

AGREEMENT BETWEEN THE PARTIES
Section 34(3)(b) of the Land and Environment Court Act 1979

COURT DETAILS

Court	Land and Environment Court of NSW
Class	1
Case number	10526 of 2012

TITLE OF PROCEEDINGS

Applicant	ARTZ 2 DESIGN PTY LTD
Respondent	WARRINGAH COUNCIL

FILING DETAILS

Filed for	Respondent
Legal representative	Stephen Patterson Wilshire Webb Staunton Beattie Lawyers Level 9, York Street, Sydney NSW 2000 DX 777 Sydney
Legal representative's reference	SP: L76228
Contact name and telephone	Stephen Patterson, (02) 9299 3331

AGREEMENT BETWEEN PARTIES – Section 34(3)(b)

1. The parties have reached an agreement under s.34(3) of the Land and Environment Court Act 1979 as to the terms of a decision in the proceedings that would be acceptable to the parties, being a decision that the Court could have made in the proper exercise of its functions.
2. The terms of the decision are as follows:
 - (a) The applicant is granted leave to rely on amended plans being:
 - (i) Drawing numbered DA01 Issue B dated 8 March 2013;
 - (ii) Drawing numbered DA02 Issue C dated 16 April 2013;
 - (iii) Drawing numbered DA03 Issue B dated 8 March 2013;
 - (iv) Drawing numbered DA04 Issue B dated 8 March 2013;

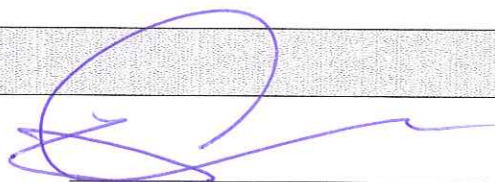
- (v) Drawing numbered DA05 Issue B dated 8 March 2013;
- (vi) Drawing numbered DA06 Issue B dated 8 March 2013;
- (vii) Drawing numbered DA07 Issue C dated 16 April 2013; and
- (viii) Drawing numbered DA08 Issue B dated 8 March 2013.

- (b) The applicant is to pay Section 97B costs to the respondent in the agreed amount of \$15,000 within 28 days of the date of this order.
- (c) The appeal is upheld.
- (d) Development consent for demolition works and construction of a light industrial/warehouse and office development at Lot 100 Meatworks Avenue Oxford Falls is granted subject to conditions set out in the document annexed hereto and marked "A".

3. Pursuant to section 34(3)(a) & (b) the parties request that the Commissioner dispose of these proceedings in accordance with the terms of the decision set out in paragraph (2) above.

SIGNATURE

Signature of legal
representative



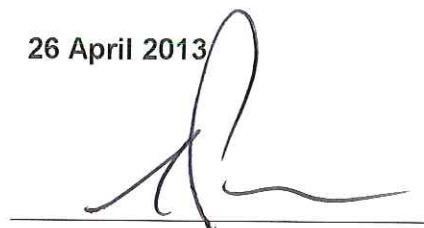
Name
Capacity

Joerg Schmidt -Liermann
Solicitor for the Applicant

Date of signature

26 April 2013

Signature of legal
representative



Name
Capacity

Stephen Patterson
Solicitor for the Respondent

Date of signature

26 April 2013

Annexure 'A'

Artz 2 Design Pty Ltd v Warringah Council

Proceedings No. 10526 of 2012

DRAFT GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

Architectural Plans		
Drawing No.	Dated Plotted	Prepared By
DA01, DA03 – DA 06 & DA08 (Issue B)	8/03/2013	Gelder Architecture
DA02 & DA07 (Issue C)	16/04/13	Gelder Architects

Engineering Plans		
Drawing No.	Dated	Prepared By
SW1 – SW5	1 Aug 2011	E2 Civil and Structural Design

