



## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

<b>Development Application No:</b>	DA 2005/410
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### DEVELOPMENT APPLICATION DETAILS

<b>Applicant Name:</b>	Giles Tribe Architects
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<b>Applicant Address:</b>	17-19 Alberta Street Sydney NSW 2000
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<b>Land to be developed (Address):</b>	Lot 907, DP 867091, 8 Narabang Way Belrose
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<b>Proposed Development:</b>	Construction of an industrial/warehouse/office building with associated car parking.
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### DETERMINATION

<b>Made on (Date):</b>	14 February 2006
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<b>Consent to operate from (Date):</b>	31 May 2006
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<b>Consent to lapse on (Date):</b>	31 May 2011
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### Details of Conditions – (including Section 94 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.*

## 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
501B, Issue C	26/09/05
502B, Issue B	26/09/05
503C, Issue C	26/09/05
504D, Issue D	17/11/05
505B, Issue B	17/11/05
506B, Issue B	26/09/05
507B, Issue B	26/09/05

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. [A1 (1)]*

#### 2. 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 Principal 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. [A2]*



### 3. **Approved Landscaping Plan**

Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan numbered LP.01/A, Issue A prepared by Narelle Sonter BOTANICA dated 28/07/04.

The Project Landscaper is to communicate with the Project environmental consultant on plant selection and propagation. Certification of the supply of endemic plants grown from site sourced seed/cuttings will need to be provided to CALM, Warringah Council.

***Reason:** To ensure appropriate landscaped area and landscaping amenity at the final inspection stage of the development. [A4]*

## **CONDITIONS THAT REQUIRE 'ANCILLARY' MATTERS TO BE COMPLETED TO THE SATISFACTION OF COUNCIL OR ANOTHER NOMINATED PERSON PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### 4. **Provision of Services**

Certification must be obtained from the relevant statutory authority that adequate services are available to satisfy the demands of the proposed development. Such certification is to be provided to the Council / Accredited Certifier prior to the issue of the Construction Certificate.

***Reason:** To ensure that services have been provided as required by this Consent. [B4]*

## **CONDITIONS THAT REQUIRE SUBSIDIARY MATTERS TO BE COMPLETED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

### 5. **Fire Safety Measures**

Submission at the Construction Certificate stage of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, and such fire safety schedule shall specify the minimum standard of performance for each fire safety measure.

***Reason:** Fire Safety [C1]*

### 6. **Buildings located clear of pipeline, natural watercourse or Council easement**

Buildings to be located clear of any pipeline, natural watercourse or Warringah Council easement. Footings of any building adjacent to an easement or pipeline to be a minimum of 300mm below the invert of the pipe and may rise by 300mm for each 300mm removed there from. Structural details prepared by a suitably qualified Civil Engineer are to be submitted to the Council / Accredited Certifier for approval prior to the issue of the Construction Certificate.

***Reason:** Protection of Council's Infrastructure. [C2]*

## 7. Design for Access & Mobility

Access/egress/services and facilities including external and interior access are required in accordance with the provisions of AS 1428.2.

The building being adequately adjusted where required complying with the provisions of the *Disability Discrimination Act (1992)*. Note that any approval granted by Council does not necessarily guarantee compliance or otherwise with the *Disability Discrimination Act (1992)* and the applicant should investigate their liability under the Act. You are directed to the following sources to achieve compliance with the DDA: -

- (a) AS 1428.2
- (b) Advisory Notes on Access to Premises - Human Rights and Equal Opportunity Commission (1998)
- (c) Disability Discrimination Act (1992)

Details being submitted and approved by Council / Accredited Certifier prior to the issue of a Construction Certificate.

**Reason:** *To ensure equitable access to members of the community to all public facilities.*  
**[C5]**

## 8. Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the issuing of any Construction Certificate.

**Note:** This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

**Reason:** *To ensure the protection of existing built public infrastructure.* **[C6]**

## 9. Kerb Security Bond

A bond of \$3,000 shall be deposited with Council and inspection fees paid, prior to the issue of any construction certificate, against the potential for damage to Council's footpath and road reserve infrastructure during the construction process. (See Schedule)

**Reason:** *To ensure appropriate security is in place for the protection or repair of Public Infrastructure.* **[C16]**

## 10. Bond - Engineering Construction Works - Road Pavement

A Bond of \$10,000 shall be deposited with Council against any damage or failure to complete to the relevant specification the construction of road pavement/shoulder



reconstruction works prior to the issue of any Construction Certificate. (See Schedule).

The bond will only be refunded upon the completion of a six (6) month maintenance period, if the work has been completed in accordance with the approved plans, conditions to the satisfaction of the Principal Certifying Authority. Requests for refunds must be made in writing to Council.

***Reason:*** *To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure. [C18]*

#### **11. Bond for Engineering Construction Works - Stormwater**

A Bond of \$3,000 shall be deposited with Council against any damage or failure to complete to the relevant specification the construction of stormwater drainage works that reverts to Council's care and control upon completion prior to the issue of any Construction Certificate. (See Schedule).

