore structures lining the bay and greater Sydney Harbour. The structures are minor in nature and will not adversely impact views and vistas.

Traffic and Parking

A Traffic Impact Assessment has been carried out which estimates traffic and parking generation based on both dual and complementary use of the foreshore area of Putney Park and the swim site.

The Traffic Impact Assessment concludes that the environmental capacity of the local road network will not be exceeded.

The Traffic Impact Assessment also concludes that the additional parking space demands will maintain spare capacity within the immediate on-street areas and car parks. The Traffic Impact Assessment acknowledges that during peak summer days the parking areas will be close to full capacity but that generally throughout the season spare capacity will exist.

In summary, it has been concluded that the swim site will not exacerbate the local road traffic and parking capacity.

Aquatic Ecological Impacts

An Aquatic Ecology Assessment has been prepared and identifies the potential impact of works on aquatic habitats and vegetation, aquatic fauna, and water quality and determined that the proposed works will not have a significant impact on the aquatic environment. The Aquatic Ecology Assessment recommends safeguards to mitigate them, which can be incorporated into conditions of consent.

Social Impacts

The transformation of the park through the additional swim facility will have a long-term positive impact on the community, as it increases and diversifies the recreation options available to the public.

7. Suitability of the site for the development

The subject site is used as a recreational park and the inclusion of an in-river swim facility is in keeping with the context and purpose of the park. As detailed in the report, the location of the proposed facility is sufficiently distant from surrounding residential properties to avoid impacts to the amenity of these properties, as well as the built and natural environment.

The park has existing facilities, including car parking.

There are no constraints that should preclude the carrying out of the development.

The site is considered suitable for the proposal.

8. The Public Interest

The public interest is best served by the consistent application of the requirements of relevant environmental planning instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable.

9. Public Notification and Submissions

The application was notified and advertised in accordance with the Ryde Community Participation Plan between 12 December 2023 and 15 January 2023.

The notification incorrectly stated that the proposed development was “integrated development” as approval under the WM Act was required as the works comprise a “*controlled activity*” within the meaning contained in that Act. As discussed above, Section 41 of the *Water Management (General) Regulation, 2018* exempts public authorities from obtaining a Controlled Activity Approval.

This error does not invalidate the notification as the error did not involve the omission of information and the development was correctly described. The public are not disadvantaged by the information in the notification.

In response to the notification, one submission was received. The matters raised in the objection are discussed below:

A. Impact on public access to the river for small watercraft such as kayaks, stand-up paddle boards

Comment: The objection notes the netted swim area will result in the loss of a safe launching area for small watercraft such as kayaks, canoes, stand-up paddle boards and the like from Putney Park.

The construction of a swimming site has been a confirmed proposal of Council on behalf of the community since 2017, where under consultation by the Parramatta River Catchment Group’s Masterplan 2018 community engagement process, saw the community vote Putney Park as their number one location to see an in-river swimming location constructed. Since this time, Council has worked to deliver on this and in 2021 constructed a set of sandstone stairs as part of Stage 1 of the creation of an in-river swimming location.

The sandstone stairs were not designated or designed for any formal watercraft launching as it was always identified to facilitate an enclosed safe swimming location.

While the stairs have been used for launching watercraft, this was a temporary and informal arrangement. This was not a permanent location with land managers recommending Kissing Point Park, which is approximately 800m to the west, as the safer alternative and most direct beach launching area and proximity to carparking.

A dedicated, safe launching and landing area for small watercraft at Putney Park would further contribute to the range of recreational opportunities provided at Putney Park. Council is investigating options for the future inclusion of a watercraft launching site that does not conflict with recreational users, however this is to be confirmed.

B. Traffic and parking concerns

Comment: The objection notes that the traffic surveys were carried out on a weekday and that Putney Park is already congested at peak times and on public holidays or special celebration days.

The Traffic Impact Assessment carried out traffic counts on Friday 10 March 2023 as well as parking counts on Sunday 19 March 2023 to inform its findings.

The Traffic Impact Assessment also makes conservative estimates of traffic and parking generation based on both dual and complementary use of the foreshore area of Putney Park and the swim site.

The Traffic Impact Assessment concludes that the environmental capacity of the local road network will not be exceeded.

The Traffic Impact Assessment also concludes that the additional parking space demands will still leave spare capacity within the immediate on-street areas and car parks. The Traffic Impact Assessment acknowledges that during peak summer days the parking areas will be close to full capacity but that generally throughout the season spare capacity will exist.

In summary, it has been concluded that the swim site will not exacerbate the local road traffic and parking capacity.

Notwithstanding, Council staff will monitor parking upon commencement of the facility to understand transport impacts and to inform future transport planning and options, including future master planning and plans of management.

C. Management of the swim facility when water quality is unsuitable

Comment: The objection notes that some method of managing the health risk to swimmers at Putney Park needs to be implemented to ensure that during events of poor water quality the public is unable to swim and are aware that swimming cannot be undertaken at Putney Park.

Council has been a key stakeholder in the Parramatta River Catchment Group's swim site working group, who is dedicated to water quality monitoring and risk management. The working group has been established for more than 4 years to establish a framework for monitoring and guidelines for safe swimming at sites along the Parramatta River.

This is the first of its kind for a post industrialised waterway and has been developed in consultation with water scientists including from UNSW, Sydney Water, EPA and NSW Health and is aligned with the National Guidelines for Recreational Water Quality.

Testing at the site has regularly been undertaken since 2019 to complete samples to assess compliance under this framework for Council to confirm it as a location for a safe swimming site. Water quality testing continues to be carried out for this purpose. The testing regime samples monitor microbial and contamination and consider variables such as duration of exposure, first and secondary contact and ingestion.

The National Guidelines and Sydney Water both recommend no swimming after 3 days of rain which is also the advice that will be communicated to community users with a communications plan being finalised at present. Like any beach, there is no physical

ability for council to formally restrict or close off the park for users in the case of low or poor water quality. Ultimately, there is some personal responsibility on park users to adhere to warnings or advice which is in alignment with advice by the Royal Life Saving.

Council is working to develop a swim safety education campaign to accompany the site opening taking advice from the Risk Assessment and Royal Life Saving and considers differing cultural, age and user groups to minimise and communicate risks with in river swimming and this commence in the coming months in the lead up to the opening.

Any identified wastewater leakage, as noted above at Morrison Bay, should be directly reported to Sydney Water who attend to these events and record outfalls to inform response, microbial testing and monitor impact health.

Warning signage may be erected at the swim site to advise users to avoid swimming at the site after rain events. Such signage is commonplace at swim sites in river locations.

Sydney Water assess the microbial water quality of the Parramatta River swim sites as part of an agreement with the Parramatta River Catchment Group. These samples are taken every 6 days during the swimming season (October-March) with the results reported on the Parramatta River Catchment Group website, through the 'Our Living River' interactive map.

The microbial water quality for Putney Park is to be reported on that website. Users are to be made aware of this resource via signage at the swim site to allow them to make informed decisions on swimming at the site, particularly after heavy rain events.

10. Referrals

External Referrals

Department of Primary Industries (Fisheries NSW)

Part 7 of the Fisheries Management Act 1994 relates to the Protection of aquatic habitats and requires the issuing of a permit to carry out activities that may impact aquatic habitat.

A Permit under Part 7 of the Fisheries Management Act 1994 was issued to the project by the Department of Primary Industries (DPI) on 11 September 2023. This DA, upon lodgement, was referred to DPI (Fisheries NSW) for comments. Fisheries NSW provided their comments on 30 January 2024 supporting the proposed development.

Department of Industry (Water)

The Department of Industry (Water) is the regulator for water resource management for NSW.

The proposed development is not a type of use that requires a water use approval under Section 89 of the *Water Management Act 2000* (WM Act) and is not a work requiring a water management works approval under Section 90 of the WM Act.

The proposed development constitutes a “controlled activity” under Section 91 of the WM Act being “*the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979)*”.

Section 41 of the *Water Management (General) Regulation, 2018* states:

41 Controlled activities—public authorities

A public authority is exempt from section 91E(1) of the Act in relation to all controlled activities that it carries out in, on or under waterfront land.

Council therefore does not need to obtain a Controlled Activity Approval.

Transport for NSW

The application was referred to Transport for NSW (TfNSW) for comments as part land owner and as the controlling authority for maritime navigation. TfNSW provided their comments on 23 January 2024 as follows:

Maritime Planning and Consent Authority comments

- 1. The consent authority satisfy itself that the land is suitable for the proposed development and its intended use for swimming.*
- 2. The consent authority satisfy itself that the proposed structures do not pose a safety risk to members of the public using the facility.*
- 3. The plans be revised to include a key and reference to the TfNSW property boundary and Division of Waterways.*
- 4. The site description be reviewed. The drawing titled ‘Putney Park Swim Site Location Plan’ illustrates the proposed development on part of the bed of the Parramatta Bay (Certificate of Title Volume 5018 Folio 1) at/abutting Putney Park, being Lot 1 DP431246 and Lot 1 DP320571.*

Maritime Operations comments

Navigation comment: There shouldn’t be any issue with the proposed swimming area. There will just need to be three moorings relocated, there is plenty of space in Kissing Point Bay for them to be relocated. As far as navigation goes and the swimming area impeding passage of vessels, there shouldn’t be an issue, Kissing Point is a very quiet bay generally. There is a rowing shed just west of the proposed swimming area, but they usually enter and leave the bay from the western side of the bay.

Maritime landowner comments

The proponent will need to enter into appropriate tenure arrangements for the works and subsequent occupation in respect to the in-river swimming enclosure at Lot 1, DP32057 – Offshore Putney Park in Parramatta River.

Please note that TfNSW reviewed the in-river swimming enclosure proposal when Council were previously seeking to obtain planning approval under Part 5 of the EP&A Act via a Review of Environment Factors (REF), therefore the Maritime Operations comments and TfNSW-Maritime landowner comments are the same as previously advised.

In response to TfNSW comments 3 and 4 above, the applicant has submitted amended plans addressing their concerns. The amended plans were considered satisfactory and further referral to TfNSW is not considered necessary.

Council will need to enter into appropriate tenure arrangements for the works and subsequent occupation in respect to the in-river swimming enclosure. Conditions of consent, reflective of TfNSW comments are recommended to be imposed on any consent granted.

Internal Referrals

Environmental Health

Council's Environmental Health Officer reviewed the proposal and raised no objections subject to the imposition of conditions.

The Environmental Health Officer has also provided input into the matters raised in the public submission received to the notification of the application and those matters are discussed in Section 9 of this report.

Conditions of consent have been recommended for imposition in the development consent including water quality monitoring, management of the site during construction, pollution and waste management.

Heritage

Council's Heritage Advisor reviewed the proposal and raised no objections.

The land on which the proposal is situated is not a heritage item identified in Ryde LEP 2014. The land is near heritage items identified in Ryde LEP 2014, being:

- i. Item No.86 - 60 Pellisier Road – house.
- ii. Item No.87 - 99 Pellisier Road – Putney Park (former Pleasure Gardens, inc. seawall, remains of Lunnhilda / Dudhope house and Slazenger factory.

The land is mapped as an Aboriginal Heritage Site using the Aboriginal Heritage Information Management System (AHIMS) Register data (NSW Heritage / National Parks and Wildlife Act). A Basic Search of the AHIMS Register indicates Aboriginal

sites and Aboriginal places are declared in or near the property. There are eight sites recorded in the vicinity of the proposed facility.

In particular, the Heritage assessment notes that:

- i. Remanent fabric of the original river baths and concrete footings from the demolished second world war boatyard would not be disturbed;
- ii. A precautionary approach was adopted when evaluating the proposal against the five key Aboriginal sites and places on the property. The expertise of the Metropolitan Aboriginal Land Council confirmed the site and places are not in proximity of the proposed works; and
- iii. An approval is not required under the National Parks and Wildlife Act or the Heritage Act.

Appropriate conditions of consent have been recommended and have been included in the draft conditions.

11. Conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is suitable for the site and is not contrary to the public interest. Therefore, it is recommended that the application be approved for the following reasons:

- The proposal is consistent with the objectives of the zones.
- The proposal satisfies the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
- The proposal results in no unreasonable adverse impact to adjoining properties and the surrounding environment.
- The proposal is not contrary to the public interest.

12. Recommendation

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, the following is recommended:

- a) THAT the Ryde Local Planning Panel as the Consent Authority grant development consent to Local Development Application No. LDA2023/0309 for the 'Installation of an in-river swim site in the Parramatta River, off the shore of Putney Park comprising an in-river enclosure constructed of a stainless steel reinforced polyethylene net supported from a stainless steel cable suspended from piles embedded into the seabed' in the Parramatta River adjacent to and accessed from land at 77 Pellisier Road, Putney subject to the attached draft conditions of consent.
- b) THAT the objector be notified of the decision of the Ryde Local Planning Panel.

