



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA2007/1154

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Warringah Council

Applicant Address: 725 Pittwater Road Dee Why NSW 2099

Land to be developed (Address): Lot 75 in DP 456141, Lot 74 in DP 12724, and Lot B in DP 396843, Stirgess Avenue, Curl Curl – Weldon Oval

Proposed Development: Regrading and re-turfing of a sportsfield, installation of an irrigation system and a water tank, and upgrading of and lighting

DETERMINATION

Made on (Date): 31 July 2008

Consent to operate from (Date): 7 August 2008

Consent to lapse on (Date): 7 August 2011

Details of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

NOTE:

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advise that the consent will lapse 3 years from the date upon which the consent operates.

Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.

DA No.2007/1154

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

| Drawing Number | Dated | Prepared By |
|----------------------|-----------|-------------------------------|
| W-C001, Issue G | 5/2/2007 | Sinclair Knight Mertz Pty Ltd |
| W-C002, Issue F | 5/2/2007 | Sinclair Knight Mertz Pty Ltd |
| W-C003, Issue F | 5/2/2007 | Sinclair Knight Mertz Pty Ltd |
| W-C004, Issue E | 5/2/2007 | Sinclair Knight Mertz Pty Ltd |
| W-C005, Issue D | 5/2/2007 | Sinclair Knight Mertz Pty Ltd |
| W-C006, Issue B | 5/2/2007 | Sinclair Knight Mertz Pty Ltd |
| W-C007, Issue C | 5/2/2007 | Sinclair Knight Mertz Pty Ltd |
| WHC1157-001, Issue D | 22/3/2007 | Hydro-Plan |

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

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

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

2. Upgrade of lighting not approved

This consent does not approve upgrading of the oval lighting.

Reason: To confirm the scope and extent of the approval.

2A. Groundwater Samples

Groundwater samples are to be collected from the on site bores before the commencement of works, monthly during the works and a further two (2) rounds of testing are to be undertaken after the completion of the remediation works. These samples must be taken as 3 replicates from each bore each time, analysed by a NATA registered laboratory, and reported to the Team Leader, Catchment Management.

At the same time as groundwater samples are taken, surface water quality samples are to be collected from two sites near the edge of Greendale Creek adjacent to the works site (not in front of stormwater outlets) and in locations similar to those as identified in the "Ground Water Assessment Report" prepared by Sinclair Knight Merz dated 2 October 2007. These samples must be taken as 3 replicates (i.e. 6 samples for the 2 sites each sampling period), analysed by a NATA registered laboratory, and reported to the Team Leader of Council's Catchment Management section.

During the works, frequent inspections are to be undertaken for the appearance of new leachate springs on the edge of the lagoon. These inspections must be recorded and logged with the Team Leader, Catchment Management.

No works are to be undertaken within a (10) metre buffer area from the edge of the lagoon, to ensure native vegetation in the riparian zone is maintained.

Reason: *To ensure that the works are carried out in a manner that protects the environment.*

3. Environmental controls of works

Groundwater samples are to be collected from the on site bores before the commencement of works, monthly during the works and a further two (2) rounds of testing are to be undertaken after the completion of the remediation works. These samples must be taken as 3 replicates from each bore each time, analysed by a NATA registered laboratory, and reported to the Team Leader, Catchment Management.

At the same time as groundwater samples are taken, surface water quality samples are to be collected from two sites near the edge of the lagoon adjacent to the works site (not in front of stormwater outlets) and in locations similar to those as identified in the "Ground Water Assessment Report" prepared by Sinclair Knight Merz dated 2 October 2007. These samples must be taken as 3 replicates (i.e. 6 samples for the 2 sites each sampling period), analysed by a NATA registered laboratory, and reported to the Team Leader, Catchment Management.

During the works, frequent inspections are to be undertaken for the appearance of new leachate springs on the edge of the lagoon. These inspections should be recorded and logged with the Team Leader, Catchment Management.

No works are to be undertaken within a (10) metre buffer area from the edge of the lagoon, to ensure native vegetation in the riparian zone is maintained.

Reason: *To ensure that the works are carried out in a manner that protects the environment.*

4. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: *Prescribed - Statutory.*

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

5. Long Service Levy

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. 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.

Reason: *Prescribed - Statutory.*

6. Acceptable form of Security Bonds

Council will accept a bank guarantee in lieu of cash for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to Council and shall not have an expiry date. The bank guarantee shall be in place prior to the issuing of any Construction Certificate and shall remain in place until the submission of the Final Occupation certificate or termination of any maintenance period.

