

## NOTICE OF DETERMINATION

**Application Number:** DA2008/0289

### APPLICATION DETAILS

**Applicant Name and Address:** G Thomson  
Unit 1, No.9 Narabang Way, Belrose

**Land to be developed (Address):** Lot 100 Meatworks Avenue, and  
Lot 1046 and Lot 1047, DP 752038, No. 9999 Wakehurst  
Parkway Oxford Falls

**Proposed Development:** Construction of stormwater and erosion control  
infrastructure in association with an existing approved use  
of the site as a yard for the recycling of building and  
landscape materials.

### DETERMINATION - APPROVED

**Made on (Date):** 11 May 2009

**Consent to operate from (Date):** 11 May 2009

**Consent to lapse on (Date):** 11 May 2012

### 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.*

## 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 No.	Title	Rev.	Dated	Prepared By
G353-C0002	Site Plan	F	5 June 2007	GW Engineers
G353-C0003	Details	D	19 March 2007	GW Engineers
G353-C0004	Vehicle Circulation Diagram	A	12 June 2007	GW Engineers
SD6 – 6	Straw Bale Filter	N/A	2 February 2007	GW Engineers
SD6 – 7	Sediment fence	N/A	2 February 2007	GW Engineers

No building 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. 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.

#### 3. Approved Stormwater Plan

The stormwater drainage works are to be generally in accordance with the drainage plan submitted by GW Engineers, drawing number G353-C002 Rev F, C0003 Rev D and C004 Rev A dated 05.06.07, 19.03.07 and 12.06.07 respectively.

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

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

### 4. 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.*

### 5. 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.*

### 6. 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*

## **7. Bond for Silt and Sediment Control**

The payment of \$20,000 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, adjoining crown land and/or drainage systems.

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

## **8. Development/Construction Security Bond**

A bond (determined from cost of works) of \$1,000 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.*

## **9. Environmental Management Plan**

An Environmental Management Plan, is to be prepared and submitted to Council for approval prior to the release of the Construction Certificate. Such plan is to include the following:

1. List of current activities/businesses that occur on the site.
2. List of existing licences and relevant approvals for the site.
3. **Assessment of Stormwater Quality.** An assessment of stormwater quality to ensure that the stormwater discharged from the site meets the best management practice improvements in stormwater quality for new urban development as defined in the Northern Beaches Stormwater Management Plan (1999). These improvements are:
  - Suspended solids – 80% retention of the average annual load
  - Total phosphorus – 45% retention of the average annual load
  - Total nitrogen – 45% retention of the average annual load
  - Coarse sediment – retention of sediment coarser than 0.125mm for flows up to 25% of the 1 year ARI peak flow.

Demonstration of how these targets will be met is to be included in the Plan.



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4. **Operational Management of the Sediment Basin** including maintenance regime. The regime is to ensure that the sediment basin is to be checked on a regular basis to ensure silt accumulation is not reducing its efficiency and to ensure it is not a source of noxious weeds.
5. **Identification and Management of Hazardous Substances/Activities.** The Plan is to detail what substances are used on the site and how they are managed.
6. **Auditing Process.** For example, a monthly checklist to visually monitor the site including inspection of the integrity of sediment fences, sediment basin and dam for silt accumulation or the presence of noxious weeds.

There are also to be measures to audit water quality (as per the defined best management practices for stormwater improvement listed above) and address major departures from the water quality criteria.

7. **Noxious Weeds:** Should noxious weeds be found during these inspections control measures must be implemented in consultation with Council's Natural Environment Unit.

**Reason:** *To protect the natural environment.*

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 10. 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.*

### 11. 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.*

### 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.

## CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 13. 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.

### 14. 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 site.

**Reason:** To ensure bushland management

### 15. Bush rock

No bush rock is to be removed or damaged unless necessary for approved fence construction or stormwater infrastructure installation.