ATTACHMENTS

- 1 Plans of proposed development
- 2 Additional Assessment report
- 3 Recommended conditions of consent

Report prepared by:

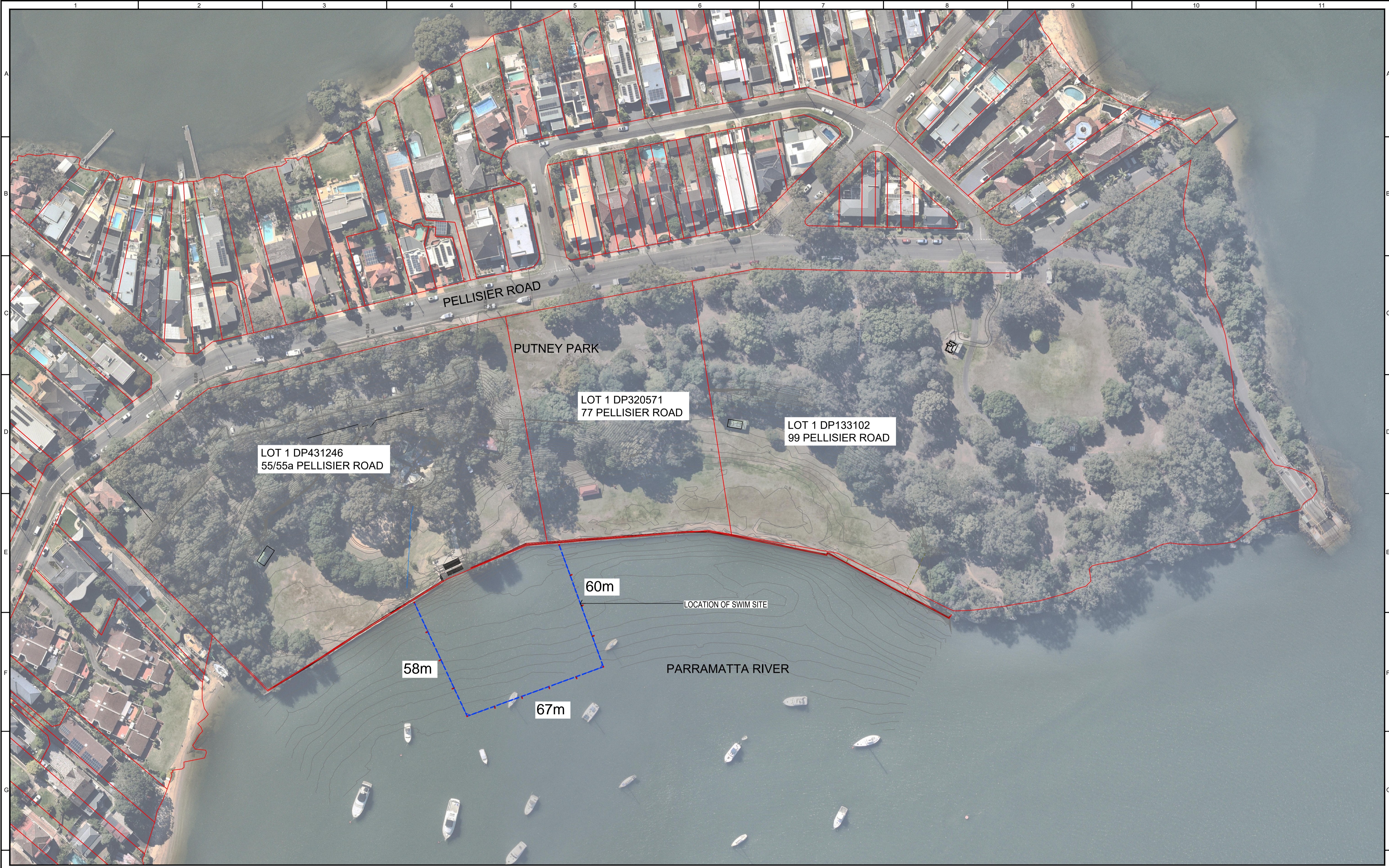
Glenn Apps
Consultant Planner – Cohesive Planning

Report approved by:

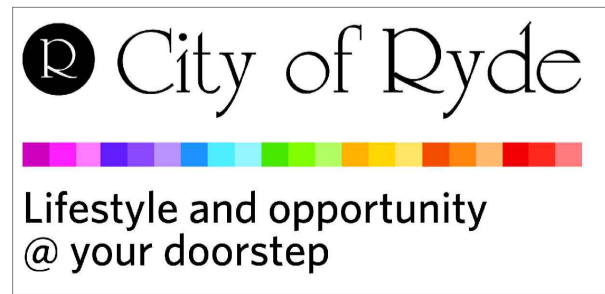
Sohail Faridy
Senior Coordinator Development Assessment

Holly Charalambous
Acting Manager Development Assessment

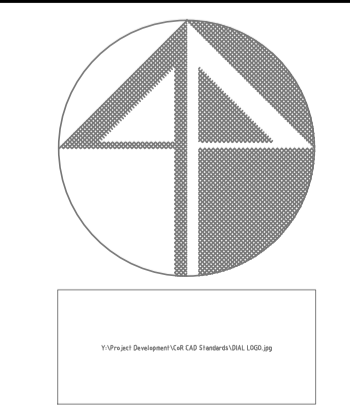
Carine Elias
Acting Executive Manager City Development



Rev	Revision Details	Date	Drn	Ver.	App.
A	ISSUE FOR TENDER	30.11.2023	ER	ER	RH



ABN: 81 621 292 610
 Email: cityofryde@ryde.nsw.gov.au
 Web: www.ryde.nsw.gov.au
 Tel: (02) 9952 8222
 Fax: (02) 9952 8070
 NORTH RYDE OFFICE
 Level 1, Building 0, Binary Centre, 3 Richardson Place, NORTH RYDE NSW 2113
 POSTAL ADDRESS
 Locked Bag 2069
 NORTH RYDE NSW 1670



SCALE AS SHOWN @ A1

PLAN	1: NTS
INSET PLAN	1: N/A
LONGITUDINAL SECTION	HORIZ 1: N/A VERT 1: N/A
CROSS SECTIONS	1: N/A
CO-ORDS	DATUM
MGA	AHD

LOCATION:	PELLISIER ROAD, PUTNEY
TITLE:	PUTNEY PARK SWIM SITE LOCATION PLAN

PMCOR NUMBER	PM22_43056
DRAWING NUMBER	LP01
STATUS	REVISION
IFT	A

Copyright © 2011 City of Ryde. All rights reserved. No part of this document shall be reproduced without written permission.



PUTNEY PARK SWIM ENCLOSURE for CITY OF RYDE COUNCIL



LOCALITY PLAN
NTS

DRAWING LIST

DRAWING No	TITLE
311015-00378-MA-DWG-0001	COVER SHEET, LOCALITY PLAN AND DRAWING LIST
311015-00378-MA-DWG-0002	GENERAL NOTES
311015-00378-MA-DWG-0005	GENERAL ARRANGEMENT PLAN AND ELEVATIONS
311015-00378-MA-DWG-0006	TYPICAL DETAILS



REV	DATE	REVISION DESCRIPTION	DRAWN	DRAFT CHK	DESIGNED	ENG CHK	APPROVED	CUSTOMER	REFERENCE DRAWING No	REFERENCE DRAWING TITLE
B	15.08.23	RE-ISSUED FOR REVIEW AFTER CLIENT COMMENTS	VIP	MJT	JH	MJT				
A	10.07.23	DRAFT FOR REVIEW (PROJECT No CHANGED FROM 311015-00305 TO 311015-00378)	VIP	MJT	JH	MJT	CA			

A1 SHEET SCALE

Copyright ©
Worley Services Pty Ltd
ABN 61 001 279 812

ADVISIAN PROJECT No.
311015-00378

ENGINEERING AND PERMIT STAMPS (As Required)

INFORMATION ONLY
NOT TO BE USED
FOR CONSTRUCTION

CUSTOMER

This drawing is prepared solely for the use of the contractual customer of Advisian and Advisian assumes no liability to any other party for any representations contained in this drawing.

**PUTNEY PARK
SWIM ENCLOSURE
COVER SHEET, LOCALITY PLAN
AND DRAWING LIST**

DRG No **311015-00378-MA-DWG-0001** REV **B**

USER NAME: vaughan.patrick LOCATION: C:\USERS\VAUGHAN.PATRICK\WORLEY_311015-00305_PUTNEY PARK SEAWALL - DOCUMENTS\12.0 DRAWINGS\DWG\311015-00378 SWIMMING ENCLOSURE\311015-00378-MA-DWG-0001.DWG
 PLOT DATE & TIME: 16/07/2023 12:58:13 PM SAVE DATE & TIME: 14/07/2023 2:31:18 PM
 ADVISIAN_AT_C

GENERAL NOTES

- THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS AND SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCY SHALL BE REFERRED TO THE PRINCIPAL BEFORE PROCEEDING WITH THE WORK.
- DURING CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE PROPOSED AND EXISTING STRUCTURES IN A STABLE CONDITION AND ENSURING NO PART IS OVERSTRESSED DURING CONSTRUCTION ACTIVITIES. TEMPORARY BRACING AND PROPS SHALL BE PROVIDED BY THE CONTRACTOR TO KEEP THE WORKS STABLE AT ALL TIMES.
- ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE RELEVANT AND CURRENT AUSTRALIAN STANDARDS AND WITH THE BY-LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITIES EXCEPT WHERE VARIED BY THESE DRAWINGS AND THE SPECIFICATION.
- WHERE ITEMS ARE SHOWN AS INDICATIVE THE CONTRACTOR SHALL VERIFY THE DETAILS THROUGH SITE SURVEY.
- CONTRACTOR TO PRODUCE SHOP DRAWINGS FOR REVIEW AND APPROVAL PRIOR TO FABRICATION AND CONSTRUCTION.
- SETTING OUT COORDINATES AND DIMENSIONS SHOWN SHALL BE ADOPTED BY THE CONTRACTOR. WHERE DIMENSIONS ARE SHOWN AS MINIMUM THEN THE ACTUAL DIMENSION OF THE CONSTRUCTED WORK SHALL NO BE LESS THAN THE VALUE STATED. WHERE DIMENSIONS ARE SHOWN AS MAXIMUM THEN THE ACTUAL DIMENSION OF THE CONSTRUCTED WORKS SHALL NOT BE GRATER THAN THE VALUE STATED.
- ALL CRITICAL ARRANGEMENTS AND DIMENSIONS SHOWN SHALL BE VERIFIED BY THE CONTRACTOR ON SITE BEFORE WORK COMMENCES. DRAWINGS SHALL NOT BE SCALED FOR DIMENSIONS.
- BEFORE UNDERTAKING ANY WORK, THE CONTRACTOR SHALL ESTABLISH THE LOCATIONS OF ALL EXISTING SERVICES AFFECTED BY THE WORKS AND ADVISE THE PRINCIPAL IF THERE ARE ANY UNIDENTIFIED SERVICES THAT CAN POTENTIALLY BE AFFECTED BY THE WORKS.
- THE CONTRACTOR SHALL PROVIDE TEST CERTIFICATES FROM NATA APPROVED BODY CERTIFYING THAT THE MATERIALS USED COMPLY WITH THE RELEVANT SPECIFICATIONS.
- ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE. LEVELS, OFFSETS AND COORDINATES IN METRES.

ERECTION

- STRUCTURAL ELEMENTS SHALL BE ERECTED IN A LOGICAL SEQUENTIAL MANNER WORKING FROM RIGID POINTS OF BRACING, UNTIL THE STRUCTURE IS COMPLETE.
- THE CONTRACTOR SHALL TAKE CARE NOT TO OVERLOAD STRUCTURAL COMPONENTS BY STACKING OR STORING MATERIALS IN EXCESS OF THE WEIGHT CARRIED BY THOSE COMPONENTS IN THE COMPLETED STRUCTURE.

DATUMS & TIDAL DATA

- HORIZONTAL DATUM IS THE MAP GRID OF AUSTRALIA MGA ZONE 56 GRID SYSTEM GDA 2020.
- VERTICAL DATUM IS AUSTRALIAN HEIGHT DATUM (AHD).
- ALL LEVELS AND COORDINATES ARE IN METERS UNO.

TIDAL PLANE	WATER LEVEL (m AHD)	WATER LEVEL (m CD)
MEAN HIGH WATER SPRINGS (MHWS)	+0.62	+1.57
MEAN HIGH WATER (MHW)	+0.50	+1.45
MEAN HIGH WATER NEAPS (MHWN)	+0.38	+1.33
MEAN SEA LEVEL (MSL)	0.00	+0.95
MEAN LOW WATER NEAPS (MLWN)	-0.39	+0.56
MEAN LOW WATER (MLW)	-0.51	+0.44
MEAN LOW WATER SPRINGS (MLWS)	-0.63	+0.32
INDIAN SPRING LOW WATER (ISLW)	-0.88	+0.07

DESIGN CRITERIA

- DESIGN LIFE = 50 YEARS.
- FOR THE PROPOSED DESIGN LIFE OF 50 YEARS, A SEA LEVEL RISE OF 0.4m HAS BEEN ADOPTED.
- STORM SURGE WATER LEVEL OF +1.45m AHD CONSIDERED FOR 50 YEAR ARI.
- DESIGN LOADS:
 - DEAD LOADS:
NET SELF WEIGHT: 5kg/m²
MARINE GROWTH: 0.2Kg/m²
 - LIVE LOADS:
PERSON LOADING: 10kg/m
WAVE DATA: FOR 1/500 YEAR ARI SIGNIFICANT WAVE HEIGHT,
Hs = 0.75m
PERIOD 2.3s
CURRENT VELOCITY 0.5m/s
- REFER TO PROJECT BASIS OF DESIGN 311015-00378-MA-BOD-0001 FOR FURTHER DETAILS OF THE DESIGN BASIS.