Reports / Documentation		
Report No. / Page No. / Section No.	Dated	Prepared By
Parking and Traffic Report	February 2013	Parking and Traffic Consultants
BCA Capability Report	19 February 2013	Vic LiLLi & Partners
Flora and Fauna Assessment	February 2013	Clark Dowdle & Associates
Access Report	15 March 2013	Industrial Warehouse Development

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
Ausgrid	Response Ausgrid Referral	6/09/2011
Sydney Water	Sydney Water urban growth referral response	14/09/2011
Aboriginal Heritage office	Response Aboriginal Heritage Referral	20/07/2011

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies. (DACPLB02)

3. Occupancy (Mixed Use and Category 3 Development)

Nothing in this consent shall authorise the use of Units/Tenancies as detailed on the approved plans for any land use of the site beyond the definition of a <Warehouse/ industrial and ancillary office use>

A **warehouse** means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

A **Industry** means:

- (a) the manufacturing, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, dismantling, transforming, processing or adapting of any goods or articles for commercial gain, or
- (b) The storing, handling or displaying of items (whether goods or materials) which have been produced or manufactured for sale, other than retail sale to the public from the building or place,

But does not include an extractive industry, potentially hazardous industry or Potentially offensive industry.

(Development is defined by the Warringah Local Environment Plan 2000 (as amended) Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent. (DACPLB03)

4. No Approval for any Signage

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2000 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage. (DACPLB06)

5. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (i) Showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) Stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement. (DACPLB09)

6. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:
7.00 am to 5.00 pm inclusive Monday to Friday
8.00 am to 1.00 pm inclusive on Saturday,
No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:
8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB (A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.)
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

7. Section 94A Contributions

The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan		
Contribution based on total development cost of		\$7,393,200.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	70,235
S94A Planning and Administration	0.05%	3,697
Total	1.0%	\$73,932

Details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. (DACPLC01)

8. Bonds

Security Bond

(a) A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Councils Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

Construction, Excavation and Associated Works Bond (Pollution)

(b) A Bond of \$5,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

Construction, Excavation and Associated Works Bond (Failure to Remove Waste)

(c) A bond of \$10,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)

9. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'***
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (j) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (k) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (l) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

**Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm*

***Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.*

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

10. External Colours and Materials (Industrial, Commercial)

(a) External Glazing

The reflectivity index of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20% (expressed as a per centum of the reflected light falling upon any surface).

(b) External Roofing

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACPLC04)

11. Construction Management Program

A Construction Management Program shall be prepared which includes the following:

- (a) The proposed method of access to and egress from the site for demolition, excavation and construction vehicles, including access routes through the Council

area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;

- (b) The proposed method of loading and unloading, demolition, excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- (c) The location and operation of any on site crane; and

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community. (DACPLC13)

12. Vehicle Crossings Application - Formwork Inspection

An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To facilitate suitable vehicular access to private property. (DACENC12)

13. Submission of Engineering Plans for Civil Works in the Public Road Reserve

Engineering plans are to be submitted to the appropriate Roads Authority for approval under the provisions of Sections 138 and 139 of the Roads Act 1993. The submission is to include four (4) copies of Civil Engineering plans for the design of the road and associated works which are to be generally in accordance with the Development Application and relevant Roads Authority's requirements. All requirements of the Roads Authority are to be complied with.

The developer/applicant must lodge with the Roads Authority a security bond against any damage or failure to complete the construction of the road and associated works as part of this consent is required. The security bond will be determined by the Roads Authority.

The developer/applicant must lodge with the Roads Authority a Maintenance Bond for the construction of road and associated works. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The Maintenance Bond will be determined by the Roads Authority.

All applicable bonds and fees shall be deposited with the Roads Authority prior to Construction Certificate or demolition work commencing. Details demonstrating

payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Ensure engineering works are constructed in accordance with relevant standards.