**Reason:** To ensure bushland management.

### 16. Construction Hours

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on 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 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 works do not interfere with amenity expectations of the community.*

## **17. 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.*

## **18. 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.*

## **19. 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.*

## **20. 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.*

## **21. 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.*

## 22. Aboriginal Heritage

If in undertaking excavations or works, any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

***Reason:*** *Aboriginal Heritage Protection. (DACGEah)*

## 23. Water Quality from Contaminated Sites

Runoff must be drained to an adequately bunded central collection sump and treated, if necessary, to meet NSW Department of Environment and Climate Change (formerly Environment Protection Authority) discharge criteria.

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

## 24. 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.*

## 25. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Department of Environment and Climate Change (formerly) Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

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



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

### 26. Occupation Certificate Required

An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

Note: In issuing an Interim / Final Occupation Certificate the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.

**Reason:** *To ensure compliance with the provisions of the Environmental Planning and Assessment Act.*

### 27. Stormwater Disposal Certification

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified professional. The certification is to be submitted to the Principal Certifying Authority prior to the issue of an Interim/Final Occupation Certificate.

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

- 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
- National Plumbing and Drainage Code.

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

## FURTHER ADVICE TO THE APPLICANT WITH REGARD TO ACTION REQUIRED BY THE DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE IN ACCORDANCE WITH CLEAN – UP NOTICE 1048594

### A. Waste Removal and Site Remediation

In accordance with the Variation of Notice of Clean-up Action, Notice Number 1048594 issued by the Environmental Protection Authority on 26 July 2005, the following works are to be undertaken:

- a. Remove the wastes placed on *Area 1* (as defined in Clean – up Notice 1044061). Wastes removed from *Area 1* must be disposed at a facility that can lawfully receive them. Stockpiled, screened waste must be removed from *Area 1*.



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- b. Stabilise the cleared land within *Area 1* to permanently prevent erosion by way of the placement of turf.
- c. Remove the wastes placed on *Area 2* (as defined in Clean – up Notice 1044061). Wastes removed from area 1 must be disposed of at a facility that can lawfully receive them.
- d. Subsequent to the removal of wastes from Area 2, stabilise the cleared land in Area 2 in such a way as to permanently prevent erosion.
- e. Remove all wastes deposited at the premises. Wastes removed must be disposed of at a facility that can lawfully receive them.
- f. Relocate all wastes stored at the premises to within enclosures similar to the Bulk storage bin described within the submission to Warringah Council on 12 December 1990, referred to in development consent 91/130 (as included within Clean – up Notice 1044061).
- g. Remove any wastes stored at the premises that cannot be classified as “Virgin Excavated Natural Material” or “Building and Demolition Waste or Asphalt Waste”, as defined within the Protection of the Environment Operations Act 1997.
- h. “Soil Conservation Measures” are to be installed in accordance with “The Water Management Plan”, by Patterson, Britton and Partners, dated September 1990, as amended by submission dated 11 March 1991, referred to in Condition 14 of Development Consent 91/130 (as included within Clean – up Notice 1044061).
- i. Install fencing at the boundaries of Lot 100, DP 1023183 in the areas marked *Area 3* (as defined within Clean – up Notice 1044061).
- j. Remove all wastes stored at the subject site in excess of 75m<sup>3</sup> and dispose of them at a facility that can lawfully receive them.
- k. Prepare and provide the EPA with a report which describes the compliance with the requirements of the Clean – up notice 1044061 as amended by the Variation of Notice of Clean – up Action, dated 26 July 2005. The report must include details of the lawful disposal of wastes removed from the subject site).

**Reason:** *To ensure compliance with Clean - Up Order Notice No. 1044061 issued on 1 April 2005 and the subsequent variation to that notice issued by the DEC on 26 July 2005.*

### **Review of Determination**

You may request Council review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. The review must be determined within 12 months.

**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 Mitchell Drake

Development Assessment Officer

Date 11 May 2009