PILING

- PILING WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH AS 2159 AND TO THE REQUIREMENTS SPECIFIED BELOW AND ON THE DRAWINGS.
- THE CONTRACTOR SHALL MAINTAIN A COPY OF AS 2159 ON SITE AT ALL TIMES DURING THE CONTRACT PERIOD.
- STEEL PILES SHALL BE SUPPLIED, MANUFACTURED AND FABRICATED IN ACCORDANCE WITH AS 1579 FOR WELDED TUBULAR STEEL PILES AND AS 1163 FOR COLD FORMED STEEL HOLLOW SECTIONS. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS 4100 AND AS 1554 EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.
- TIMBER PILES SHALL BE SUPPLIED IN ACCORDANCE WITH AS1720 STRENGTH GRADE F27. ALL PILES SHALL BE DOUBLE TREATED HARDWOOD (CCA AND CREOSOTE) IN ACCORDANCE WITHY AS1604.1 HAZARD CLASS H6 SUITABLE FOR MARINE ENVIRONMENT.
- PRIOR TO INSTALLATION OF PILES THE CONTRACTOR SHALL PROBE THE PROPOSED PILE LOCATIONS IN ORDER TO ASSESS SEABED AND ROCK LEVELS. RESULTS OF PROBING SHALL BE MADE PROMPTLY AVAILABLE TO THE SUPERINTENDENT.
- ALL PILE TOES AND HEADS MUST BE PREPARED BY THE CONTRACTOR TO ENSURE THAT THEY WILL NOT BE DAMAGED DURING INSTALLATION. THE CONTRACTOR WILL BE REQUIRED TO SATISFY THE SUPERINTENDENT OF THIS FOR THE PARTICULAR TYPE OF PILE AND METHOD OF INSTALLATION SELECTED.
- THE CONTRACTOR SHALL MAINTAIN RECORDS FOR ALL PILES INCLUDING PILE SLEEVES AS REQUIRED UNDER THE PROVISIONS OF AS 2159. ACCURATE RECORDS OF ROCK LEVELS AND FOUNDING LEVEL OF PILES SHALL BE KEPT AND PROVIDED TO THE SUPERINTENDENT WITHIN 2 DAYS OF INSTALLING THE PILE.
- MINIMUM EMBEDMENT OF THE PILES SHALL BE AS SHOWN ON THE DRAWINGS. EMBEDMENT RELATES TO FIRM SAND OR CLAY OR SOCKETING INTO ROCK AND EXCLUDES SOFT SILTY MATERIAL.
- IF NO ULTIMATE CAPACITY IS SHOWN, PROVIDE AT LEAST 300 KN ULTIMATE AXIAL CAPACITY. PRIOR TO UNDERTAKING PILING WORKS THE CONTRACTOR SHALL SUPPLY CALCULATIONS OF THE REQUIRED SET FOR APPROVAL BY THE SUPERINTENDENT.
- PILES SHALL BE DRIVEN SUCH THAT THE PILE AXIS IS WITHIN 100mm OF THE SPECIFIED PLAN POSITION INDICATED ON THE DRAWINGS MEASURED AT THE PILE HEAD. VARIATION FROM VERTICALITY OR THE RAKE SPECIFIED SHALL NOT EXCEED 1 IN 100. VARIATION FROM THE SPECIFIED ELEVATION OF TOP OF PILES SHALL BE WITHIN 10mm AND THE PILE HEAD SHALL BE CUT SQUARE TO THE PILE AXIS UNLESS SHOWN OTHERWISE ON THE DRAWINGS.
- SOCKETED PILES SHALL BE PLACED AS FOLLOWS UNLESS OTHERWISE APPROVED BY THE SUPERINTENDENT: HOLES SHALL BE BORED INTO SOUND ROCK TO RECEIVE THE PILES. THE DIAMETER OF THE HOLES SHALL BE LESS THAN THE OUTSIDE DIAMETER OF THE PILE. THE PILE SHALL BE DRIVEN INTO THE "INTERFERENCE FIT" HOLE.
- THE CONTRACTOR SHALL ENSURE THAT THE CONSTRUCTION METHOD DOES NOT OVERSTRESS ANY ELEMENT OF THE WORKS, AND IN DETERMINING HIS PROPOSED CONSTRUCTION METHOD HE SHALL GIVE DUE CONSIDERATION TO THE EFFECTS OF NOISE AND VIBRATION ON THE SURROUNDING ENVIRONMENT.
- ALL PILES SHALL BE INSTALLED UNDER PERIODIC INSPECTION OF THE SUPERINTENDENT. THE CONTRACTOR SHALL GIVE ONE WORKING DAYS NOTICE OF INTENTION TO DRIVE PILES SO THAT THE SUPERINTENDENT CAN ARRANGE FOR ATTENDANCE.
- THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE SUPERINTENDENT IF IN THE CONTRACTOR'S OPINION, GROUND CONDITIONS VARY FROM THOSE SHOWN ON THE DRAWINGS OR INDICATED BY THE REPORT OF THE GEOTECHNICAL INVESTIGATION. WORK SHOULD HOWEVER PROCEED IN ACCORDANCE WITH THE CONTRACTOR'S APPROVED METHOD FOR INSTALLATION OF THE PILE THROUGH THE GROUND.
- ANY PILES WHICH ARE DAMAGED DURING THE EXECUTION OF THE WORKS BY THE CONTRACTOR, OR WHICH DO NOT COMPLY WITH THE SPECIFIED TOLERANCES SHALL BE MADE GOOD OR REPLACED AS THE SUPERINTENDENT MAY DIRECT, ALL AT THE CONTRACTORS EXPENSE.
- PILE SPLICES ARE PROHIBITED WITHOUT PRIOR APPROVAL FROM THE PRINCIPAL.
- THE CONTRACTOR SHALL UNDERTAKE AN AS CONSTRUCTED SURVEY, WHICH IDENTIFIES TRUE DRIVING POSITION. THESE RESULTS SHALL BE SUBMITTED TO THE PRINCIPAL FOR REVIEW.
- THE CONTRACTOR MUST FAMILIARISE THEMSELVES WITH THE GEOTECHNICAL CONDITIONS AND PROVIDE A DRIVABILITY ASSESSMENT, REGARDLESS OF ANY OTHER DESIGN CRITERIA AND INSTALLATION METHODS.
- IF REFUSAL OF PILE OCCURS ABOVE THE SPECIFIED MINIMUM EMBEDMENT LEVEL THE CONTRACTOR MUST ADVISE THE PRINCIPAL OF THE ACTIONS THE CONTRACTOR WILL EMPLOY TO ACHIEVE THE SPECIFIED REQUIREMENTS. WHEN NOTIFYING THE PRINCIPAL, THE CONTRACTOR MUST PROVIDE A COPY OF THE DRIVING RECORD FOR THE PILE THAT HAS REFUSED.
- DRIVING STRESSES IN THE PILE MUST NOT EXCEED 90% OF THE YIELD STRESS OF THE PILE MATERIAL, OR AS SPECIFIED.
- CONTRACTOR TO UNDERTAKE THE PILE DRIVABILITY ASSESSMENT AND PROVIDE SHOES WHERE REQUIRED.

STAINLESS STEEL NOTES

- ALL STAINLESS STEEL ITEMS SHALL BE FABRICATED FROM GRADE 316L OR 2205 DUPLEX UNO.
- ALL WELDS SHALL BE 6mm CONTINUOUS FILLET OR FULL PENETRATION BUTT WELDS ALL ROUND IN ACCORDANCE WITH AS1554.6 UNLESS SHOWN OTHERWISE.
- STAINLESS STEEL SURFACES SHALL HAVE THE SCALE REMOVED BY PICKLING AND SHALL BE PASSIVATED OR SURFACE TREATED TO PLACE THE ALLOY NEAR THE CATHODIC END OF THE GALVANIC SERIES. ALL AREAS OF STAINLESS STEEL WHICH ARE SUBSEQUENTLY MACHINED, GROUND OR WORKED IN ANY MANNER WHICH TENDS TO DESTROY THE ORIGINAL PASSIVATED CONDITION SHALL AGAIN BE PASSIVATED AS A FINAL CLEANING OPERATION. AFTER PASSIVATING, THE SURFACES SHALL BE FREE FROM PITTING OR SURFACE DEFECTS.
- STAINLESS STEEL SHALL BE STORED CLEAR OF THE GROUND AND NOT STORED WITH CARBON STEEL.
- LIMIT THE INPUT OF HEAT INTO THE WELD. THE WELD SHALL NOT BE PREHEATED, POST-HEATED OR STRESS RELIEVED.
- GRADE 316L ELECTRODES SHALL BE USED FOR 316 SS.
- WELDS SHALL BE CATEGORY 1B IN ACCORDANCE WITH AS1554.6.
- ALL EDGES INCLUDING BOLT HOLES TO BE ROUNDED AND SMOOTH.
- ALL BOLTS ARE TO BE SUPPLIED WITH TWO WASHERS AND ONE NYLOC NUT.
- ALL BOLT THREADS SHALL BE CLEANED AND NICKEL BASED ANTI-SEIZE COMPOUND APPLIED TO THE THREAD BEFORE FASTENING OF NUTS.
- ALL BOLTS SHALL HAVE AT LEAST ONE FULL THREAD EXPOSED BEYOND THE NUT AFTER TIGHTENING UNO. LOCK NUTS SHALL BE PROVIDED FOR ALL BOLTED CONNECTIONS.

GROUT

- ALL GROUTS SHALL BE NON SHRINK CEMENTITIOUS PROPRIETARY TYPE WITH A MINIMUM CHARACTERISTIC COMPRESSIVE STRENGTH OF 50MPa U.N.O.
- PROPRIETARY GROUTS SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
- FOR ALL GROUTING APPLICATION, THE CONTRACTOR SHALL SUBMIT GROUT DETAILS AND INSTALLATION METHOD STATEMENTS WITH MANUFACTURER'S CERTIFICATION TO THE PRINCIPAL FOR APPROVAL.
- GROUTS SHALL BE MIXED TO A FLOWABLE CONSISTENCY.

REV	DATE	REVISION DESCRIPTION	DRAWN	DRAFT CHK	DESIGNED	ENG CHK	APPROVED	CUSTOMER	REFERENCE DRAWING No	REFERENCE DRAWING TITLE
B	15.08.23	RE-ISSUED FOR REVIEW AFTER CLIENT COMMENTS	VIP	MJT	JH	MJT	CA			
A	10.07.23	DRAFT FOR REVIEW (PROJECT No CHANGED FROM 311015-00305 TO 311015-00378)	VIP	MJT	JH	MJT	CA			

A1 SHEET SCALE

Copyright ©
Worley Services Pty Ltd
ABN 61 001 279 812

ADVISIAN PROJECT No.

311015-00378

ENGINEERING AND PERMIT STAMPS (As Required)

INFORMATION ONLY
NOT TO BE USED
FOR CONSTRUCTION

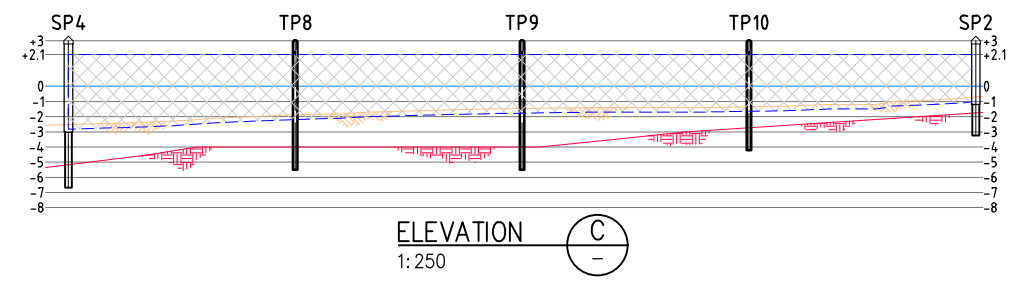
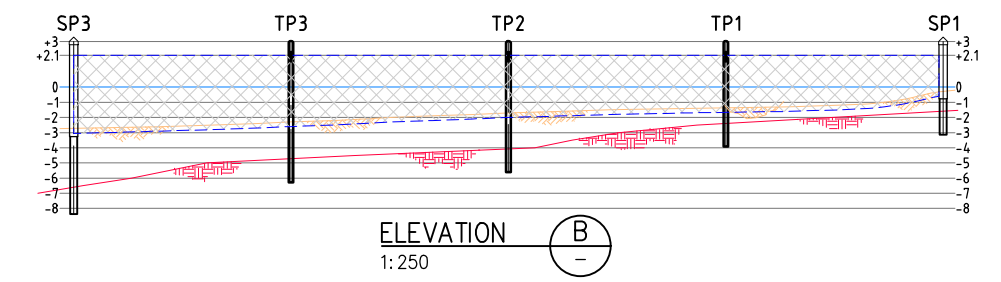
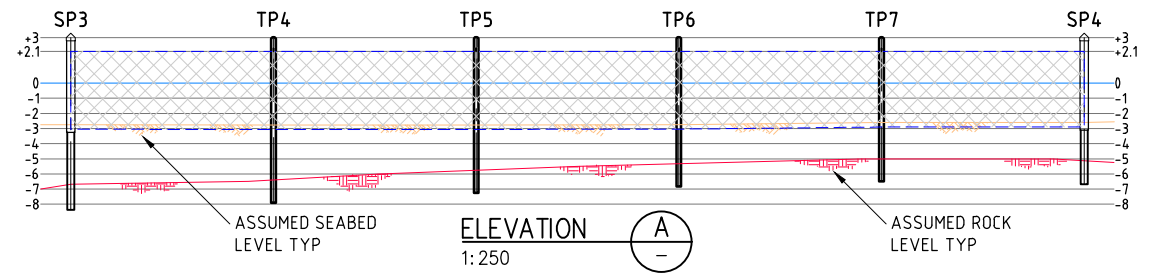
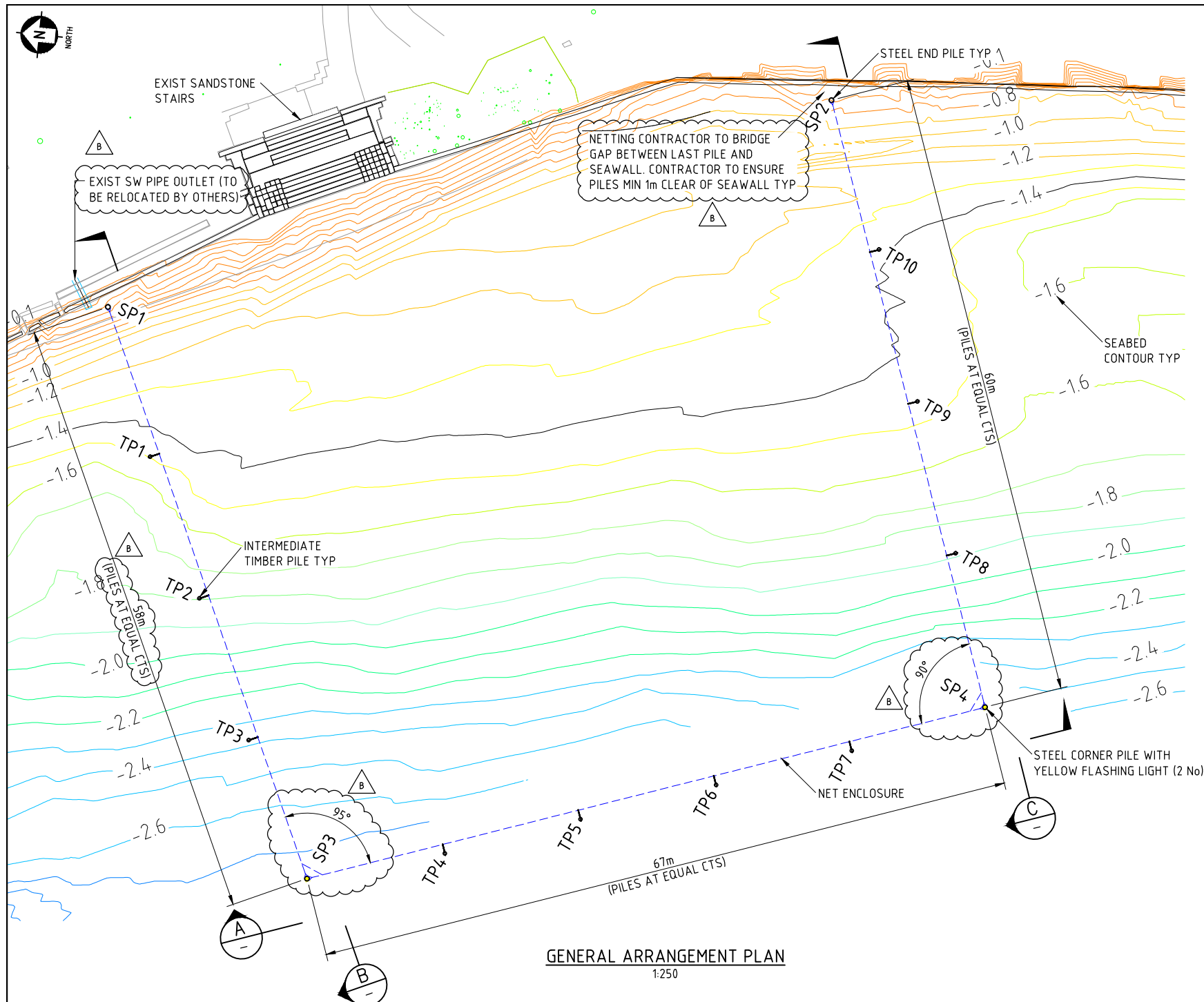
CUSTOMER