14. Geo-Technical Report

A Geo-Technical Report and certificate shall be prepared by an appropriately qualified Geo-technical Engineer certifying that the existing rock formations and substrate on the site are capable of withstanding:

- (a) the proposed loads to be imposed;
- (b) the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- (c) protection of adjoining properties;
- (d) the provision of appropriate subsoil drainage during and upon completion of construction works.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process. (DACPLC14)

15. Sub-Soil Seepage

All sub-soil seepage drainage shall be discharged via a suitable silt arrester pit, directly to Council's nearest stormwater drainage line being [INSERT] and is to be carried out in accordance with relevant Australian Standards.

(Note: At the time of determination the following (but not limited to) Standards applied:

- Australian/New Zealand Standard AS/NZS 3500.3.2003 Plumbing and drainage - Stormwater drainage
- Australian/New Zealand Standard AS/NZS 3500.3.2003 / Amdt 1:2006 Plumbing and drainage - Stormwater drainage.)

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate drainage and stormwater management on site to protect amenity of residents. (DACENC10)

16. Utilities Services

Prior to the issue of the Construction Certificate, evidence is to be submitted to the Certifying Authority that

- (a) A letter from the telecommunications service provider confirming that satisfactory arrangements have been made for the provision of underground telecommunications for the approved development have been made; and
- (b) Evidence that notification has been received from an Electricity Service Provider of electricity supply requirements for the development can be provided.

Reason: To ensure that services have been provided as required by this consent.
(DACENC15)

17. Utilities and Services

Utility and service lines are not to be located within riparian zones, unless they:

- a) Do not require access tracks for maintenance or other purposes; and
- b) Do not restrict existing vegetation or rehabilitation.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Environmental Protection, Monitoring and Enhancement (DACNEC16)

18. Archaeological Survey

An archaeological survey shall be conducted of the site. This survey shall be carried out by an appropriately qualified person (Heritage Planner or Consultant, Archaeologist or the like) and shall identify the likelihood of remains and/or artefacts, whether European or Aboriginal, being present on site.

If this report identifies that such items are likely to be on site, then demolition, earthworks and excavation shall be undertaken under the direct supervision of the Consultant Archaeologist and both Council and the Accredited Certifier (if any) involved in the issue of the Construction Certificate shall be informed.

In the event that remnants or artefacts are found during the progression of works on the site, all works are to cease until the full requirements of this condition have been addressed.

Remnants and artefacts discovered during demolition, earthworks or excavation shall be photographed, catalogued by location and description and stored and preserved in an appropriate place.

Disposal of the remnants and artefacts shall only occur in consultation with, and subject to the agreement of, Council.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the proper management of historical artefacts and ensure their heritage preservation. (DACHEC02)

19. Landscaping

All plants used in the landscaping for this development must be locally occurring native species as per the species consistent with those listed for Sandstone Heath

No Grevillea or Banksia hybrids are to be used in the landscaping for this development. No invasive grasses (*Pennisetum setaceum*) as listed on the submitted Landscape Plan (Drawing LO1) are to be used in the landscaping for this development.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of remnant bushland. (DACNED03)

20. Structures Located Adjacent to Council Pipeline or Council Easement

All structures are to be located clear of any Warringah Council pipeline or easement. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Policy Building Over or Adjacent to Constructed Council Drainage Systems and Easements. Structural details prepared by a suitably qualified Civil Engineer demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: Protection of Council's Infrastructure. (DACENC09)

21. Soil & Water Management Program

A Soil and Water Management Plan prepared in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and implemented on site until the works are completed.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACHPC02)

22. Stormwater Management

Stormwater shall be disposed of in accordance with Council's "Stormwater Drainage: From Low Level Properties Policy PDS-POL 136". The stormwater management system is to ensure that there is no increase in stormwater pollutant loads arising from the approved development.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development, ensuring that the proposed works do not negatively impact upon the existing natural watercourse present on the subject site in accordance with the requirements of the Warringah Local Environment Plan 2000 and the Warringah Creek Management Study 2004 (DACNEC17)

23. On-site Stormwater Detention

An On-site Stormwater Detention system must be designed and constructed in accordance with Council's current On-site Stormwater Detention Technical Specification, and generally in accordance with the concept drainage plans prepared by E2 Civil and Structural Design, drawing number 11.226 SW1 to SW3, dated 1 August 2011.