The bond will only be refunded upon the completion of a six (6) month maintenance period, if the work has been completed in accordance with the approved plans, conditions to the satisfaction of the Principal Certifying Authority. Requests for refunds must be made in writing to Council.

***Reason:*** *To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure. [C19]*

#### **12. Bond for Silt & Sediment Control**

The payment of \$5,000 prior to issue of a construction certificate a security to ensure that:

- (a) all silt and sediment control measures are installed and maintained;
- (b) there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems; and
- (c) maintenance of all facilities in accordance with Council's Specification for Erosion Control and Sediment Control.

***Reason:*** *To ensure appropriate for works and environmental protection. [C20]*

#### **13. Protection of Footpaths and Roadways**

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

***Reason:*** *Protection of footpath and roadways. [C22]*

#### **14. Vehicle Crossings**

Provision of 2 vehicle crossing(s) 13.0m wide at the kerb and 5.0m wide at the boundary in accordance with Warringah Council Drawing No A4-3330 Normal and



specifications. All redundant laybacks and crossings are to be restored to footpath/grass.

The construction of all vehicular crossings and associated works on Council's road reserve must be completed by a Council approved concrete contractors, for details see Warringah Council's website [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) [<http://www.warringah.nsw.gov.au>](http://www.warringah.nsw.gov.au), or phone (02) 9942 2111.

Prior to pouring of concrete the crossings are to be inspected by Council or an Accredited Certifier (Civil Works) and certification issued to the PCA stating the crossing levels and reinforcement is in accordance with the issued levels and specifications.

If Council is to undertake the inspection, the inspection fee is to be paid 48 hours prior to pouring of concrete. (See Council's standard fees and charges)

***Reason:*** To facilitate suitable vehicular access to private property. [C32]

## 15. 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 Warringah Council Guidelines on Erosion and Sediment Control, 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. [C46]

## 16. Roofing Materials - Reflectivity

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details being submitted with the Construction Certificate.

***Reason:*** To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. [C55]

## 17. No External Service Ducts

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

**Reason:** *To ensure quality built form of the development. [C57]*

## 18. Geo-technical Report

A certificate prepared by an appropriately qualified Geo-technical Engineer shall be submitted with the documentation for the Construction Certificate 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.

**Reason:** *To ensure the structural integrity of the subject site and adjoining sites during the excavation process. [C65]*

## 19. S94 Contributions

The payment of the following developer contributions prior to the approval/release of the Construction Certificate.

Plan Number	Amount
6924: E8 Industry	\$2,208
6924: E8 Warehouse	\$1,499
6924: E8 Office Premises	\$5,411
<b>TOTAL</b>	<b>\$9,118</b>

The above contribution are based on the following floor space calculation:

These amounts have been calculated using the Warringah Section 94 Contributions Plan. They are current at the time of issue of this Consent. They will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). An updated schedule of Council's contribution rate is issued each quarter and is available at Council's office. Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.



The basis for the contributions is as follows:

### **CONTRIBUTION - COMMERCIAL AND INDUSTRIAL DEVELOPMENT**

Industry - 1434sqm

Warehouse – 1219sqm

Office - 1751sqm

**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. [C70]*

## **20. Security Bond Schedule**

All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:

<b>SECURITY BOND &amp; FEE SCHEDULE</b>	
8 Narabang Way, Belrose	
DEVELOPMENT APPLICATION NUMBER 2005/410	
<b>SECURITY BONDS</b>	<b>AMOUNT (\$)</b>
Builders Road/Kerb Security Bond	\$ 3,000.00
Engineering Construction Bond - □ Road Pavement	\$10,000.00
Engineering Construction Bond - Stormwater	\$ 3,000.00
Silt and Sediment Bond	\$ 5,000.00
<b>TOTAL BONDS</b>	<b>\$21,000.00</b>
<b>FEES</b>	
<b>Kerb Security Inspection Fee</b>	\$ 200.00
Section 94 contribution	\$ 9,118.00
Long Service Levy	\$21,000.00
<b>TOTAL FEES</b>	<b>\$30,318.00</b>

**Reason:** *Compliance with the development consent. [C71]*

## **21. High Quality Lighting**

Details demonstrating high quality external lighting for security without adverse affects on public amenity form excessive illumination levels are to be submitted with the Construction Certificate.

**Reason:** *To ensure lighting provides security and amenity. [C78]*

## **22. Department of Environment & Conservation**

Documentation indicating there are no new significant impacts after the consideration of new threatened species information and legislative requirements shall be submitted to and approved by Council/Accredited Certifier prior to issue of a Construction Certificate.

This will need to ensure that proposal has considered the following:





- ☐ any new threatened species sightings not previously recorded on the subject site;
- ☐ any newly listed species likely to be recorded on the subject site;
- ☐ any newly listed key threatening processes;
- ☐ any new approved recovery and/or threat abatement plans; and
- ☐ the recommendations in 'Planning for Bushfire Protection' (planning NSW 2002) and impacts to threatened species due to the provision of fire protection zones (fuel free and/or fuel reduced zones), particularly in the retained Duffy's Forest ecological community.