PUTNEY PARK
SWIM ENCLOSURE
GENERAL NOTES

This drawing is prepared solely for the use of the contractual customer of Advisian and Advisian assumes no liability to any other party for any representations contained in this drawing.

DRG No 311015-00378-MA-DWG-0002

REV B



PILE SETOUT TABLE							
PILE No	EASTING	NORTHING	PILE TYPE (mm)	APPROX SEABED LEVEL (m AHD)	APPROX ROCK LEVEL (m AHD)	PILE CUT OFF (m AHD)	ESTIMATED MIN TOE LEVEL (m AHD)
SP1	324967.288	6254889.738	457 x 12.5 CHS	-0.3	-1.6	+3.0	-5.1
SP2	324993.948	6254822.760	457 x 12.5 CHS	-0.7	-1.7	+3.0	-5.2
SP3	324914.696	6254865.281	457 x 12.5 CHS	-2.8	-6.9	+3.0	-9.3
SP4	324937.545	6254802.298	457 x 12.5 CHS	-2.5	-5.2	+3.0	-8.7
TP1	324953.412	6254884.279	F27 DOUBLE TREATED HARDWOOD, DIA 300 TOE	-1.4	-2.4	+3.0	-3.9
TP2	324940.380	6254878.218	F27 DOUBLE TREATED HARDWOOD, DIA 300 TOE	-1.7	-4.1	+3.0	-4.7
TP3	324927.349	6254872.157	F27 DOUBLE TREATED HARDWOOD, DIA 300 TOE	-2.4	-4.8	+3.0	-5.4
TP4	324918.419	6254852.377	F27 DOUBLE TREATED HARDWOOD, DIA 300 TOE	-2.8	-6.4	+3.0	-5.8
TP5	324922.989	6254839.781	F27 DOUBLE TREATED HARDWOOD, DIA 300 TOE	-2.8	-5.8	+3.0	-5.8
TP6	324927.559	6254827.184	F27 DOUBLE TREATED HARDWOOD, DIA 300 TOE	-2.7	-5.3	+3.0	-5.7
TP7	324932.129	6254814.587	F27 DOUBLE TREATED HARDWOOD, DIA 300 TOE	-2.6	-5.0	+3.0	-5.6
TP8	324951.953	6254806.567	F27 DOUBLE TREATED HARDWOOD, DIA 300 TOE	-1.9	-4.0	+3.0	-4.9
TP9	324966.053	6254811.683	F27 DOUBLE TREATED HARDWOOD, DIA 300 TOE	-1.5	-4.0	+3.0	-4.5
TP10	324980.154	6254816.798	F27 DOUBLE TREATED HARDWOOD, DIA 300 TOE	-1.4	-2.7	+3.0	-4.2

REV	DATE	REVISION DESCRIPTION	DRAWN	DRAFT CHK	DESIGNED	ENG CHK	APPROVED	CUSTOMER	REFERENCE DRAWING No	REFERENCE DRAWING TITLE
B	15.08.23	RE-ISSUED FOR REVIEW AFTER CLIENT COMMENTS	VIP/MJT	JH	MJT	CA				
A	27.07.23	DRAFT FOR REVIEW (PROJECT No CHANGED FROM 311015-00305 TO 311015-00378)	VIP	MJT	JH	MJT	CA			

A1 SHEET SCALE

empowered | enabled | ethical

Copyright ©
Worley Services Pty Ltd
ABN 61 001 279 812

ADVISIAN PROJECT No.
311015-00378

ENGINEERING AND PERMIT STAMPS (As Required)

INFORMATION ONLY
NOT TO BE USED
FOR CONSTRUCTION

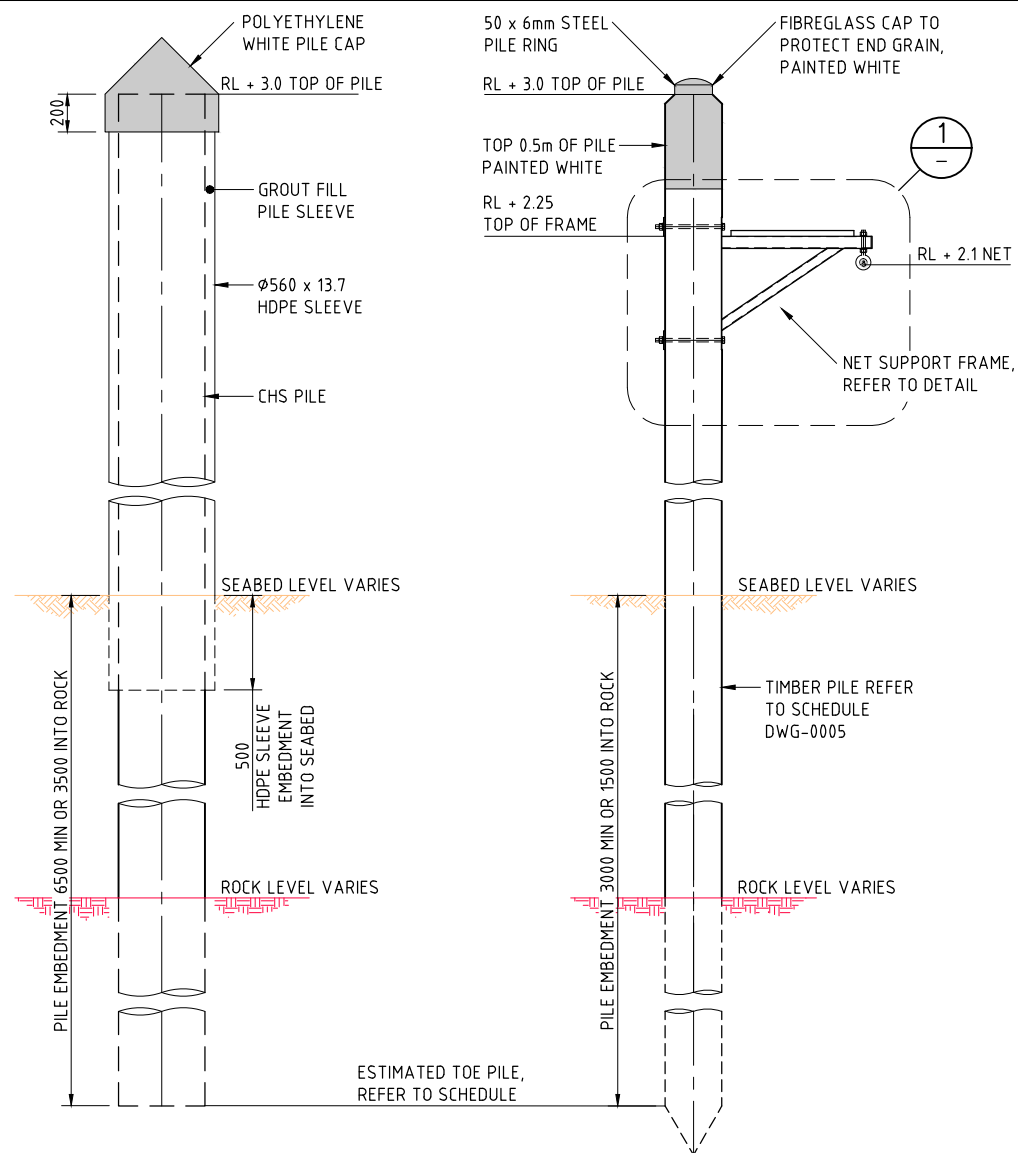
CUSTOMER

This drawing is prepared solely for the use of the contractual customer of Advisian and Advisian assumes no liability to any other party for any representations contained in this drawing.

PUTNEY PARK SWIM ENCLOSURE
GENERAL ARRANGEMENT PLAN
AND ELEVATIONS

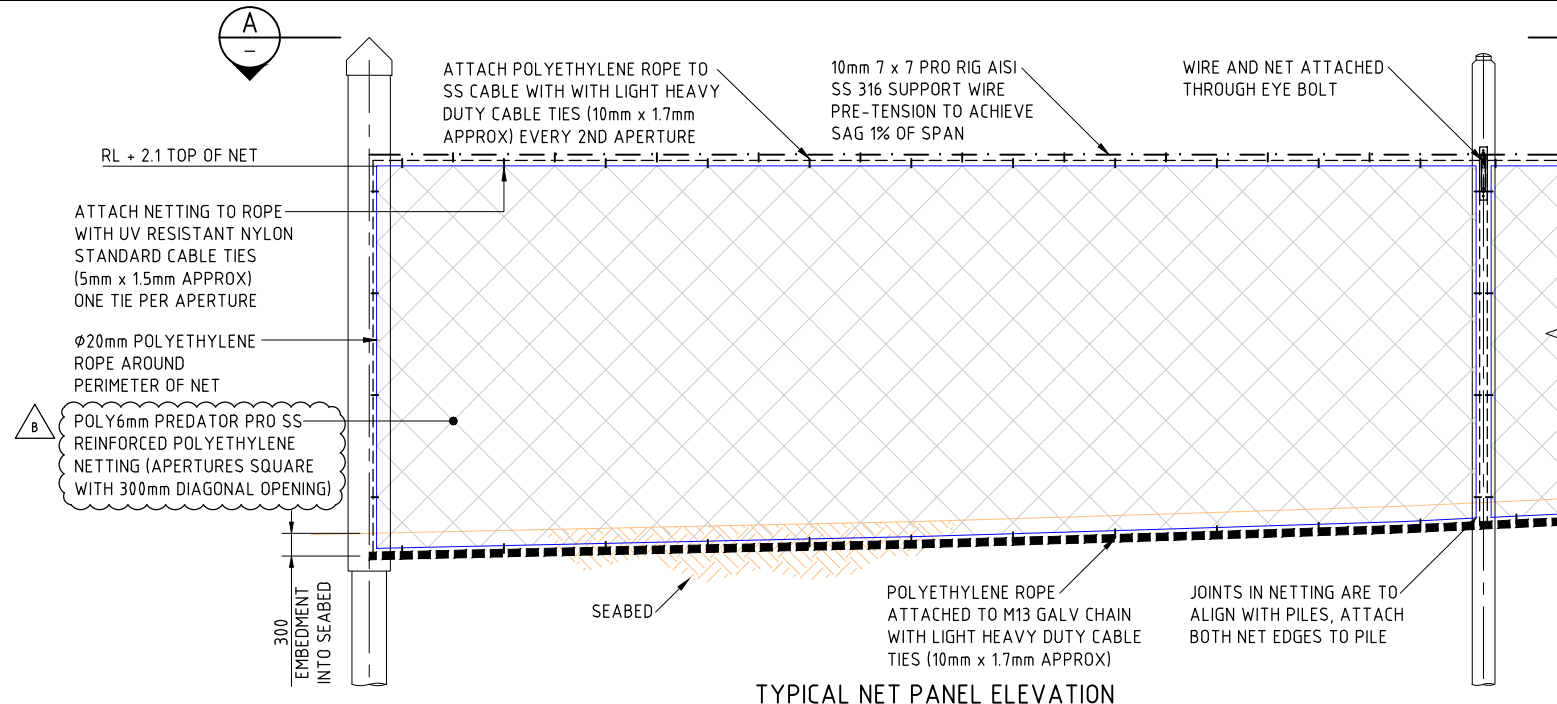
DRG No **311015-00378-MA-DWG-0005** REV **B**