Reason: *Information, Protection of infrastructure and the environment.*

7. Sediment Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council / Accredited Certifier accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Soils and Construction Manual Volume 1 - Managing Urban Stormwater, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Council / Accredited Certifier prior to issuing of the Construction Certificate.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites.*

8. Stormwater Disposal

Plans certified by an appropriately qualified and practicing Civil Engineer, indicating all details relevant to the collection and disposal of stormwater from the site shall be submitted for approval to Council / Accredited Certifier prior to the issue of the Construction Certificate.

Stormwater shall be conveyed from the site to the existing Council drainage line that traverses the site. All new stormwater pits are to be constructed in accordance with Council's standards and specifications.

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

9. Bond for Engineering Construction Works - Stormwater

A Bond of \$5,000 shall be deposited with Council prior to the issue of the Construction Certificate against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

***Reason:** To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure.*

10. Bond for Silt and Sediment Control

The payment of \$10,000 shall be deposited with Council prior to the issue of the Construction Certificate 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.

***Reason:** To ensure appropriate security against environmental damage.*

11. Development/Construction Security Bond

A bond (determined from cost of works) of \$2,000 must be deposited with Council and an inspection fee paid of \$200 prior to the issue of any Construction Certificate. This bond is 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.

***Reason:** To ensure adequate protection to Council infrastructure.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

12. 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.*

13. Silt & Sediment Control

Provision shall be made throughout the period of demolition / Excavation & Construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

***Reason:** To avoid siltation to adjoining properties and waterways.*

14. Civil Works Supervision

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

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

15. Installation and Maintenance of Sediment Control

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Soils and Construction Manual Volume 1 - Managing Urban Stormwater. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

***Reason:** To protect the environment from the effects of sedimentation and erosion from development sites.*

16. 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.*

17. Excavation/Building Works

No excavation or building works shall be carried out until a Construction Certificate has been issued.

***Reason:** To ensure compliance with statutory provisions.*

18. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with Section 81A of the Environmental Planning and Assessment Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

***Reason:** Legislative requirement for the naming of the PCA.*

19. Site Sign

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited;
 - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and

- (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

Reason: *Statutory requirement.*

20. Protection of Trees During Works

All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site. Details of required protection methods shall be provided to the Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

Reason: *To ensure compliance with the requirement to retain significant planting on the site.*

21. Toilets

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer; or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:

accredited sewage management facility means a sewage management facility to which Division 4 Sub-division 5 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in of the Regulation.



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approved by the Council means the subject of an approval in force under the Local Government (General) Regulation 2005.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

Reason: *To ensure adequate facilities are provided for workers on the site.*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

21. Installation and Maintenance of Sediment 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 the site is sufficiently stabilised with vegetation.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites.*

22. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements.

Reason: *To ensure the health and safety of the community and workers on the site.*

23. Removal of Lead

All work involving lead removal must not cause lead contamination of air or ground and must be carried out in accordance with the relevant Australian Standards. Particular attention must be given to the control of dust levels on the site.

Note: The following standard applied at the time of determination:

- Australian Standard AS4361.2 - Guide to lead paint management - Residential and commercial buildings

Reason: *To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.*

24. 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.*

25. Site Audit Statement / Validation Report

A Site Audit Statement must be submitted to Council on completion of all remediation works and validation. The Site Audit Statement must be prepared by a Site Auditor registered with the NSW Department of Environment and Climate Change (DECC) and must be in accordance with the DECC's Site Audit Scheme and the protocol outlined in the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (1997), and the NSW Environment Protection Authority's Guidelines for the Site Auditor Scheme (1998). The Site Audit Statement must state that the remediation and validation has been completed in accordance with the following reports and is suitable for its proposed use. The referenced reports are as follows:

- "Ground Water Assessment Report" prepared by Sinclair Knight Merz dated 2 October 2007;
- "Construction Management Programme" prepared by Sinclair Knight Merz undated;
- "Updated Geotechnical Investigation Report" prepared by Sinclair Knight Merz dated 23 May 2007;
- "Site Management Plan" prepared by Sinclair Knight Merz dated 12 October 2007;
- "Statement of Environmental Effects" prepared by Sinclair Knight Merz dated 23 October 2007.

Reason: *To ensure compliance with Contaminated Land Guidelines and protection of the environment.*

26. Sediment and Erosion Control Signage

A durable sign, which is available from Council, shall be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites.*

27. Storage or Potentially Contaminated Soils

All stockpiles of potentially contaminate soil must be stored in a secure area on the site in accordance with all relevant Acts, Regulations and Guidelines.

Reason: *For protection of environment and human health.*

28. Site Remediation Works / Remedial Action Plan

All remediation and validation works are to be carried out in accordance with the following reports;

- "Ground Water Assessment Report" prepared by Sinclair Knight Merz dated 2 October 2007;
- "Construction Management Programme" prepared by Sinclair Knight Merz undated;
- "Updated Geotechnical Investigation Report" prepared by Sinclair Knight Merz dated 23 May 2007;
- "Site Management Plan" prepared by Sinclair Knight Merz dated 12 October 2007;
- "Statement of Environmental Effects" prepared by Sinclair Knight Merz dated 23 October 2007.