Engineering details demonstrating compliance with this requirement must be certified by a hydraulic engineer and submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. Hydraulic engineer is to be an Accredited Certifier and is to have C1 to C7, and C16 accreditations.

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development.

24. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004)*. The ESCP must include the following as a minimum:-

- Site Boundaries and contours;
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities);
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls;
- North point and scale.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To mitigate environmental impact resulting from site disturbance (DACNEC22)

25. Biodiversity Management Plan

A Biodiversity Management Plan (Total Earth Care 2011) is to be prepared to manage weed infestation and rehabilitate cleared areas for the entire site. An updated Biodiversity Management Plan shall be prepared by the Project Ecologist and include any other lots which are under the same ownership as the subject site which adjoin the subject site and are currently subject to a high degree of disturbance and weed infestation resultant from historic and existing uses.

Details demonstrating compliance are to be submitted to Council and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To promote the long-term sustainability of ecosystem functions (DACNEC03)

26. Bushland Covenant

Bushland is to be protected, conserved, rehabilitated and managed through the use of a Section 88B (Conveyancing Act 1919) Instrument in which Warringah Council shall be named as the sole authority to release or modify the restriction.

The instrument is to be written and registered on the title so that the owners are bound to manage and protect the area in accordance with the updated Biodiversity Management Plan prepared for the approved development. This instrument is to be approved by Councils Bushland & Biodiversity section prior to lodgement with the NSW Department of Lands.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Management and protection of bushland. (DACNEC05)

27. Bushland Protective Fencing

Prior to the commencement of any onsite building works the boundary between the natural bushland zone and construction areas as shown on the Landscape Plan Number L01 is to be surveyed and marked clearly on the ground.

A temporary 2.0 metre steel mesh fence is to be erected on the surveyed boundary between the natural bushland zone and the construction area for the duration of construction work.

Details demonstrating compliance is to be submitted to the Principal Certifying Authority.

Reason: To ensure that the vegetation in the restricted development area is protected during and after construction. (DACNED01)

28. Soil and Water Management Plan

A Soil and Water Management Plan (SWMP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The SWMP must meet the requirements outlined in the Landcom publication *Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004)*. The SWMP must include the following as a minimum:-

- Site boundaries and contours;
- Vehicle access points, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Location of all drains, pits, downpipes and waterways on and nearby the site;
- Planned stages of excavation, site disturbance and building;
- Stormwater management and discharge points;
- Integration with onsite detention/infiltration;
- Sediment control basin locations and volume (if proposed);

- Proposed erosion and sediment controls and their locations;
- Location of washdown and stockpile areas including covering materials and methods;
- A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- Inspection and maintenance program;
- North point and scale.

All Site drainage and sediment and erosion control works and measures as described in the SWMP, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To promote the long-term sustainability of ecosystem functions (DACNEC11)

29. Trees and / or Landscaping

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

(a) Construction Certificate Plans

Where applicable the Construction Certificate plans must include reference to:

- (i) Trees to be removed coloured or shaded in the colour red
- (ii) Trees to be retained coloured or shaded in the colour green
- (iii) Trees to be pruned coloured or shaded in the colour blue
- (iv) Trees to be transplanted coloured or shaded in the colour yellow

30. Tree Management Plan

A Tree Management Plan prepared by an experienced Tree Surgeon/Arborist with a minimum qualification of a Certificate in Arboriculture or other equivalent qualification is required to be prepared and implemented throughout the entire construction stage.