LOCATION: C:\USERS\VAUGHAN\PA\TRICK\WORLEY_311015-00305\PUTNEY PARK SEAWALL - DOCUMENTS\12.0 DRAWINGS\DWG\311015-00378-MA-DWG-0005-0006-0007.DWG
 USER NAME: vaughan.patrick
 PLOT DATE & TIME: 16/07/2023 4:44:11 PM
 SAVE DATE & TIME: 16/07/2023 12:59:38 PM

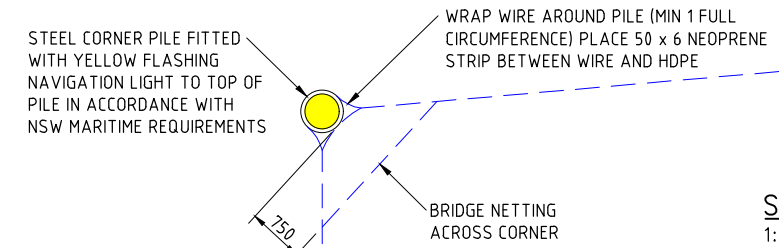


TYPICAL STEEL PILE ELEVATION
1:20

TYPICAL TIMBER PILE ELEVATION
1:20

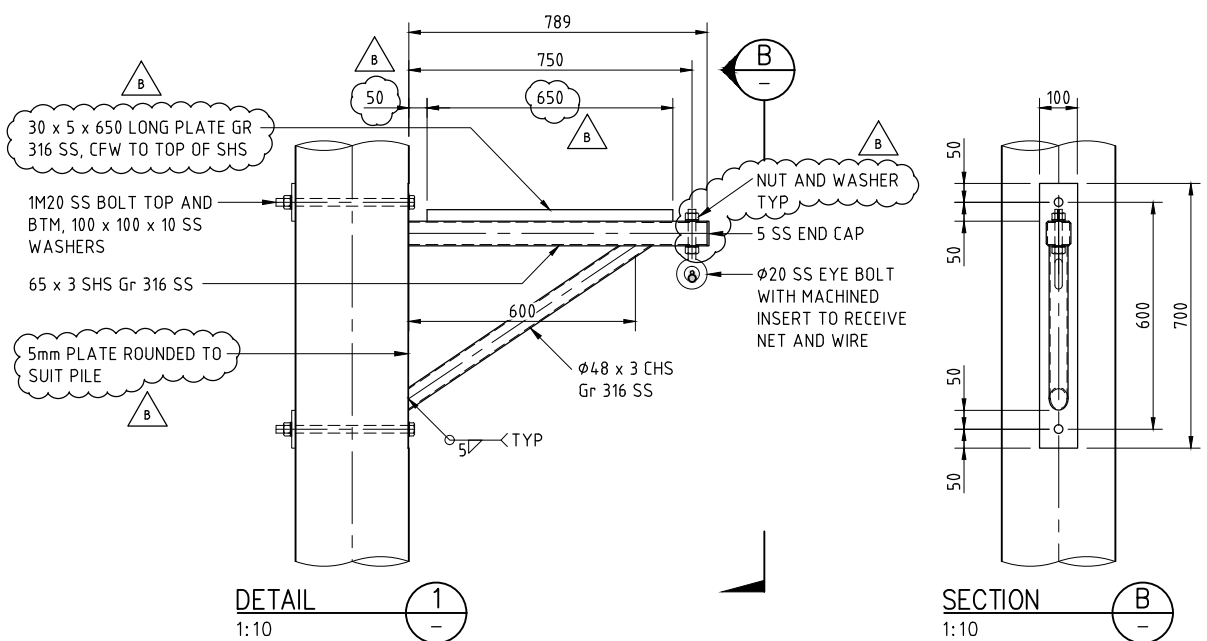


TYPICAL NET PANEL ELEVATION
1:50



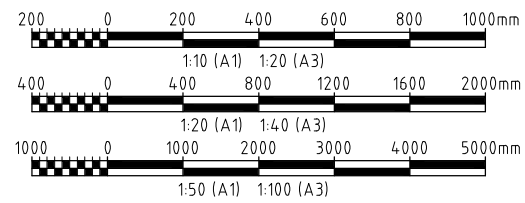
SECTION A
1:50

ANCHORAGE AND TENSIONING OF WIRE ROPE TO BE BY CONTRACTOR. METHOD TO BE SUBMITTED FOR APPROVAL PRIOR TO CONSTRUCTION



DETAIL 1
1:10

SECTION B
1:10



REV	DATE	REVISION DESCRIPTION	DRAWN	DRAFT CHK	DESIGNED	ENG CHK	APPROVED	CUSTOMER	REFERENCE DRAWING No	REFERENCE DRAWING TITLE
B	15.08.23	RE-ISSUED FOR REVIEW AFTER CLIENT COMMENTS	VIP	MJT	JH	MJT	[Signature]			
A	27.07.23	DRAFT FOR REVIEW (PROJECT No CHANGED FROM 311015-00305 TO 311015-00378)	VIP	MJT	JH	MJT	CA			

A1 SHEET SCALE

OneWay
empowered | enabled | ethical

Copyright ©
Worley Services Pty Ltd
ABN 61 001 279 812

ADVISIAN PROJECT No.
311015-00378

ENGINEERING AND PERMIT STAMPS (As Required)

INFORMATION ONLY
NOT TO BE USED
FOR CONSTRUCTION

CUSTOMER

City of Ryde

This drawing is prepared solely for the use of the contractual customer of Advisian and Advisian assumes no liability to any other party for any representations contained in this drawing.

Advisian
Working Smarter

PUTNEY PARK SWIM ENCLOSURE TYPICAL DETAILS

DRG No **311015-00378-MA-DWG-0006** REV **B**

LOCATION: C:\USERS\VAUGHAN\PA\TRICK\WORLEY_311015-00305_PUTNEY PARK SEAWALL - DOCUMENT\1\2\0 DRAWINGS\DWG\311015-00378-MA-DWG-0005-0006-0007.DWG
USER NAME: vaughan.patrick
PLOT DATE & TIME: 16/07/2023 12:59:24 PM
SAVE DATE & TIME: 14/07/2023 5:49:12 PM

cohesiveplanning



INDEPENDENT ASSESSMENT PUTNEY IN-RIVER SWIM SITE

PELLISIER ROAD
PUTNEY

FEBRUARY 2024

This report has relied upon the information available at the time of its preparation. All findings and conclusions contained in the report are based on the aforementioned circumstances. The report is for the use of Ryde City Council and no responsibility will be taken for its use by other parties.

© Reproduction of this report in full or in part is prohibited, except without the prior written permission from Cohesive Planning.

Acknowledgement of Country

Cohesive Planning is based in the Blue Mountains, west of Sydney NSW. Cohesive Planning would like to acknowledge the Gundungurra and Dharug peoples, being the traditional owners of that country. We recognise the connection to country that the traditional owners have and we pay our respects to Elders past and present.

CONTENTS

PURPOSE	4
1. DESCRIPTION OF THE DEVELOPMENT	5
2. THE SUBJECT LAND	
2.1 Property description	7
2.2 Existing park features	7
2.3 Surrounding development and landuses	7
3. SECTION 4.15(1) ASSESSMENT	
3.1 The provisions of any environmental planning instrument	10
3.2 The provisions of any draft environmental planning instrument	17
3.3 The provisions of any development control plan	17
3.4 The provisions of any planning agreement	18
3.5 Prescribed matters under the Environmental Planning and Assessment Regulation 2000	19
3.6 The likely impacts of the development	19
3.7 The suitability of the site for the development	19
3.8 Public submissions	20
3.9 The public interest	22
4. OTHER LEGISLATION	
4.1 Water Management Act, 2000	23
4.2 Other legislation	24
5. THE LIKELY IMPACTS OF THE DEVELOPMENT	
5.1 Environmental impacts	27
5.2 Economic impacts and social impacts	27
6. SUMMARY AND CONCLUSION	29

PURPOSE

This report has been prepared to provide an independent planning assessment of a proposed in-river swim site in the Parramatta River, off the shore of Putney Park.

This statement relies on the following plans:

DRAWING	REV.	DRAWING NAME	DATE
LP01	A	Location Plan	30 November 2023
311015-00378-MA-DWG-0001	B	Cover Sheet, Locality Plan and Drawing List	15 August 2023
311015-00378-MA-DWG-0002	B	General Notes	15 August 2023
311015-00378-MA-DWG-0005	B	General Arrangement Plan and Elevations	15 August 2023
311015-00378-MA-DWG-0006	B	Typical Details	15 August 2023

The development application is supported by the following documents.

DOCUMENT	AUTHOR	DATE
Statement of Environmental Effects	Advisian	8 November 2023
Asset Maintenance Plan	Advisian	28 November 2023
Aquatic Ecology Assessment	Advisian	7 June 2023
Human Health Risk Assessment	Environmental Risk Sciences	10 January 2022
Statement of Heritage Impact	Dominic Steele Consulting Archaeology	16 November 2020
Traffic Assessment	TPE Consulting	July 2023
Waste Minimisation and Management Plan	City of Ryde	Undated

A site inspection was carried out by the author on 29 December 2023.

1. DESCRIPTION OF THE DEVELOPMENT

The development application proposes an in-river swim site in the Parramatta River, off the shore of Putney Park.

Specifically, the development application proposes to construct an enclosure in the river, accessed from a beach on the riverbank via existing sandstone stairs from the park.

The enclosure extends 58m from the seawall into the river on the northern side, and 60m from the seawall into the river on the southern side. The enclosure is 67m across on the western side.

The enclosure comprises a stainless steel reinforced polyethylene net supported from a stainless steel cable suspended from piles embedded into the seabed.

The works are shown in the plans reproduced below.