*Reason: Protection of Duffy's Forest ecological community.*

**23. Works Protection Program and Bushland Management Plan:**

The following changes are required to be made to the Works Protection Plan and Bushland Management Plan, prepared by N Skelton and C Thompson, dated March 2005 and submitted to Council/Accredited Certifier prior to the issue of a construction certificate:

Works Protection Plan

**3.1.8 Spraying Weeds on Road Verge** - remove reference to Council undertaking spraying.

**3.1.9 All Machinery Must be Cleaned Off Site.** Add 'Environmental Consultant must inspect and certify that all trucks and machinery is cleaned before entering donor site, and check again that machinery is clean before entering recipient site, for each truck movement. Certification to be sent to CALM, Warringah Council. RBG protocols for control of *Phytophthora cinnamomi* must be followed by all contractors involved in soil translocation.'

**3.1.11 Plant Propagule Collection.** Add 'Environmental Consultant is to sight agreement with nurseries for collection and supply of plants. Copy of agreement is to be sent to CALM, Warringah Council'

**3.2 Order of Works Within Stage 1.** Add point between stage 8 and 9, stating 'site meeting between CALM, Warringah Council and Site Project Manager and Ecological Consultant to discuss planning for soil and biotic material translocation. (Works at donor site and transport of material to recipient site to be supervised by Environmental Consultant, receipt of material at recipient site to be supervised by CALM, Warringah Council.)

**5.1.9 Reduction of Fuel Loads.** This is to have direct reference to the Holmes Fire and Safety Report undertaken for this development.

**5.1.10 Adjacent Tree Lopping** remove this section, all tree issues are to be dealt with when the APZ is created, this issue to be addressed in BMP. A TPO application will be needed for tree works.

**5.1.12 Erection of Permanent fences.** Change fence design to a stock mesh fence with steel straining posts and star picket intermediate posts, strained with plain



wire top and bottom. This style of fence is fire proof and allows small fauna movement.

### Bushland Management Plan

Add section about ongoing need to follow RBG Phytophthora protocols.

**3.4.5 Adjacent Tree Lopping** Tree removal should be undertaken at APZ creation, any further tree removal in the future will need TPO approval.

**3.4.9 Bushfire Hazard Reduction** This is to have direct reference to the Holmes Fire and Safety Report undertaken for this development.

**3.6.10 Reporting** Copies of reports to be forwarded to CALM, Warringah Council and the DEC.

**3.10 Where to Find Clarification** change to Conservation and Land Management (CALM), Warringah Council phone: 9942 2579, Environment Protection and Regulation, Department of Environment and Conservation (DEC) phone: (02) 9585 6827.

*Reason: Protection of bushland*

## **24. Section 88B Instrument**

Prior to the construction certificate being issued the bushland protected within the Environment Protected Area 3m north of the building at 8 Narabang Way as identified on Drawing Number 99069/301 is to be conserved, rehabilitated and managed through the use of a Section 88B Instrument. The instrument is to be written so that the owners are bound to manage and protect the area in perpetuity according to the Bushland Management Plan prepared for this development. This instrument is to be approved by Councils CALM section prior to lodgement with the Lands Department.

*Reason: To ensure effective bushland management.*

## **25. Project Ecologist**

Prior to any work being undertaken on site a Project Ecologist is to be employed for the duration of the construction work to ensure all bushland protection measures are carried out. The Project Ecologist will provide certification that conditions relating to bushland management, landscaping, soil translocation and bush protection fencing are carried out. The Project Ecologist will provide this certification to the Certifier and copies to Warringah Council. The Project Ecologist is to be a vegetation management specialist and to have at least four years experience in the management of native bushland in the Sydney region and have at least a TAFE Certificate 4 in Bush Regeneration or Conservation and Land Management – Natural Area restoration.

*Reason: To ensure effective bushland management*



## **26. Works Environment Protection Plan (WEPP)**

Prior to the Construction Certificate being issued a Works Environment Protection Plan will be required. This plan is to be prepared in accordance with Warringah Council's Conservation and Land Management section's *Guidelines for a Works Environment Protection Plan (WEPP)*. An appropriately qualified a vegetation ecologist with relevant experience in bushland management in the Sydney region is to write this Plan. The Certifier must approve this Plan. A copy must immediately be forwarded to Warringah Council.

The submitted *Works Protection Plan For Lot 907 DP 867091 8 Narabang Way, Belrose by GIS Environmental Consultants* dated February 2004 is inadequate and should not be used.