The Tree Management Plan must specify the impact of the proposed development on all existing trees protected by Council's Tree Preservation Order. The Plan must give an appraisal of the present condition of the trees to be retained, removed, pruned or transplanted within and adjacent to the development site, and the likely impact of the development on those trees.

The Report must detail:

1. Trees on and adjacent to the site to be retained or pruned.
2. Trees to be removed or transplanted.
3. Location of protection fences.
4. Location of building footprints, underground services and structures in relation to trees.
5. Alterations to ground levels.
6. Site access.
7. Site establishment.
8. Temporary services (water, electricity, and telephone).
9. Stockpiling areas.

10. The present condition of the trees within the project site likely to be affected by the proposed development and the likely impact of the development on the long-term condition of those trees.
11. Methods to be undertaken to ensure the preservation and longevity of the trees to be retained.
12. Methods of proposed root pruning.
13. Estimated quantities (%) of loss of canopy.
14. Estimated quantities (%) of loss of roots.

Details of demonstrating compliance shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

31. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

32. Project Ecologist

Prior to any works being undertaken on site, a Project Ecologist is to be engaged for the duration of the onsite works and issue compliance certification as per the requirements of this consent.

The Project Ecologist is to be engaged as required by this consent and associated documentation to ensure all conditions relating to the Biodiversity Management Plan of the property are fully implemented and complied with at all times.

The Project Ecologist shall meet the following minimum requirements:-

- A vegetation management specialist with at least 4 years experience in the management of native bushland in the Sydney region; and
- TAFE Certificate III in Bush Regeneration or Conservation and Land Management – Natural Area Restoration
- A member of the Ecological Consultants Association of NSW Inc.

or as otherwise agreed by the Council;

A legally signed contract demonstrating compliance is to be submitted to the Certifying Authority prior to commencement.

Reason: To ensure bushland management (DACNED04)

33. Physical Barrier to be placed at Landward Edge of Riparian Zones

Prior to commencement a permanent physical barrier is to be placed at their landward extent in all locations where mowing or slashing, or any other damaging activity, is likely. The physical barrier shall be constructed of non-combustible materials, shall be a minimum of 50% transparent and shall not exceed 1.2 metres in height.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to commencement.

Reason: To promote the long-term sustainability of ecosystem functions (DACNED05)

34. Installation and Maintenance of Sediment and Erosion Control

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site (DACNED06)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

35. Works Environmental Protection Plan

A Works Environment Protection Plan (WEPP) is to be prepared and must be kept in the site office. All staff must be inducted by the Project Ecologist with an induction record being maintained and available onsite at all times.

Personnel conducting the site induction will be able to:-

- (a) Be familiar with the names and contact details of relevant people and authorities in the event of any environmental or site management emergency that may arise.
- (b) Be familiar with the presence of environmentally significant areas within and surrounding the site.

- (c) Be familiar with the location of trees with hollows and the importance of tree hollows to a variety of wildlife species and the protection and significance of tree hollows.
- (d) Be familiar and aware of the presence of weed locations, spoil mounds and the potential of weed infections and weed seed propagules accidentally being introduced to the site.
- (e) Identify threatened species of fauna that may venture into the subject site.
- (f) Identify threatened species of fauna that may be cryptic such as the Red-crowned Toadlet, Heath Monitor, etc.
- (g) Be familiar with animal welfare issues and procedures should human-wildlife interactions take place during the construction phase.
- (h) Have an understanding of flora and fauna management issues.