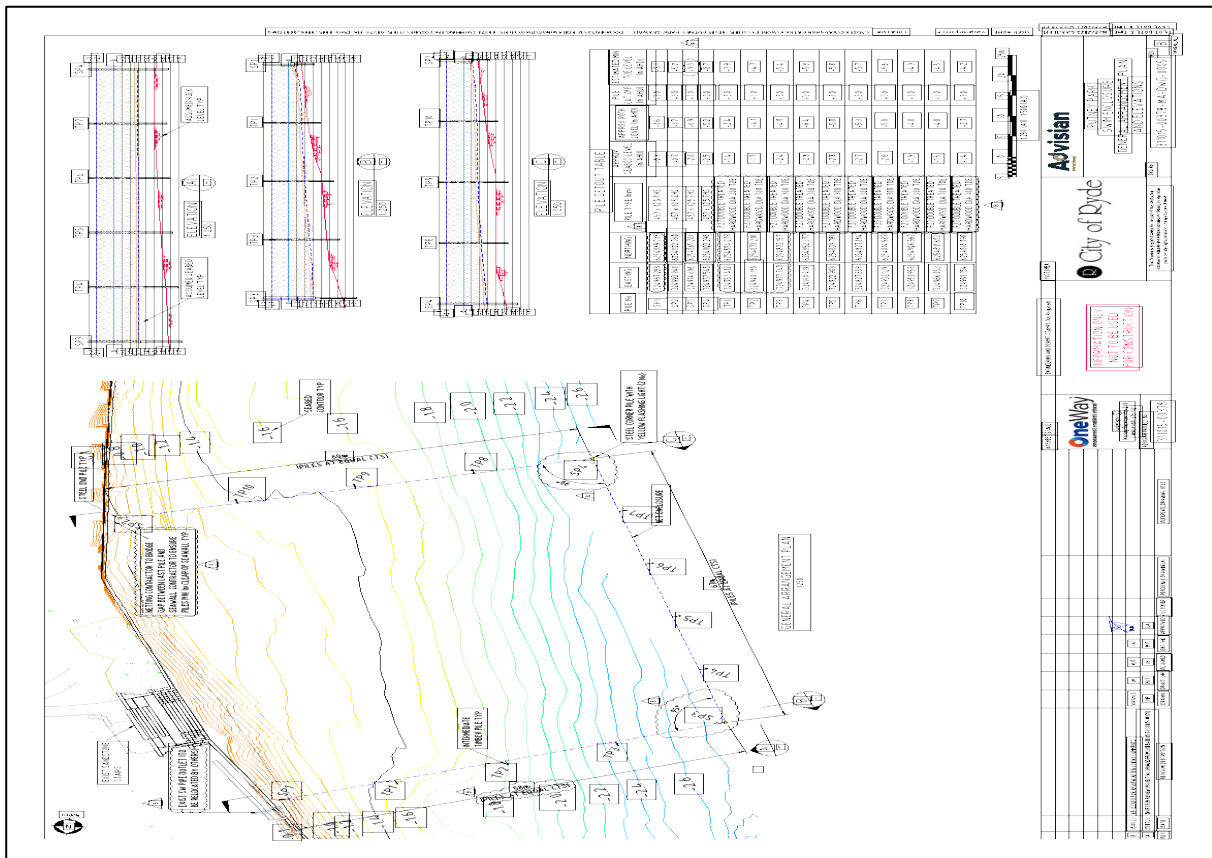


FIGURE 1: GENERAL ARRANGEMENT PLAN

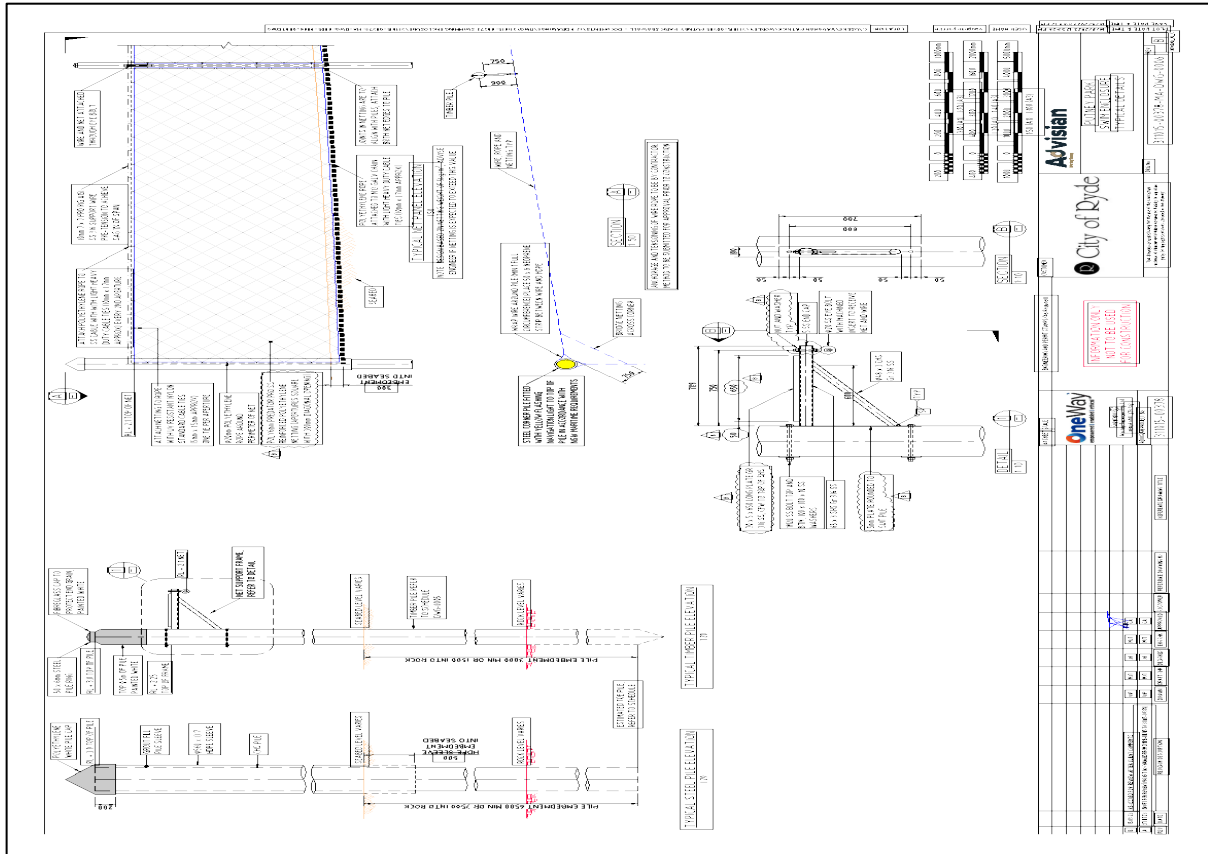


FIGURE 2: DETAILS

The proposed netting for use on this project will comply with “Policy and Guidelines for Fish Habitat Conservation and Management” (NSW DPI, 2013). These Guidelines stipulate that for swimming pools and enclosures, netted swimming enclosures must be constructed from corrosion resistant material (i.e. stainless steel) with a mesh size greater than 150 mm and where the nets used are hung horizontally NSW DPI will generally not approve collapsible nets for swimming enclosures as such nets may result in inadvertent trapping of fish during low tide.

To this end, information on a suitable net product has been sourced, known as “PredatorPRO”. The netting has a stainless steel core, a mesh size of 200mm and would be hung horizontally from a cable suspended by specially designed brackets between the piles of the swimming enclosure.

2. THE SUBJECT LAND

2.1 PROPERTY DESCRIPTION

The proposal is located on the foreshore of Putney Park, Pellisier Road, Putney.

The legal description of the park is Lot 1 DP 133102, Lot 1 DP 320571 and Lot 1 DP 431246.

The park has an area of approximately 6.525ha with road access to Pellisier Road along the eastern boundary of the park. The foreshore of Kissing Point Bay forms the western boundary of the park.



FIGURE 3: AIR PHOTO OF PUTNEY PARK AND SURROUNDS (SOURCE: SIXMAPS)

2.2 EXISTING PARK FEATURES

Putney Park provides a range of recreational opportunities including playgrounds, turfed open space areas, picnic shelters and walking trails. A sandstone seawall defines the shoreline in the vicinity of the proposed development.

2.3 SURROUNDING DEVELOPMENT AND LANDUSES

Surrounding development is generally residential in character.



FIGURE 4: EXISTING STAIRS TO WATERWAY, LOOKING SOUTH

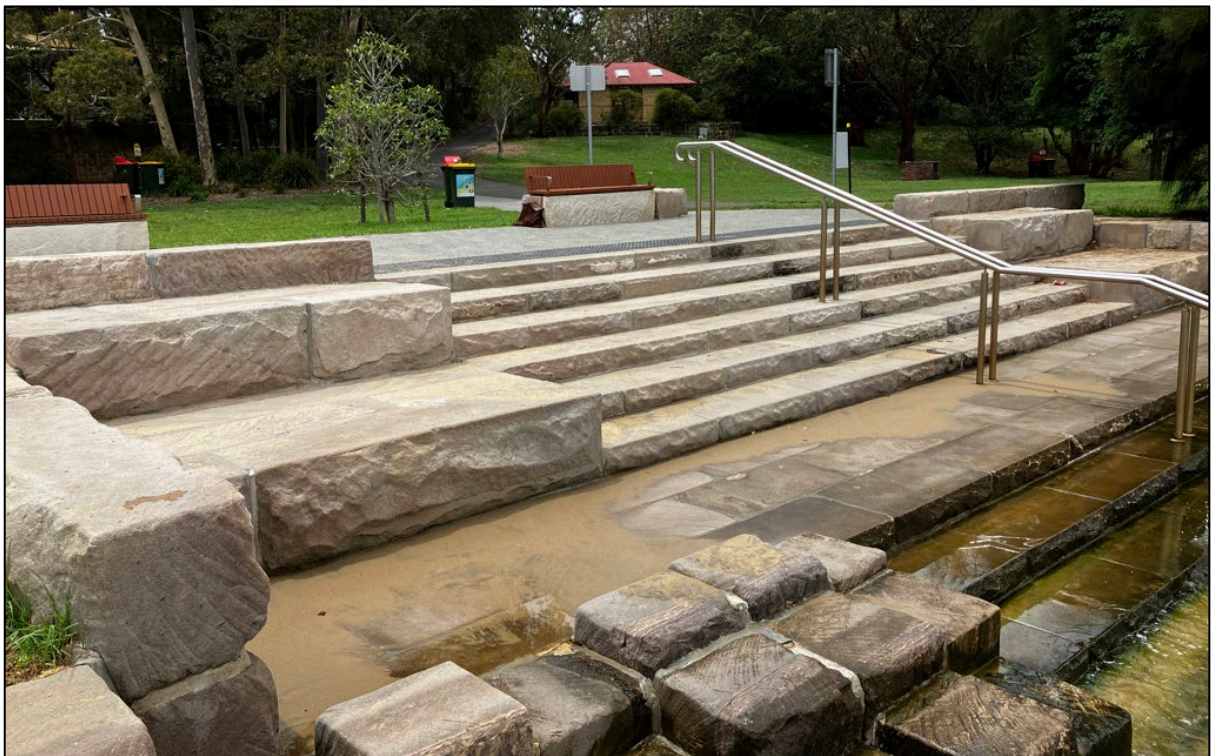


FIGURE 5: EXISTING STAIRS AND PARK FACILITIES



FIGURE 6: PLAYGROUND BEHIND PROPOSED IN-RIVER SWIM AREA

3. SECTION 4.15(1) ASSESSMENT

The following assessment has been carried out against the matters for consideration contained in Section 4.15 of the Environmental Planning and Assessment Act, 1979 (the "Act").

3.1 THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

Section 4.15(1)(a)(i) of the Act requires consideration of:

(a) *the provisions of:*

(i) *any environmental planning instrument*

3.1.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 of SEPP (Biodiversity and Conservation) requires consideration of vegetation removal in non-rural areas. The development application does not require the removal of vegetation.

Chapter 6 of SEPP (Biodiversity and Conservation) applies as the site is located within the Sydney Harbour Catchment.

Part 6.2 – Development in Regulated Catchments applies and has been addressed in table 2-3 of the Statement of Environmental Effects. The proposal is satisfactory with regard to the controls contained at Sections 6.6 to 6.11 inclusive of the SEPP.

In particular, the proposed development has no impacts on water quality and does not contribute to run-off or erosion. The proposed development facilitates public recreational use of the foreshore and river.

With regard to impacts on aquatic ecology, an Aquatic Ecology Assessment has been carried out to assess the impacts on aquatic flora and fauna which finds that no significant ecological impacts are expected to occur as a result of the proposal subject to the adoption of the safeguards recommended at Chapter 8 of the Aquatic Ecology Assessment.

Part 6.3 – Foreshores and Waterways Areas applies.

The waterway where the in-river swim enclosure is to be placed is zoned part Zone 8 – Scenic Waters Passive Use and part Zone 1 – Maritime Waters.



FIGURE 7: ZONING OF THE WATERWAY

The proposed development comprises a **public water recreational facility** which is defined as:

a waterfront structure primarily used for public recreation and may include a pier, wharf or boat launching ramp

Public water recreational facilities are permissible with consent in each of the applicable zones.

The proposal is consistent with the objectives of both zones.

Table 2-4 of the SEE has adequately considered the general considerations of Section 6.28 of SEPP (Biodiversity and Conservation) and demonstrated that the proposed development is satisfactory.

3.1.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

Development consent is being sought under Part 6.3 of SEPP (Biodiversity and Conservation) and as such SEPP (Transport and Infrastructure) is not applicable.

It is understood that Council carried out consultation with TfNSW which would satisfy Section 2.15(2)(c) of the SEPP (Transport and Infrastructure) in relation to “development comprising a fixed or floating structure in or over navigable waters”.

3.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Under Chapter 2 of SEPP (Resilience and Hazards), the area of the proposal is mapped as *coastal environment area* with the adjacent foreshore mapped as a *coastal use area*.

Under Section 2.10(3) and Section 2.11(2) of SEPP (Resilience and Hazards), the development requirements for the coastal environment and coastal use area do not apply to land within the Foreshores and Waterways Area within the meaning of SEPP (Biodiversity and Conservation).

The site is mapped within the Foreshores and Waterways Area and as such those provisions are not applicable.



FIGURE 8: EXTRACT OF FORESHORES AND WATERWAYS AREA MAP (SOURCE: NSW PLANNING PORTAL)

The land is not mapped as containing Coastal Wetlands and Littoral Rainforests

Chapter 4 of SEPP (Resilience and Hazards) applies to the whole of the State and aims to promote the remediation of contaminated land.

The Human Health Risk Assessment concluded that there is no risk to human health or contamination issues of concern in relation to the proposed Putney Park Swim Site and the land is therefore suitable for the proposed activity.

3.1.4 Ryde Local Environmental Plan 2014 (“RLEP”)

The swim nets are situated within the river itself, which is not zoned by the RLEP. Access to the development is provided from Putney Park which is zoned by the RLEP. As such, the following assessment against the RLEP is provided.

Aims of the RLEP

Clause 1.2 of the RLEP sets out the general aims of the instrument. The proposed development is consistent with those aims as put forward by the following table.

AIM	COMMENT
(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts	The proposed development does not hinder the achievement of this objective.
(a) to encourage a range of development, including housing, employment and recreation, that will accommodate the needs of the existing and future residents of Ryde	The proposal is for a recreational facility that will accommodate the needs of the existing and future residents of Ryde and contribute to the range of recreational opportunities serving the area.
(b) to provide opportunities for a range of housing types that are consistent with adjoining development and the existing environmental character of the locality,	Not applicable.
(c) to foster the environmental, economic, social and physical development of Ryde so that it develops as an integrated, balanced and sustainable city,	The proposed development contributes to the social and physical development of Ryde.
(d) to identify, conserve and promote Ryde’s natural and cultural heritage as the framework for its identity, prosperity, liveability and social development,	The proposed development promotes the use of the natural heritage of the locality.
(e) to improve access to the city, minimise vehicle kilometres travelled, facilitate the maximum use of public transport and encourage walking and cycling,	The proposed development does not hinder the achievement of this aim.
(f) to protect and enhance the natural environment, including areas of remnant bushland in Ryde, by incorporating principles of	The proposed development does not hinder the achievement of this aim.

	ecologically sustainable development into land use controls,	
(g)	to preserve and improve the existing character, amenity and environmental quality of the land to which this Plan applies,	The proposed development seeks to improve the amenity of land within the area by providing new recreational opportunities.
(h)	in relation to economic activities, to provide a hierarchy of retail, commercial and industrial activities that enable employment capacity targets to be met, provide employment diversity and are compatible with local amenity.	The proposed development does not hinder the achievement of this aim.

The proposed development is consistent with the relevant aims of the RLEP.

Zoning, permissibility and zone objectives

The waterway is zoned under SEPP (Biodiversity and Conservation) and as such is not zoned by the RLEP.

The land of Putney Park through which access to the proposed facility is provided is zoned part RE1 Public Recreation and part C2 Environmental Conservation under the RLEP as shown below.

The part of Putney Park over which the proposed development is to be accessed is zoned RE1 Public Recreation. The proposed development comprises a recreation area which is defined by the RLEP as:

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

(a) a children's playground, or

(b) an area used for community sporting activities, or

(c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

Recreation areas are permitted with consent on land zoned RE1 Public Recreation.