*Reason: To ensure effective bushland management*

## **27. Bushland Management Plan**

Prior to the construction certificate being issued the document titled Bushland Management Plan for Lot 907 DP 867091, 8 Narabang Way, Belrose by GIS Environmental Consultants dated February 2004 is to be updated in accordance with Council's *Guidelines for a Vegetation Management Plan* and also address the relevant sections of the draft *Duffys Forest Ecological Community Recovery Plan (such as Ecological restoration and Fire Management and the draft DEC Guidelines for the Management of Duffy's Forest Endangered Ecological Community: Ecological Restoration and Reconstruction)*. The Plan is to clearly state that bush regeneration work is to start as soon as site works commence. The Bushland Management Plan must also include details on how to maintain the 20m Asset Protection Zone. An appropriately qualified vegetation ecologist with at least 4 years experience in bushland management in the Sydney region is to prepare this Plan. Warringah Councils Conservation and Land Management section must approve the updated Bushland Management Plan prior to the Certifier issuing the Construction Certificate.

*Reason: To ensure effective bushland management*

## **28. Soil Seedbank Translocation Plan**

The applicant is to undertake recipient site preparation at Warringah Council's managed Kinka Reserve, Kinka Road, Terrey Hills (as approved under Warringah Council DA 2004/0500) or another site nominated by Council for the soil seedbank translocation of the Duffy's Forest Ecological Community which will be destroyed as a result of development pursuant to this consent. This work is to be undertaken in accordance with an approved site-specific Soil Seedbank Translocation Plan.

Prior to the Construction Certificate being issued a site-specific Soil Seedbank Translocation Plan that details how the soil seedbank is to be harvested, transported and applied to the donor site will be required to be submitted to Warringah Councils



Conservation and Land Management section for review prior to the Certifier issuing the construction certificate.

Warringah Council's Conservation and Land Management section will need to be consulted during the development and carrying out of this plan. This plan must follow the draft *DEC Soil Translocation Guidelines, the Translocation of Biotic Material from the Duffys Forest Vegetation Community* by Kate Low and John Harken and Associates and relevant parts of the *Draft Duffys Forest Ecological Community Recovery Plan*. An appropriately qualified vegetation ecologist with at least 4 years experience in bushland management in the Sydney region is to write this document.

The Project Ecologist is to provide certification to the Certifier that Warringah Council's Conservation and Land Management section has been consulted during the development of this plan.

*Reason: To ensure effective bushland management*

## **29. Bush Protection Bond**

The payment of \$7875 as a bond prior to the issue of the construction certificate as security to ensure that:

- All procedures and recommendations of the Works Environment Protection Plan are carried out
- No damage occurs to the protected bushland on the site

The Bush Protection Bond is calculated using the length of the perimeter of the construction zone multiplied by a 10m-wide edge disturbance area and \$17.50.  
(Construction perimeter x 10m \$17.50 = Bush Protection Bond) 45m x 10 x 17.50 = \$7875.

*Reason: To ensure effective bushland management*

## **30. Contribution to off-site Duffys Forest Conservation program**

An amount of \$85 000 is to be forwarded to Warringah Council, prior to the release of the construction certificate, as part compensation for the loss of a portion of Duffys Forest Ecological Community, as a direct result of the construction of the approved development and indirect impacts associated with the edge effects and asset protection zone. This contribution will be used to fund restoration of off-site Duffys Forest remnants in secure public ownership. The restoration program is administered by Warringah Council in partnership with the DEC and the Ku-ring-gai Northern Beaches Threatened Species Working Group.

*Reason: To ensure effective bushland management*

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 31. 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. [D1]*

### 32. Construction Certificate

A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.

*Reason: Legislative requirements. [D3]*

### 28. 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 EP & A 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. [D4]*

### 29. WorkCover

Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

*Reason: Statutory requirement. [D5]*

### 30. Road opening permit

The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property. The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.

*Reason: Statutory requirement (Roads Act 1993) [D6]*

### 31. Structural adequacy and Excavation work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.



All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

Before excavation, the responsible person must notify their intention to the adjoining owner/s and shall at the same time furnish to such owner/s particulars of the work proposed to be carried out.

***Reason: Safety. [D9]***

### **32. 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. [D13]***

### **33. 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.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

***Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. [D17]***

### **34. Bushland protection prior to Commencement of Works**

Measures to protect the Duffys Forest EEC remnant shall be implemented/completed in accordance with the Bushland Management Plan and the Works Environment Protection Plan prior to the commencement of works.

***Reason: To ensure effective bushland management***

### **35. Landscaping**

Prior to clearance of the vegetation in the development area, all translocatable or collectable floristic material shall be harvested for use in landscaping works on site and bush regeneration of Duffys Forest vegetation community as per the Bushland



Management Plan and the Soil Seedbank Translocation Plan. Sufficient material to meet the landscaping requirements of the site must be collected from the site whilst plants are in seed prior to clearing.

**Reason:** *To ensure effective bushland management*

**36. Temporary Bush Protection fencing during construction**

Prior to commencement of clearance the northern limit of the construction zone buffer is to be surveyed and fenced. This northern limit on the plan is shown as the top of the batter in the 3m construction zone on the plan labelled *Level 3 Floor Plan 99069/27 for the proposed industrial estate at 8 Narabang Way, Austlink Park, Belrose by Giles Tribe Architects* dated October 2003.