A certificate demonstrating compliance must be prepared by the Project Ecologist and submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Protection of Bushland (DACNEE03)

36. Property Boundary Levels

The property boundary levels shall match the existing levels except where modified for the vehicular crossing. The applicant shall design and construct having regard for the existing levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To maintain the existing profile of the nature strip/road reserve. (DACENE01)

37. Vehicle Crossings

The provision of one vehicle crossing 7 metres wide in accordance with Warringah Council Drawing No A4-3330/1 Normal and specifications. An Authorised Vehicle Crossing Contractor shall construct the vehicle crossing and associated works within the road reserve in plain concrete. All redundant laybacks and crossings are to be restored to footpath/grass. Prior to the pouring of concrete, the vehicle crossing is to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To facilitate suitable vehicular access to private property (DACENE05)

38. Civil Works Supervision

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

39. Layback Construction

A layback 7 metres wide (excluding the wings) is to be constructed in accordance with Warringah Council Drawing No A4-2276 and specifications.

Reason: To ensure suitable vehicular access to private property. (DACENE08)

40. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety. (DACENE09)

41. Notification of Inspections

Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level / basecourse level
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification.

Reason: To ensure new Council infrastructure is constructed to Council's requirements. (DACENE10)

42. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal

Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety. (DACENE11)

43. Surveyor's Report

A Registered Surveyor's identification report indicating the finished ground floor levels to a nominated fixed datum point are in accordance with the levels indicated on the approved plans. A Surveyor's Report is to be provided for confirmation prior to pouring of the slab or construction of the floor platform.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure the height of buildings under construction comply with levels shown on approved plans. (DACENE04)

44. Requirement to Notify about New Contamination Evidence

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment. (DACHPE01)

45. Imported Fill

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the Department of Environment & Climate Change's guidelines the validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the fill being imported to the site.

Reason: To ensure that imported fill is of an acceptable standard. (DACHPE02)

46. Removal of Underground Storage Tank

Underground tanks shall be removed in accordance with:

- Australian Institute of Petroleum (AIP) *Code of Practice for the Removal and Disposal of Underground Petroleum Storage Tanks* (ref. AIP CP22)
- WorkCover NSW requirements (this requires writing in advance to the Chief Inspector of Dangerous Goods, WorkCover NSW, locked Bag 10, Clarence St Sydney 2000 and complying with any conditions imposed).

NOTE: In the event of conflict between the AIP Code of Practice and WorkCover NSW requirements, the latter shall prevail.

Reason: To ensure the safe removal of underground storage tanks.

47. Requirement to notify about new contamination evidence

Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

48. Surrender of Consent

The applicant shall surrender to Council all development consents relating to this site except those specified in the table below in accordance with the requirements of the Environmental Planning and Assessment Act 1979 prior to the issue of the Occupation Certificate.

Consent Number	Description of works	Date of Determination
270DA	Use of former dwelling house for staff amenities.	22 September 1998 (Approval)
97/137	Rebuilding of the existing dwelling house	8 May 1197

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To prevent inconsistencies between consent applying the site (ref s80A (5) EPAA & cl97 EPA Reg). (DACPLC10)

49. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management. (DACPLF01)

50. Garbage and Recycling Facilities

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To prevent pollution of the environment and to protect the amenity of the area. (DACPLF03)

51. Authorisation of Legal Documentation Required for On-site Stormwater Detention

The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To create encumbrances on the land. (DACENF01)

52. Registration of Encumbrances for On-site Stormwater Detention

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF02)

53. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure modification to the on-site stormwater detention structure is carried without Council's approval. (DACENF04)

54. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

(Note: The following Standards and Codes applied at the time of determination:

- a) Australian/New Zealand Standard AS/NZS 3500.3:2003 - Plumbing and drainage - Stormwater drainage
- b) Australian/New Zealand Standard AS/NZS 3500.3:2003/Amdt 1:2006 - Plumbing and drainage - Stormwater drainage
- c) National Plumbing and Drainage Code.)

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

55. Certification Civil Works – Road construction and associated works

The Civil Engineer responsible for the supervision of the road construction and associated drainage works shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate. Works as Executed data certified by a registered surveyor prepared in accordance with the Roads Authority's requirements is to be provided to the Roads Authority. Full details of the information to be submitted to Roads Authority, as part of the Works as Executed Data, are outlined in Roads Authority's guidelines. The Works as Executed data is to be verified by the Principal Certifying Authority prior to submission of any documentation.