FIGURE 9: EXTRACT OF ZONING MAP (SOURCE: NSW PLANNING PORTAL)



The proposal satisfies the objectives of the RE1 Public Recreation zone as follows:

OBJECTIVE	COMMENT
To enable land to be used for public open space or recreational purposes.	The proposed development does not prevent the use of the park for public recreational purposes.
To provide a range of recreational settings and activities and compatible land uses.	The proposal contributes to the range of recreational activities available at the park.
To protect and enhance the natural environment for recreational purposes.	The proposal protects and enhances the natural environment for recreational purposes by enabling safe in-river swim opportunities.

Development standards and other provisions

The following table outlines the relevant controls under the RLEP and how the proposed development satisfies those controls.

CLAUSE	PROVISION	COMMENT	COMPLIES
4.3	Height of buildings	The land is not affected by a height of buildings control.	N/A
4.4	Floor space ratio	The land is not affected by an FSR control.	N/A
4.6	Exceptions to development standards	A clause 4.6 variation is not required.	N/A

5.10	Heritage conservation	The park contains an item of environmental heritage however is well separated from the site of the proposed development. No impact on the heritage item is anticipated.	Yes
			
6.1	Acid sulfate soils	The park is mapped as containing Class 2 acid sulphate soil adjacent to the proposed development. The waterway is not mapped as containing acid sulphate soils. No works are proposed on land mapped as containing acid sulphate soils.	N/A
6.2	Earthworks	Earthworks are not required to facilitate the development.	N/A
6.5	Limited development in foreshore area.	The land is not mapped as being in a foreshore area.	N/A
			

The proposed development satisfies the development standards and controls within the RLEP.

3.2 THE PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT

Section 4.15(1)(a)(ii) of the Act requires consideration of:

(a) *the provisions of:*

(ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)*

There are no draft environmental planning instruments specific to the site or the development.

3.3 THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

Section 4.15(1)(a)(iii) of the Act requires consideration of:

(a) *the provisions of:*

(iii) *any development control plan*

3.3.1 Ryde Development Control Plan 2014 (“RDCP”)

There are no provisions of the RDCP specific to the proposed development or to the land.

3.3.2 Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 supports SEPP (Biodiversity and Conservation). The DCP provides detailed design guidelines for development and criteria for natural resource protection for the area identified as Foreshores and Waterways.

The SEE has considered the provisions of the DCP and has demonstrated that the proposed facility is consistent with the performance indicators outlined in the DCP for both the protection of ecological communities and maintenance of visual appeal.

Further to those general matters, specific controls for swimming enclosures are provided at 4.14 of the DCP. The DCP states that performance criteria for *private swimming enclosures* apply to *public swimming enclosures*. The performance criteria for *private swimming enclosures* are discussed below.

CRITERIA	COMMENT
4.14 SWIMMING ENCLOSURES	
<i>i. Private Swimming Enclosures</i>	
A swimming enclosure will only be allowed where it:	
<ul style="list-style-type: none"> • does not impede the tidal flow; 	The proposal comprises netting and piles and will not impede tidal movement.
<ul style="list-style-type: none"> • does not interfere with watercraft; 	The proposal will include yellow marker lights on the piles to warn watercraft. The swim site does not impede the movement of boats in the river.
<ul style="list-style-type: none"> • does not alienate public use of the waterway and foreshore; and 	The facility allows for the public use of the foreshore.
<ul style="list-style-type: none"> • is adjacent to a developed foreshore. 	The facility is adjacent to a foreshore area developed for the purposes of a park.
Where a swimming enclosure is allowed, it must meet the following criteria:	
<ul style="list-style-type: none"> • consist of buoyed mesh or netting of a mesh size not less than 150 millimetres to prevent accumulation of debris; 	The netting is of a mesh size greater than 150mm.
<ul style="list-style-type: none"> • buoyed net structures are to be anchored or moored to ensure their positions are maintained at all times; 	The netting is not buoyed. The netting is fixed to piles.
<ul style="list-style-type: none"> • the mesh shall not protrude above water level; and 	The netting does not protrude above the high tide level.
<ul style="list-style-type: none"> • the enclosure shall not extend further than 13 metres beyond MHW or beyond adjacent landing facilities, whichever is the lesser. 	The enclosure extends more than 13m beyond however is a public facility and has been considered and approved by TfNSW.

3.4 THE PROVISIONS OF ANY PLANNING AGREEMENT

Section 4.15(1)(a)(iii) of the Act requires consideration of:

(a) *the provisions of:*

(iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements or draft planning agreements applicable to the subject land.

3.5 PRESCRIBED MATTERS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

Section 4.15(1)(a)(iv) of the Act requires consideration of:

(a) the provisions of:

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

For the purposes of section 4.15(1)(a)(iv) of the Act, there are no applicable provisions of the Regulation.

3.6 THE LIKELY IMPACTS OF THE DEVELOPMENT

Section 4.15(1)(b) of the Act requires consideration of:

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The SEE has considered the likely impacts of the proposed development, including aboriginal heritage, noise, visual impacts, boat usage and navigation, traffic and ecology.

The proposed development is satisfactory with regard to its environmental impacts.

3.7 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Section 4.15(1)(c) of the Act requires consideration of:

(c) the suitability of the site for the development

The subject land is suitable for the carrying out of the proposed in-river swim site.

There are no constraints or hazards that preclude the carrying out of the alterations and additions.

3.8 PUBLIC SUBMISSIONS

Section 4.15(1)(d) of the Act requires consideration of:

(d) any submissions made in accordance with this Act or the regulations

The application was notified and advertised in accordance with the Ryde Community Participation Plan between 12 December 2023 and 15 January 2023 and in response, one submission was received. The matters raised in the objection are discussed below:

A. Impact on public access to the river for small watercraft such as kayaks, stand-up paddle boards

Comment: The objection notes the netted swim area will result in the loss of a safe launching area for small watercraft such as kayaks, canoes, stand-up paddle boards and the like from Putney Park.

It is acknowledged that the stairs into the water currently provide opportunities for launching small watercraft. The nearest opportunity for small watercraft to enter the river is at the boat ramp at Kissing Point Park which is approximately 800m to the west. While the opportunity for small watercraft to be launched or landed at Putney Park will be removed in favour of the swim site, there are other opportunities in proximity for launching small watercraft and the local area remains served by an opportunity for launch and landing small watercraft.

A dedicated, safe launching and landing area for small watercraft at Putney Park would further contribute to the range of recreational opportunities provided at Putney Park and may be considered as part of any future works or repair works to the sea wall.

B. Traffic and parking concerns.

Comment: The objection notes that the traffic surveys were carried out on a weekday and that Putney Park is already congested at peak times and on public holidays or special celebration days.

The Traffic Impact Assessment carried out traffic counts on Friday 10 March 2023 as well as parking counts on Sunday 19 March 2023 to inform its findings.

The Traffic Impact Assessment also makes conservative estimates of traffic and parking generation based on both dual and complementary use of the foreshore area of Putney Park and the swim site.

The Traffic Impact Assessment concludes that the environmental capacity of the local road network will not be exceeded.

The Traffic Impact Assessment also concludes that that the additional parking space demands will still leave spare capacity within the immediate on-street areas and car parks. The Traffic Impact Assessment acknowledges that during peak summer days the parking areas will be close to full capacity but that generally throughout the season spare capacity will exist.

In summary, it has been concluded that the swim site will not exacerbate the local road traffic and parking capacity.

C. Management of the swim facility when water quality is unsuitable

Comment: The objection notes that some method of managing the health risk to swimmers at Putney Park needs to be implemented to ensure that during events of poor water quality the public is unable to swim and are aware that swimming cannot be undertaken at Putney Park.

Extensive sampling and testing of water and underwater sediments was carried out to assess potential risks to the health of recreational users from exposure to chemical contaminants. The area includes an existing beach area where sand and sediments may be accessible during beach play and wading activities. Hence the focus of the risk assessment has been on chemicals detected in sediments and surface water (dissolved in the water and attached to suspended sediments).

Based on the available data and the assessment undertaken, there are no risk issues of concern in relation to the proposed recreational swimming area.

Further, signage should be erected at the swim site to advise users to avoid swimming at the site 3 days after rain events. Such signage is commonplace at swim sites in river locations.

Sydney Water assess the microbial water quality of the Parramatta River swim sites as part of an agreement with the Parramatta River Catchment Group. These samples are taken every 6 days during the swimming season (October-March) with the results reported on the Parramatta River Catchment Group website, through the 'Our Living River' interactive map.

The microbial water quality for Putney Park is to be reported on that website. Users are to made aware of this resource via signage at the swim site to allow them to make informed decisions on swimming at the site, particularly after heavy rain events.

3.9 THE PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires consideration of:

(e) *the public interest*

The proposed development is consistent with the objectives and provisions of the relevant planning instruments and policies and thus satisfies the public interest test.

The proposed facility will enhance recreational opportunities within the local area which is in keeping with the objectives of the Plan of Management for Putney Park to improve public access to the river for recreational purposes.

4. OTHER LEGISLATION

4.1 WATER MANAGEMENT ACT, 2000

The proposed development was notified as requiring concurrence under the Water Management Act, 2000 (**WM Act**). A review of Part 3 – Approvals of the WM Act reveals that approval is not required under the WM Act as follows:

CLAUSE	COMMENT
89 Water use approvals	
(1) A water use approval confers a right on its holder to use water for a particular purpose at a particular location.	This section relates to the taking of water from a water source for use, such as irrigation.
(2) A water use approval may authorise the use within New South Wales of water taken from a water source outside New South Wales.	The proposal does not involve the taking of water for use.
90 Water management work approvals	
(1) There are three kinds of water management work approvals, namely, water supply work approvals, drainage work approvals and flood work approvals.	Noted.
(2) A water supply work approval authorises its holder to construct and use a specified water supply work at a specified location.	The proposed development does not involve water supply works.
(3) A drainage work approval confers a right on its holder to construct and use a specified drainage work at a specified location.	The proposed development does not involve the carrying out of drainage works.
(4) A flood work approval confers a right on its holder to construct and use a specified flood work at a specified location.	The proposed development does not involve flood works.
91 Activity approvals	
(1) There are two kinds of activity approvals, namely, controlled activity approvals and aquifer interference approvals.	Noted.
(2) A controlled activity approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land.	The proposed development is a controlled activity. See commentary below.
(3) An aquifer interference approval confers a right on its holder to carry out one or more specified aquifer interference activities at a	The proposed development does not involve interference with the aquifer.

specified location, or in a specified area, in the course of carrying out specified activities.

A “controlled activity” is defined as:

controlled activity means—

- (a) the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or
- (b) *the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or*
- (c) *the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or*
- (d) *the carrying out of any other activity that affects the quantity or flow of water in a water source.*

The proposed development constitutes a “controlled activity”.

Section 41 of the *Water Management (General) Regulation, 2018* states:

41 Controlled activities—public authorities

A public authority is exempt from section 91E(1) of the Act in relation to all controlled activities that it carries out in, on or under waterfront land.

Council therefore does not need to obtain a Controlled Activity Approval from the NRAR.

4.2 OTHER LEGISLATION

The proposed development triggers matters under other legislation.

The SEE has provided commentary on the relevant legislation which is summarised below.

ACT	COMMENT
Environment Protection and Biodiversity Conservation Act 1999	Matters of National Environmental Significance (MNES), such as threatened species and ecological communities, migratory species have been reviewed within 2 km of the study area. The lack of suitable habitat available at the site for the species identified means that the proposal is unlikely to impact on any of the threatened or migratory species identified.

Native Title Act 1993	A search of the Native Title Tribunal Native Title Vision website was undertaken on 8 September 2022 and there are no registered claims over the site. Further, Section 3.1.8 of the PoM notes that Native Title has been extinguished over the Crown Reserves.
Biodiversity Conservation Act 2016	The proposal is not expected to have a direct or indirect adverse impact on any threatened species, populations or ecological communities. No tests of significance were triggered.
Biosecurity Act 2015	No weeds listed as a State Priority Weeds in the Greater Sydney Regional Strategic Weed Management Plan 2017-2022 were identified on site.
Coastal Management Act 2016	Whilst the area of the proposal is mapped as 'coastal environment area' with the adjacent foreshore mapped as a 'coastal use area' under the Chapter 2 of the RH SEPP, the provisions of the CM Act and RH SEPP do not apply to these areas.
Contaminated Land Management Act 1997	The Human Health Risk Assessment concluded that there is no risk to human health or contamination issues of concern in relation to the proposed Putney Park Swim Site and therefore suitable for the proposed activity.
Crown Land Management Act 2016	<p>Council was appointed Trustee Manager of the Crown Reserve 500341 (Lot 1, DP 320571) and Crown Reserve 100005 (Lot 881, DP 752035) on 6 May 2011.</p> <p>Land below mean high water mark in Sydney Harbour is Crown Land, and management is vested in TfNSW.</p> <p>TfNSW has provided approval to the application.</p>
Fisheries Management Act 1994	<p>An Assessment of Significance determined no significant impacts on threatened species were likely to occur as a result of this proposal. Vegetation mapping also found no aquatic vegetation at the study site, so an NSW DPI Part 7 Permit to Harm Marine Vegetation is not required for the activity. However, piling is classed as reclamation so a Part 7 Permit for dredging and/or reclamation is required. A permit (Permit Number PN23/384) has been obtained from NSW DPI under Part 7 of the FM Act for reclamation works. The permit is dated 11 September 2023.</p> <p>The proposed sea pool netting may provide a small and localised barrier to fish movement (i.e. fish larger than the sea pool netting will not be</p>

	able to travel into the sea pool area, however, a complete barrier to fish movement is not proposed. A permit under Section 219 of the FM Act is not required.
National Parks and Wildlife Act 1974	<p>The swim netting and support piles will be located within the aquatic environment and all proposed activity will occur within the water.</p> <p>A search of the Aboriginal Heritage Information Management System (AHIMS) database and a site inspection of the parklands with Metropolitan Local Aboriginal Land Council in 2020 confirmed that no Aboriginal sites are located along the seawall from which the swim netting will extend.</p> <p>Therefore, no impacts on Aboriginal heritage items are likely to occur as a result of the proposed works.</p>
Heritage Act 1977	No impacts on any heritage items are likely to occur as a result of the proposed works.
Protection of the Environment Operations Act 1997	<p>Any work potentially resulting in pollution must comply with the POEO Act. Relevant licences must be obtained if required.</p> <p>There is not anticipated to be large amounts of contaminated soil excavated through pile drilling for this project.</p> <p>The works do not require an Environmental Protection Licence.</p>
Water Management Act 2000	According to Section 41 of the Water Management (General) Regulation 2018, a public authority is exempt from Section 91E of the Act. Council does not need to obtain a CAA from the NRAR.
Ports and Maritime Administration Regulation 2012	The proposed work falls outside the defined port boundary for Sydney Harbour (greater than 4 nautical miles distance from Hornby Lighthouse); therefore, the proposal does not require the written approval of the Harbour Master.