A temporary 2m high steel mesh fence (dogmesh, weldmesh or similar) is to be erected along this survey line for the duration of construction work as per the Works Environment Protection Plan (WEPP).

The installation of this fence is to be supervised by the Project Ecologist. The Project ecologist is to certify in writing to the Certifier that this condition has been complied with and provide a copy immediately to Warringah Council.

After construction has been completed the temporary fence is to be removed.

**Reason:** *To ensure effective bushland management*

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

**37. Road Reserve 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, to the satisfaction of the Principal Certifying Authority, and in accordance with Council's standard specifications for engineering works. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works. This Condition must be complied with during demolition and building work.

**Reason:** *Public Safety. [E4]*

**38. Progress Inspections- (Class 5, 6, 7, 8 and 9 Buildings)**

The Principal Certifying Authority (PCA) SHALL BE given a minimum of two (2) working days notice for inspection of the following, where applicable:

- (a) At the commencement of the building work.
- (b) Prior to covering any stormwater drainage connections.



- (c) After the building work has been completed and prior any Occupation Certificate being issued in relation to the building.

The appointed Principal Certifying Authority MUST do the first inspection at the commencement of building work, and at completion of building work.

Notes:

- (1) The appointed Principal Certifying Authority has a discretion to determine additional inspections, or nominate other Accredited Certifiers to undertake inspections other than the first and last inspections, which are required to ensure compliance or otherwise with relevant codes and standards. In any event, the Principal Certifying Authority MUST be advised at all of the stages of construction identified above.
- (2) The PCA must advise the person with the benefit of the consent of the mandatory critical stage inspections referred to in the EP & A Regulations.
- (3) Where Warringah Council is acting as the Principal Certifying Authority for the project, notice is to be given by telephoning Council on 9942 2111 and requesting the relevant inspection. Failure to advise Council at the stages of construction identified above may result in fines being imposed.
- (4) Failure to advise the Principal Certifying Authority of the need for MANDATORY INSPECTIONS at the critical stages of construction detailed above may result in fines being imposed, works being required to be demolished, or delays experienced in obtaining final certification and occupation of the development in order to resolve issues.

**Reason:** Prescribed mandatory inspections under legislation. [E9]

### **39. Progress Survey - Major Development**

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) at the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (b) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (c) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and its relationship to the boundary;
- (d) at completion, works showing the relationship of the building to the boundary and showing the maximum height of the overall works and the height of the principal roof elements.





Progress certifications in response to points (a) through to (d) shall be provided to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

***Reason:*** *To ensure compliance with approved plans. [E15]*

#### **40. Noise and Vibration**

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with 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. [E17]*

#### **41. Dust Emission and Air Quality**

Materials must not be burnt on the 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 NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.

***Reason:*** *To ensure residential amenity is maintained in the immediate vicinity. [E18]*

#### **42. No Work on Public Open Space**

The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

***Reason:*** *Protection of existing public infrastructure and land and to ensure public safety and proper management of public land. [E19]*

#### **43. Construction Access Over Public Reserve**

No building, demolition, excavation or material of any nature is to be placed on a public reserve and no vehicular or other access is to be gained over a public reserve.

A separate application for access is to be made only in circumstances where direct access from a street frontage is not reasonable.



**Reason:** To ensure the proper management of public land. [E20]

#### **44. No Removal of Trees on Public Property**

No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in its consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

**Reason:** Protection of existing environmental infrastructure and community assets. [E21]

#### **45. Special Permits**

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to S138 of the Roads Act. A minimum of forty-eight (48) hours notice is required for any permit:

##### **(a) Hoardings**

Permits are required to erect Class A, Class B and Class C hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

**Reason:** Proper management of public land. [E24 (2)]

##### **(b) Storage of building materials and building waste containers (skips) on Council's property**

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

**Reason:** Proper management of public land. [E24 (3)]

#### **46. 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).



The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

**Reason:** *To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E26]*

#### **47. 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 Warringah Council guidelines. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised. This Condition must be complied with during demolition and building work.

**Reason:** *To protect the environment from the effects of sedimentation and erosion from development sites. [E28]*

#### **48. Health and Safety**

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries. This Condition shall be complied with during demolition and building work.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the Internet at [www.WorkCover.nsw.gov.au](http://www.WorkCover.nsw.gov.au).

**Reason:** *To ensure the health and safety of the community and workers on the site. [E30]*

#### **49. Plant & Equipment Kept Within Site**

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.

**Reason:** *To ensure public safety and amenity on public land. [E36]*

#### **50. Applicant's Cost of Work on Council Property**

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

**Reason:** *To ensure the proper management of public land and funds. [E38]*

#### **51. Maintenance of Road Reserve**

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

*Reason: Public Safety [E39]*

#### **52. Bushland Protection during construction**

The requirements of the WEPP must be followed in full to ensure that construction impacts on the environment are minimised. A copy of the WEPP must be kept in the site office. It must be read and applied by the project manager and site foremen and all necessary details passed onto staff.