Reason: *To ensure compliance with Contaminated Land Guidelines, protection of the environment and human health.*

29. Dust emission and air quality

Materials must not be burnt on site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the Landcom's Managing Urban Stormwater: Soils and Construction (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.

Reason: *To ensure residential amenity is maintained in the immediate vicinity.*

30. Imported Fill

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use. Fill is to be limited to that required to carry out the works in accordance with this consent and fill imported onto the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material at any time. All fill imported onto the site shall be validated by either one or both of the following methods:

- Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- Sampling and analysis of the fill material should be conducted in accordance with the Environment Protection Authority's Contaminated Sites: Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

Reason: *To ensure that imported fill is of an acceptable standard.*

31. Off-site Disposal of Contaminated Soil

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

Note: The following Acts and Guidelines applied at the time of determination:

- Protection of the Environment Operations Act 1997; and
- Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason: *For protection of environment and human health and to ensure compliance with the legislation.*

32. Removal of Friable Asbestos

Anyone who removes, repairs or disturbs friable asbestos material must hold a current friable asbestos removal licence.

Prior to the commencement of work a site-specific permit approving each friable asbestos project must be obtained from WorkCover.

Reason: To comply with WorkCover requirements.

33. Removing, Handling and Disposing of Asbestos

Any works involving asbestos based products in relation to removal, handling and disposing of material must be undertaken in accordance with the following requirements:

- Occupational Health and Safety Act 2000
- Occupational Health and Safety Regulation 2001
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

34. Removal of hazardous material

Hazardous or intractable wastes arising from the site works shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with provisions of:

- Occupational Health and Safety Act 2000;
- Occupational Health and Safety Regulation 2001;
- Protection of the Environment Operations Act 1997 (NSW); and
- Environment Protection Authority's Environmental Guidelines: Assessment, Classification and
- Management of Liquid and Non-Liquid Wastes (1999).

Reason: To ensure that the land is suitable for the proposed development and that contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

35. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Certifying Authority.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance.

36. Protection of Public Places

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place,
a hoarding and site fencing must be erected between the work site and the public place.
- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- (5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained.

Reason: *To ensure public safety and the proper management of public land.*

37. Protection of Trees

All trees which are not listed as exempt or noxious in Warringah that are not indicated for removal on Drawing No.W-C001 (Amendment G) prepared by SKM dated 5.2.2007 are to be protected.

Reason: *Protection of existing environmental infrastructure and community assets.*

38. Tree Pruning

Any tree pruning necessary for construction shall be carried out under the supervision of an appropriately qualified Arborist and be in accordance with the relevant Australian Standards.

Note: The following Australian Standard applied at the time of determination: Australian Standard AS 4373.2007 - Pruning of Amenity Trees.

Reason: *To ensure protection and longevity of existing trees.*

39. Construction Hours

Site works shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday, with no work on Saturdays, Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 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



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ground stratum or are breaking up/removing materials from the site).

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk.

Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

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

40. Construction Management Programme

All works are to be carried out in accordance with the "Construction Management Programme - Adams St Oval Sportsfield Remediation Works", undated, submitted with the development application.

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

41. Site Management Plan

All works are to be carried out in accordance with the "Site Management Plan - Adams Street Field" prepared by Sinclair Knight Merz, dated 12 October 2007, submitted with the development application.

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

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

42. Asbestos Clearance Certificate

Prior to issue of an Interim/Final Occupation Certificate for site works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person must be submitted to the Principal Certifying Authority (and a copy forwarded to Council) for the building work certifying the building has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

(Note: Further details of licensed asbestos waste disposal facilities can be obtained from the Department of Environment and Climate Change website at <<http://www.environment.nsw.gov.au/index.htm>>



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Reason: *For protection of environment and human health and to ensure compliance with the legislation.*

43. CCTV of Stormwater Drainage Works

The CCTV should be used to locate the manholes prior to construction, to ensure the integrity of these access points are not compromised during regrading of the oval.

Reason: *To ensure integrity of existing drainage infrastructure.*

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

44. Noise Generation

Noise from the combined operation of all mechanical plant and equipment shall not generate noise levels that exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary when measured in accordance with the Environment Protection Authority's NSW Industrial Noise Policy.

Reason: *Health & amenity.*

Right to Review by the Council

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 12 months after the date of determination shown on this notice.

NOTE: *A fee will apply for any request to review the determination.*

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Signed on behalf of the consent authority

Signature _____
Name Steven Findlay
 Team Leader - Development Assessments

Date 31 July 2008