5. THE LIKELY IMPACTS OF THE DEVELOPMENT

5.1 ENVIRONMENTAL IMPACTS

5.1.1 Boat navigation

Kissing Point Bay is a private mooring site for up to 69 small (less than 9 m in length) vessels.

Three moorings (CY030, CY052 and CL8097.1) near the site would require relocation to new locations within Kissing Point Bay prior to construction and in conjunction with TfNSW.

Small yellow flashing lights in accordance with TfNSW requirements would be placed on the corner steel piles, to warn vessels of the structure. The proposed works are not expected to interfere with navigation in the river. TfNSW has confirmed it had no navigation concerns for this proposal.

5.1.2 Noise

The works will take place along a public foreshore with the nearest sensitive receivers being the local residents along Pellisier Road, approximately 130 m to the west. There is expected to be noise generated by the proposed construction equipment during the construction phase, particularly the driving in of the piles. The impact is considered low due to the distance of the nearest sensitive receiver.

Additionally, the noise would be typical of an urban construction site and limited to the hours of 7:00 am – 7:00 pm Monday to Friday and 8:00 am – 4:00 pm on Saturdays.

Noise generated from the use of the swim enclosure is expected to be similar to current recreational use of the park.

5.1.3 Visual impact

The addition of the swimming enclosure is not considered to be out of character with other foreshore structures lining the bay and greater Sydney Harbour. The structures are minor in nature and will not adversely impact views and vistas.

5.1.4 Traffic and parking

A Traffic Impact Assessment has been carried out which estimates traffic and parking generation based on both dual and complementary use of the foreshore area of Putney Park and the swim site.

The Traffic Impact Assessment concludes that the environmental capacity of the local road network will not be exceeded.

The Traffic Impact Assessment also concludes that that the additional parking space demands will maintain spare capacity within the immediate on-street areas and car parks. The Traffic Impact Assessment acknowledges that during peak summer days the parking areas will be close to full capacity but that generally throughout the season spare capacity will exist.

In summary, it has been concluded that the swim site will not exacerbate the local road traffic and parking capacity.

5.1.5 Aquatic ecological impacts

An Aquatic Ecology Assessment has been prepared and identifies the potential impact of works on aquatic habitats and vegetation, aquatic fauna, and water quality and determined that the proposed works will not have a significant impact on the aquatic environment. The Aquatic Ecology Assessment recommends safeguards to mitigate them, which can be incorporated into conditions of consent.

5.2 ECONOMIC AND SOCIAL IMPACTS

The transformation of the park through the additional of the swim facility will have a long-term positive impact on the community, as it increases and diversifies the recreation options available to the public.

6. SUMMARY AND CONCLUSION

The development application proposes an in-river swim site in the Parramatta River, off the shore of Putney Park.

Specifically, the development application proposes to construct an enclosure in the river, accessed from a beach on the riverbank via existing sandstone stairs from the park.

The enclosure extends 58m from the seawall into the river on the northern side, and 60m from the seawall into the river on the southern side. The enclosure is 67m across on the western side.

The enclosure comprises a stainless steel reinforced polyethylene net supported from a stainless steel cable suspended from piles embedded into the seabed.

The proposed development meets the objectives and provisions of the relevant planning instruments and policies as demonstrated by the assessment tables in this Statement.

The proposed development is an appropriate development of the land and is recommended for the granting of consent subject to appropriate conditions.

Attachment 3: Recommended Conditions of Consent for LDA2023/0309

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents** - Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped and approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Location Plan	13 February 2024	PM22_43056 LP01 Rev B
Cover Sheet, Locality Plan and Drawing List	15 August 2023	311015-00378-MA-DWG-0001 Rev B
General Notes	15 August 2023	311015-00378-MA-DWG-0002 Rev B
General Arrangement Plan and Elevations	8 February 2024	311015-00378-MA-DWG-0005 Rev C
Typical Details	15 August 2023	311015-00378-MA-DWG-0006 Rev B
Aquatic Ecology Assessment	7 June 2023	311015-00378
Asset Maintenance Plan	28 November 2023	311015-00378
Statement of Heritage Impact	16 November 2020	
Human Health Risk Assessment	10 January 2022	SW/21/PPR001
Traffic Impact Assessment	July 2023	2022782
Waste Minimisation Plan	Undated	

Reason: To ensure that the development is in accordance with the determination.

2. **Building Code of Australia** - All building works are required to be carried out in accordance with the provisions of the National Construction Code.

Reason: Statutory requirement.

3. **Design and Construction Standards** - All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management), except otherwise as amended by conditions of this consent.

Reason: To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.

4. **Service Alterations** - All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

Reason: To ensure public services are maintained.

5. **Restoration** - Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public

utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP Part 8.5 (Public Civil Works), to the satisfaction of Council.

Reason: To ensure the amenity and state of the public domain is maintained.

6. **Traffic Management** - Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 - 2019 and Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

Reason: This condition is to ensure that appropriate measures/controls are in place to assist with the safety of all affected road and park users when construction works are being undertaken.

7. **Installation of the swim net** – The mesh used in the net must:
- i. be 200mm in size; and
 - ii. be hung horizontally.

Reason: To ensure compliance with NSW DPI "Policy and Guidelines for Fish Habitat Conservation and Management."

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

8. **Construction Environmental Management Plan** - Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to Council. The CEMP must include, but not be limited to, the following:

- (a) Details of:
- (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;

- (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (viii) community consultation and complaints handling;
- (b) Construction Noise and Vibration Management Sub-Plan;
 - (c) Construction Waste Management Sub-Plan;
 - (d) Construction Soil and Water Management Sub-Plan;
 - (e) Flood Emergency Response;
 - (f) an unexpected finds protocol for contamination and associated communications procedure;
 - (g) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site

Reason: To ensure a commitment to the protection of the environment

9. **Transport for NSW** - The proponent will need to enter into appropriate tenure arrangements for the works and subsequent occupation in respect to the in-river swimming enclosure at Lot 1, DP32057 – Offshore Putney Park in Parramatta River.

Reason: To ensure legal arrangements are met for the occupation of the river.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

10. **Construction Environment Management Plan Measures** – Construction management measures are to be installed in accordance with the approved Construction Management Plan prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

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

11. **Construction Traffic and Pedestrian Management Plan** - For all construction works including demolition, a Construction Traffic and Pedestrian Management Plan (CTPMP) shall be prepared by a suitably qualified traffic engineer/consultant. The CTPMP is to be submitted to Council’s Transport Department for review and approval, prior to the commencement of any construction work.

There is a fee for the review of the CTPMP in accordance with the Council’s Schedule of Fees & Charges, which must be paid to Council, prior to the approval of the CTPMP being granted by Council’s Transport Department.

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CPTMP is intended to minimise impact of demolition and construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

12. **Canopy Tying** - Where possible, tree branches overhanging works zones are to be tied back to the main trunk rather than pruned.

Reason: To minimise the extent of canopy pruning necessary to facilitate construction and mitigate impacts to existing trees nominated for retention.

13. **Relocation of Moorings** - Three moorings (CY030, CY052 and CL8097.1) near the site are to be relocated to new locations within Kissing Point Bay prior to construction. The relocating of the moorings must be carried out in conjunction with TfNSW with documentary evidence provided of their relocation prior to the commencement of works.

Reason: To ensure the safety of the work area and to avoid conflict with other waterway users.

14. **Heritage Site Induction** - Any persons involved with the works, including consultants, contractors, tradesperson and any other staff or labourers shall participate in a Heritage Induction to the site conducted by the landowner, prior to commencement of works and / or when workers commence work. The Heritage Induction is to address the Archaeological heritage, Aboriginal heritage and European heritage values and significances, heritage legislations that apply, and the work zone. The Heritage Induction shall be undertaken by a suitable qualified heritage practitioner engaged by the landowner. The Heritage Induction could be undertaken in conjunction with the main site induction.

Reason: To ensure the awareness and protection of items of heritage significance.

15. **Photographic Record** - A photographic record of the former boat-shed footing elements and the former sea baths fabric in their foreshore context must be prepared. A digital copy must be submitted to Council's Heritage Advisor.

Reason: To maintain a record of items of heritage significance.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

16. **Sediment and Erosion Control Measures** - Works are not to result in sedimentation and or run-off from the approved works onto public lands or into waterways. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

A floating silt curtain must be erected to enclose suspended sediments generated by the works.

- Reason:** To ensure no adverse impacts on neighbouring properties or the environment.
17. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
- Reason:** To ensure the ongoing management of waste storage areas.
18. **Soil and Water Management (Stockpiles)** - Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
- Reason:** To ensure that building materials are not washed into waterways.
19. **Implementation of the Construction Traffic and Pedestrian Management Plan** - All construction works including demolition are to be undertaken in accordance with the approved Construction Traffic and Pedestrian Management Plan (CTPMP). All controls in the CTPMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the CTPMP be impacted by surrounding major development not encompassed in the approved CTPMP, the CTPMP measures and controls are to be revised accordingly and submitted to Council.
- Reason:** This condition is to ensure that the measures/protocols stated in the approved CPTMP are carried out by the builder during construction.
20. **Hours of work** - All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
- Reason:** To ensure reasonable standards of amenity for occupants of neighbouring properties.
21. **Duty to Notify Pollution Incidents** – The appropriate regulatory authority must be notified immediately of any pollution incident where material harm to the environment is caused or threatened. This duty extends to persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.
- Reason:** To comply with the requirements of the Protection of the Environment Operations Act 1997.
22. **Spill clean-up equipment** - Sufficient supplies of appropriate absorbent materials and/or other spill clean-up equipment shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods only.
- Reason:** To ensure that any liquid spills can be contained on site and prevent the contamination of stormwater drains.
23. **Requirement to notify about new contamination evidence** - Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

24. **Unexpected heritage finds protocol** - In the event that archaeological deposits and features and Aboriginal objects and sites are unexpectedly found (discovered, revealed and disturbed) at surface or sub-surface level during the course of works (pre-construction, construction, post-construction), the procedure for managing the Unexpected Finds shall be in accordance with the NSW Heritage's and Aboriginal Heritage Information Management System's *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECC 2010)*, the *Guide to investigating , assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)*, relevant NSW legislation, and an Unexpected Finds Procedure, including:

- i. Stop all Works. All works in the vicinity of the unexpected finds shall cease (finds, equipment and plant remain in situ) and the site supervisor advised immediately who will provide direction on cordoning-off, photographic recording and securing the site straight away. The site supervisor shall then notify the project environmental manager (if relevant), the project archaeologist and the Macquarie University project manager immediately to concur on the cordoned-off area to avoid accidental impacts and address security measures.
- ii. Archaeological assessment. The project archaeologist in conjunction with the Registered Aboriginal Parties involved in the project, shall undertake assessment of the Unexpected Finds area to advise if the finds are or are not potential Aboriginal objects or historic relics, any approvals and mitigation measures required, any further assessments/ research/ excavation/ archival recordings/ salvage methodology, any notification of discovery of a relic under the Heritage Act, 1977, any re-commencement of works in the vicinity of the finds while investigations are undertaken, in accordance with any advice received from NSW Heritage.
- iii. Re-commencement of works. The project archaeologist shall advise on re-commencement of any works in the Unexpected Finds area and work zone, after the Archaeological Assessment is completed, in accordance with legislation and receipt of any approval to recommence works from Heritage NSW.

Reason: To implement protocols for unexpected heritage related finds.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans,

documentation, or other written evidence must be submitted to the Principal Certifying Authority.

25. **Occupation Certificate** – An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development.

Reason: Statutory requirement.

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

26. **Water quality** – On-going sampling of sediment and water quality is to be carried out to ensure the site is safe and suitable for swimming and primary contact recreational activities. The samples are to be assessed against the *National Water Quality Management Strategy (NHRMC)*, *Australian Drinking Water Guidelines 6, 2011*, *National Water Quality Management Strategy (NHRMC)*, *Risks in Recreational Water Guidelines* and the *National Environmental Protection (Assessment of Site Contamination) Measure (NEMP)*.

Reason: To ensure water remains safe for primary contact recreational activities.

27. **Microbiological water quality** – Sampling of microbial water quality parameters for primary contact recreational activities is to be undertaken as part of Sydney Waters RiverWatch program and results be made available online to users.

Reason: To ensure water remains safe for primary contact recreational activities.

28. **Swimming after rain events** – Signs to be erected post rain events to advise users to avoid swimming for at least 3 days as per NSW Health recommendations.

Reason: To ensure the site is safe and suitable for primary contact recreational activities.

29. **No 'offensive noise'** - Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined by the *Protection of the Environment Operations Act 1997*.

Reason: To reduce noise levels.

30. **Air Emissions (Use of Premises)** - The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health. Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act, 1997* and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

Reason: To control offensive emissions and ensure the protection of the local environment.

End of Consent