The Works as Executed Data is to include but not be limited to the following:

- Works As Executed (WAE) plan,
- a Spreadsheet Schedule of all stormwater asset attributes and
- a CCTV Report of the completed pipeline

Reason: To ensure compliance of drainage works with Roads Authority's specification for engineering works. (DACENF06)

56. Positive Covenant for On-site Stormwater Detention

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

57. Creation of Positive Covenant and Restriction as a User

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To identify encumbrances on land. (DACENF14)

58. Right of Access

A right of access (under the provisions of Section 88B of the Conveyancing Act) is to be created on the title to include all structures, batters, vehicular access and manoeuvring areas.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: Statutory requirements of the Conveyancing Act 1919.

59. Construction of Public Road within unformed road reserve of Meatworks Avenue

The applicant's surveyor is to provide suitable documentation to Warringah Council and a survey plan, including all road dedications, to describe the transfer and subsequent gazettal of the Crown Road Reserve to Warringah Council. The approved road works plans are to be referred to in the wording. All legal costs are to be borne by the applicant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To ensure the applicant addresses the requirements for the construction of the roadway within the Crown Road Reserve

60. An Evacuation Plan

An Evacuation and Emergency Response Plan is prepared which achieves compliance with current NSW Rural Fire Services standards.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: To ensure compliance with the RFS requirements.

61. Sydney Water Approval

Prior to occupation certificate (Interim or Final), submit to the Principal Certifying Authority written evidence from Sydney Water regarding evidence of a trade waste agreement.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of a Interim / Final Occupation Certificate.

Reason: Statutory requirement of Sydney Water (DACHPF05)

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

62. Noise Impact on Surrounding Area

The use of the premises shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level at any point along the site boundaries when measured in accordance with the Environment Protection Authority's Industrial Noise Policy.

Reason: To ensure compliance with acceptable levels of noise established under best practice guidelines.

63. Amenity

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

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997.

64. General Watercourse and Riparian Areas Matters

Unless in accordance with the approved works the Consent holder must ensure that:

- a) No materials or cleared vegetation that may obstruct flow or cause damage to river banks are left within the riparian zone.
- b) All drainage works must not obstruct flow of water within the watercourse. Drain discharge points are stabilised to prevent erosion. Any excavation must not result in diversion of any watercourse, bank instability or damage to native vegetation.
- c) The surfaces of river banks are graded to enable the unimpeded flow of water and bank retaining structures result in a stable river bank.
- d) Any vegetation or other material removed from the area of operations shall be disposed of lawfully. Burning of the material is not permitted.
- e) The riparian zones are to function as ecological systems and as such, all works, access routes, roads, recreational areas, asset protection zones, service

easements and any other non-ecologically functioning work or activity are to be located beyond the riparian zones other than provided by the consent.

Reason: Environmental Protection, Monitoring and Enhancement (DACNEG06)

65. Exotic Plant Species/Weeds

All exotic plant species, noxious and environmental weeds are to be managed continuously and are not to be imported to the site. Further information is available on Warringah Council's website.

Only certified weed free and contaminant free mulch is to be used on the site, as they may contain weed seeds and viable vegetative matter and other contaminants, which may impact adversely on the vegetation, soil, water quality or ecology of the site.

Reason: To ensure bushland and riparian management (DACNEE02)

66. Allocation of Spaces

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

Required parking	81 spaces	Industrial/Warehouse use
------------------	-----------	--------------------------

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

67. Ancillary Use

The use of the office area of each industrial/warehouse units shall be ancillary to the use of the premises, as Warehouse/industrial at all times.

Reason: To ensure that the primary use of the premises is the approved use under this consent, and that the use of the office is ancillary to the approved use. (DACPLG06)

68. Hours of Operation

The hours of operation are to be restricted to 7am – 6pm Monday – Friday and 8am – 2pm on Saturday (inclusive).