The Project ecologist must provide certification to the Certifier that the Project Manager, Construction manager and Site foremen have read this Plan and that all procedures and recommendations detailed in it are in place and that it is kept in the site office. A copy of this certification is to be immediately forwarded to Warringah Council.

*Reason: To ensure effective bushland management.*

#### **53. Regular inspection of temporary bush protection fencing**

Fences are to be inspected at least once per month and any breaches in the fence are to be immediately repaired, any damage to the bushland is to be reported to the PCA.

The Project ecologist is to certify in writing to the PCA that this condition has been complied with and provide a copy immediately to Warringah Council.

*Reason: To ensure effective bushland management.*

#### **54. Permanent Bush Protection Fencing**

Prior to commencement of clearance the boundary of the Environment Protection Area must be surveyed and fenced to prevent access to the area.

The permanent fence line is to be surveyed and fenced. This line is to be 3 metres north of the constructed building. This line is shown on the plan as the 5m setback line 2m north of the construction zone on the plan labelled *Level 3 Floor Plan 99069/27 for the proposed industrial estate at 8 Narabang Way, Austlink Park, Belrose by Giles Tribe Architects* dated October 2003.

The fence shall conform to the specification for bush protection fencing consisting of 1150mm high galvanised hinge joint fencing (8/115/30) (Stocktite or similar) fixed to fence with 3x strands 3.15mm galvanised fencing wire. Posts are to be capped, 50mm round galvanised XLT pipe at 3m centres. End Posts are to be stayed with 32NB XLT



Galvanised Pipe stay every 15m. Inline stays are to be fixed to 50mm post. Posts are to be concreted into the ground.

The installation of this fence is to be supervised by the Project Ecologist.

The Project ecologist is to certify in writing to the PCA that this condition has been complied with and provide a copy immediately to Warringah Council.

***Reason:*** To ensure effective bushland management.

#### **55. Asset Protection Zone delineation**

The 20m Asset Protection Zone to be provided to the north of the building is to be surveyed off from the rear of the building north to a distance of 20m along the western and eastern boundaries. The APZ is not to encroach on the Restricted Development Area shown on the plan labelled *Level 3 Floor Plan 99069/27 for the proposed industrial estate at 8 Narabang Way, Austlink Park, Belrose by Giles Tribe Architects* dated October 2003.

The northerly extent of the Asset Protection Zone must be clearly delineated by capped 50mm round galvanised XLT pipe concreted into the ground at 3m spacings across the width of the Lot on the surveyed northerly extent of the Asset Protection Zone.

Permanent steel signs 300mm x 250mm in diameter must be securely affixed to every second capped pipe in a southerly facing direction and are to read 'Protected Area - No Asset Protection Zone Clearance past this sign'.

The installation of the APZ delineation is to be supervised by the Project Ecologist.

The Project ecologist is to certify in writing to the PCA that this condition has been complied with and provide a copy immediately to Warringah Council

***Reason:*** To ensure effective bushland management.

#### **56. Asset Protection Zone Creation**

The APZ dimensions are to follow the Rural Fire Service recommendations. The 20m Inner Protection Area is to be created in accordance with 4.2.2 of *Planning for Bushfire Protection*. This work is to be supervised by the Project Ecologist.

The Project ecologist is to certify that this condition has been complied with and provide the PCA with compliance certification, copies are to be immediately forwarded to Warringah Council.

***Reason:*** To ensure effective bushland management.

**57. Scraping of weedy road reserve**

The road verge is to be scraped to a depth of 150mm removed from site to prevent weed seeds being spread through the area to be translocated.

The project ecologist must oversee the scraping of the road reserve.

The Project ecologist is to certify that this condition has been complied with and provide the PCA with compliance certification, copies are to be immediately forwarded to Warringah Council.

*Reason: To ensure effective bushland management.*

**58. During Soil Translocation All Machinery Must be Cleaned Off-site**

The Project Ecologist must inspect and certify that all trucks and machinery are cleaned before entering donor site, and check again that machinery is clean before entering recipient site, for each truck movement. The Project ecologist is to certify in writing to the PCA that this condition has been complied with and provide a copy immediately to Warringah Council.

*Reason: To ensure effective bushland management.*

**59. Phytophthora controls**

All workers and vehicles involved with the soil seedbank translocation must undertake hygiene protocols as set out in the *Phytophthora cinnamomi* fact sheet produced by the Royal Botanic Gardens. This fact sheet can be accessed at [http://www.rbgsyd.nsw.gov.au/information\\_about\\_plants/pests\\_diseases/fact\\_sheets/phytophthora\\_root\\_rot](http://www.rbgsyd.nsw.gov.au/information_about_plants/pests_diseases/fact_sheets/phytophthora_root_rot)

The Project ecologist is to certify in writing to the PCA that this condition has been complied with and provide a copy immediately to Warringah Council.