Upon expiration of the permitted hours, all service shall immediately cease, all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained. (DACPLG08)

69. Signs/Goods in the Public Way

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason: To ensure pedestrian safety and to protect the streetscape. (DACPLG15)

70. Commercial Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties. (DACPLG18)

71. Commercial Waste and Recycling Storage

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins as shown on the approved plans.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed. (DACPLG19)

72. Loading Within Site

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

73. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

74. Commercial Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 9pm and 8am on any day.

Reason: To ensure the acoustic amenity of surrounding properties. (DACPLG24)

75. Maintenance period for civil works under the provisions of the Roads Act 1993 and Environmental Planning and Assessment Act 1979

A Maintenance Period of six (6) months shall apply to the road construction and associated works located in, on or over a public road as approved under the provisions

of Section 139 of the Roads Act 1993 and Section 80A of the Environmental Planning and Assessment Act 1979, after it has been completed and approved in writing by the appropriate Roads Authority. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Roads Authority's specifications, or as would be reasonably be expected under the design conditions.

Reason: To ensure works are appropriately constructed and repaired where defective. (DACENG01)

Special Conditions for Bushfire Protection

The following bushfire protection measures are required for the proposed development:

76. Asset Protection Zones established in the areas marked as APZ on the DA Site Plan drawing no. DA 01 (issue B) and maintained in accord with Appendix 5 of Planning for Bushfire Protection 2006 and RFS document 'Standards for Asset Protection Zones 2006' (or any document that updates this standard). A landscaping plan compliant with these APZ design requirements is to be provided for approval prior to construction.
77. All internal roads are to be located as marked on the DA Site Plan (drawing No. DA01 -B) and constructed and maintained in accord with Section 4.1.3(1) of Planning for Bushfire Protection 2006. All roads are to be 'no parking' with parking provided in designated parking bays so as to enable 6.5 m wide two-way internal access roads.
78. Buildings are to be constructed to the Bushfire Attack Levels (BAL) under AS3959 Construction of Buildings in Bushfire-prone Areas 2009 (amendment 2, Feb 2011) and Addendum: Appendix 3 of Planning for Bushfire Protection 2006 (2010 amendment) marked on the latest architectural plans and include:
 - External P.A. Doors shall be one hour fire rated [including frames] and fitted with seals to prevent ember entry into the building;
 - Roller Shutter Doors shall be certified one hour fire rated and fitted with seals to prevent the entry of embers into the building; external windows to amenities [if required] shall have an FRL of -/60/- and be permanently fixed;
 - External louvres and vents shall be metal, have fire dampers and be fitted with stainless steel mesh having an aperture of 2mm x 2mm
 - That part of the new buildings which is located beyond the flame zone shall be constructed to comply with BAL 40 specifications as defined by AS 3959 – 2009 (amendment 2, Feb 2011) and Addendum: Appendix 3 of Planning for Bushfire Protection 2006 (2010 amendment) .
 - The existing Building A is to be upgraded to comply with BAL FZ (Flame Zone) construction standard under AS 3959 – 2009 (amendment 2, Feb 2011) and Addendum: Appendix 3 of Planning for Bushfire Protection 2006 (2010 amendment).

The office component of proposed buildings must be located on the southern side of buildings.

- With the exception of the offices on the southern elevation which are to be constructed to BAL 40, Building B & C will be constructed to satisfy the BAL FZ (Flame Zone) construction standard under AS 3959 – 2009 (amendment 2, Feb 2011) and Addendum: Appendix 3 of Planning for Bushfire Protection 2006 (2010 amendment).
- Water, electricity and gas are to be provided compliant with Section 4.1.3 of Planning for Bushfire Protection 2006.

Reason: To ensure the development compliance with the Planning for Bushfire Protection 2006