*Reason: To ensure effective bushland management.*

**60. Soil seedbank translocation**

The soil seedbank of the Duffys Forest Ecological Community that is to be excavated prior to the commencement of works is to be translocated to Warringah Council managed Kinka Reserve, Kinka Road, Terrey Hills. Council has an approved DA (2004/0500) to receive this translocated soil.

The Project Ecologist is to supervise the soil seedbank translocation and ensure that the translocation is carried out according to the site-specific Soil Seedbank Translocation Plan.



The Project ecologist is to certify in writing to the PCA that this condition has been complied with and provide a copy immediately to Warringah Council.

*Reason: To ensure effective bushland management.*

#### **61. Bushland Management during construction**

The procedures, targets and recommendations detailed in the Bushland Management Plan for Lot 907 DP 867091, 8 Narabang Way, Belrose must be followed in full to ensure that the remaining bushland on the site is conserved and restored in the appropriate manner by appropriately qualified people. The work outlined in this Plan must be started as soon as site works commence.

The Project Ecologist is to be responsible for ensuring that the works are carried out in accordance with the Plan.

The Project ecologist is to certify that this condition has been complied with and provide the PCA with compliance certificates in the form of bush regeneration reports each three months, copies are to be immediately forwarded to Warringah Council.

*Reason: To ensure effective bushland management.*

#### **62. Bushland inspection**

Prior to the Bush Protection Bond being released the bushland will need to be inspected by a Warringah Council Environmental Officer and any damage repaired to Councils satisfaction.

*Reason: To ensure effective bushland management.*

#### **63. Landscaping**

All plants used in the landscaping for this development must be grown from native seed and cuttings collected from the site. No Grevillea or Banksia hybrids are to be used in the landscaping for this development.

The Project ecologist is to certify in writing to the PCA that this condition has been complied with and provide a copy immediately to Warringah Council.

*Reason: To ensure effective bushland management.*

### **OPERATIONAL CONDITIONS IMPOSED UNDER EP&A ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION**

#### **64. 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. [F1]*

## 65. Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be build and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

***Reason:*** To ensure compliance with the statutory requirements of Sydney Water. [F3]

## 66. Excavation / Backfilling

- (1) All approved excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (2) All approved excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

***Reason:*** To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. [F5]

## 67. Support for Neighbouring Buildings

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - (a) must preserve and protect the building from damage;
  - (b) if necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner’s consent; and
  - (c) 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.
- (2) 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.

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

***Reason:*** To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage. **[F7]**

## **68. 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. Any application needs to be accompanied by plans indicating the type of hoarding and its layout.

Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given.

Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

***Reason:*** To ensure public safety and the proper management of public land. **[F8]**

## **69. 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 the 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. [F9]*

## **70. 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 4A of Part 3 of the Local Government (Approvals) Regulation 1993 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 clause 95B of the Regulation.

**approved by the Council** means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

**public sewer** has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

**sewage management facility** has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

**Reason:** *To ensure adequate facilities are provided for workers on the site. [F10]*

**71. 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. This 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.

**Reason:** *Prescribed - Statutory. [F12]*

**72. Retaining Walls & Drainage**

If the soil conditions and approved excavations require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage in accordance with the provisions of AS3500.3.2.

**Reason:** *To ensure appropriate measures are in place to address site conditions and provide appropriate site drainage. [F13]*

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

**73. 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.

**Reason:** *To ensure compliance with the provisions of the Environmental Planning and Assessment Act. [G1]*

**74. Fire Safety Certificate**

To ensure the safety of occupants of the building a "Fire Safety Certificate" which identifies the schedule of "Fire Safety Measures" that have been completed to satisfactory standard shall be provided to the Principal Certifying Authority prior to the issue of an "Interim/Final Occupation Certificate" as required in the "Environmental Planning and Assessment Act & Regulation.

**Reason:** *To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants. [G3]*

**75. Annual Fire Safety Statement for the building**

In accordance with the EPA Act & Regulation the owner of a building is to provide Council with an Annual Fire Safety Statement for the building.

**Reason:** *To ensure an adequate level of fire safety is provided within the premises for the life safety of building occupants. [G4]*



**76. Street Number**

Street number being affixed to building prior to occupation.

**Reason:** *Proper identification of buildings. [G7]*

**77. Utility Services**

All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to final completion and the issue of any Occupation Certificate.

**Reason:** *To ensure compliance with the terms of this consent. [G23]*

**78. Regulated Systems- Air Handling**

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- (a) The Building Code of Australia,
- (b) AS 1668 Part 1 & 2,
- (c) The Public Health Act,
- (d) Public Health (Microbial Control) Regulation,
- (e) Work Cover Authority,
- (f) AS 3666 Air Handling and water system of building microbial control:
  - ☐ Part 1 - Design installation and commissioning
  - ☐ Part 2 - Operation and maintenance
  - ☐ Part 3 - Performance based maintenance of cooling water systems

An application to register any regulated system installed must be made to Council prior to commissioning of the system and the issuing of any Occupation Certificate.

**Reason:** *To ensure public health is maintained, statutory requirements for record keeping. [G24]*

**79. On-Site Stormwater Detention Compliance Certification**

The on-site detention system and associated drainage works are to be in accordance with the drainage plan submitted by SEMF consultants (Drawing No 16214-H14, H16 and H17 dated 08/07/05). On completion of works a works as executed drawing and certification of the works by the design engineer is to be submitted to the Principal Certifying Authority. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the above approved plans and Council's "On-site detention technical specification", the compliance certificate is to be submitted to the Principal Certifying Authority prior to occupation. Council can issue the Compliance Certificate if required subject to prescribed fee.

**Reason:** *To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council's care and control is not overloaded. [G27]*



**80. Creation of Positive Covenant and Restriction as to User**

Where any conditions of this Consent require the creation of a positive covenant and/or restriction as to user, the original completed request forms shall to 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 “NSW Land and Property Information Department” prior to occupation.

***Reason:** To identify encumbrances on land. [G28]*

**81. Restrictions as to User**

Restrictions as to User shall be created 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 is to be prepared to Warringah Council’s standard requirements at the applicant’s expense and endorsed by Council prior to lodgement with the “NSW Land and Property Information Department”. Warringah Council shall be nominated as a party to release, vary or modify such restriction.

***Reason:** To ensure no modification of the stormwater detention structure without Council’s consent. [G29]*

**82. Positive Covenant (Onsite Detention Structure)**

Creation of a Positive Covenant of the Title of the land requiring the proprietor of the land to maintain the stormwater detention structures required by this Consent, in accordance with the standard requirements of Council. The Positive Covenant is to be prepared by the applicant using terms acceptable to, and which are available from Warringah Council. The positive covenant is to be endorsed by Council prior to its lodgement wit the ‘NSW Land and Property Information Department’.

***Reason:** To ensure ongoing maintenance of the stormwater detention structure. [G32]*

**83. Bushfire protection**

Construction shall comply with AS3959 - 1999 Level 1 ‘Construction of Buildings in bushfire prone areas’ with the exception of the Northern Side of the building, which shall be constructed to Level 3 ‘Construction of Buildings in bushfire prone areas’.

***Reason:** Protection from bushfire and safety. [G33]*

**84. Bushfire protection**

Roofing shall have leafless guttering to prevent the build up of flammable material.

***Reason:** Protection from bushfire and safety. [G35]*

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL COMPLETION**

**85. Carparking Layout**

All car spaces being line marked in accordance with the carparking layout on the approved plans.

*Reason: To clearly identify carparking spaces in accordance with the approved plans. [H5]*

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

**86. Trade Waste**

Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

*Reason: To ensure compliance with Sydney Water's requirements and protect the environment. [I6]*

**87. Impact on Amenity of Surrounding Area - Non-Residential Areas**

The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external) or solar glare arising from the building materials utilised in any construction processes or fit out.

*Reason: To ensure that the amenity of the surrounding locality is not adversely affected by the nature of the approved activity. [I7]*

**88. Space Enclosure**

No parking spaces, or access thereto shall be constrained or enclosed by any form of structure such as fencing, or the like, without prior consent from Council.

*Reason: To ensure that minimum dimensions for parking spaces are not reduced or that vehicle manoeuvring is compliant with relevant standards. [I11]*

**89. Loading Within Site**

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

*Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity. [I13]*

**90. 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 ensure the acoustic amenity of surrounding properties. [I31]*

**91. 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 ensure the acoustic amenity of surrounding properties. [I32]*

## **92. Asset Protection Zone**

The building shall have a 20 metre Asset Protection Zone (APZ), Inner Protection Area (IPA) maintained to the North of the structure as outlined in Section 4.2.2 of Planning for Bushfire Protection 2001.

**Reason:** *Rural Fire Service requirement*

## **93. Bushland Management post-construction**

Bushland Management as outlined in the Bushland Management Plan will need to be undertaken on an ongoing basis for the life of the development. Annual reports summarising the bush regeneration work on site must be forwarded to Warringah Council marked attention to the Conservation and Land Management section once the Occupation certificate has been issued.

The annual report must contain information on:

- The dates of work undertaken by bush regenerators
- The amount and species of weeds removed
- The labour hours spent on-site
- The amount, type and concentration of any herbicide used
- The bush regeneration techniques used on site.

These reports should include information from a comprehensive monitoring program at the site which assesses the condition of native vegetation and any ongoing threats/impacts to the integrity of the Duffy's Forest remnant using permanent monitoring points to track changes over time. The Bushland Management Plan should address these impacts/threats as part of an adaptive management framework.

All work is to be undertaken by appropriately qualified and experienced bush regeneration staff with minimum qualifications of TAFE Certificate 4 in Bush Regeneration or Conservation and Land Management – Natural Area Restoration and 4 years bush regeneration experience in the Sydney region

**Reason:** *To ensure effective bushland management.*

## **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 Peter Robinson

Date 31 May 2006