



Warringah Council

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No:	DA 2004/1324/0
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DEVELOPMENT APPLICATION DETAILS

Applicant Name:	INFORT PTY LTD
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Applicant Address:	165 AVON ROAD, BRINGELLY NSW 2171
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Land to be developed (Address):	Lot 2, DP 600059 and Lot A, DP 166808, 75-79 OLD PITTWATER ROAD, BROOKVALE
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Proposed Development:	Construction of a single-storey warehouse with ancillary car parking and on-site stormwater detention system.
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DETERMINATION

Made on (Date):	1 September 2005
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Consent to operate from (Date):	1 September 2005
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Consent to lapse on (Date):	1 September 2010
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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.



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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 in red and by other conditions of consent:

Drawing Number	Dated
04.059-SMP (Revision B)	February 2005
040527-A	October 2004

Document Title	Dated
Statement of Additional Information for Proposed New Warehouse at 75 Old Pittwater Road, Brookvale NSW	3 August 2005

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)]

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

2. Flood Protection

Floor levels adjacent to overland flow path are to be 500mm above 1 in 100 year flood level. The Council / Accredited Certifier is to ensure compliance with this condition prior to issue of the Construction Certificate.

Reason: Prevention of damage to the building as a result of flood events up to the 1 in 100 average recurrence interval. [B3]

3. 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



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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

4. 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]*

5. Design for Access & Mobility

Access/egress/services and facilities including external and interior access are required in accordance with the provisions of AS 1428.1 (2001) - Design for Access and Mobility.

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 1428.1 (2001) - Design for Access and Mobility
- (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]*

6. 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 issue of any Construction Certificate.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It



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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]*

7. Kerb Security Bond

A bond of \$825.00 shall be deposited with Council and inspection fee of \$200.00 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]*

8. Bond for Silt & Sediment Control

The payment of \$2,000.00 to Warringah Council, 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 bond for works is in place and environmental protection. [C20]*

9. 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]*

10. Parking for People with Disabilities

Appropriate number of car parking spaces for use by people with a disability shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

Reason: *To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation. [C37]*

11. Line Marking

A total of twenty-six (26) off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted with the Construction Certificate.

Reason: *To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles. [C38]*

12. 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]*

13. Colours & Finishes

The colours, texture and substance of all external components of the building and hard surfaced areas being generally in accordance with plan numbered 040527-A, dated October 2004, prepared by Infort Pty. Ltd. and as modified in red and by any conditions of this consent/approval. Prior to the issue of the Construction Certificate, Council / Accredited Certifier is to verify that the external components are in accordance with that specified above.

Reason: *Amenity. [C56 (1)]*



14. S94 Contributions

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

\$ 789.00

This amount has been calculated using the Warringah Section 94 Contributions Plan. This is current at the time of issue of this Consent. This 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:

648 square metres gross floor area (GFA) of warehouse floor space

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]*

15. 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:

SECURITY BOND & FEE SCHEDULE	
75-79 Old Pittwater Road, Brookvale (Property address)	
DEVELOPMENT APPLICATION NUMBER 2004/1324DA	
	AMOUNT (Aus \$)
SECURITY BONDS	
Builders Road/Kerb Security Bond	\$825.00
Silt and Sediment Control Bond	\$2,000.00
TOTAL BONDS	\$2,825.00
FEES	
Kerb Security Inspection Fee	\$200.00
Section 94 contribution	\$789.00
Long Service Levy	\$400.00
TOTAL FEES	\$1,389.00

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

16. Bonds

Council will accept a bank guarantee for the purpose of any security bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council and



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shall be in place prior to the issuing of any Construction Certificate and shall remain in place until the submission of the certificate required prior to the occupancy of the completed works. To be provided prior to issue of Construction Certificate.

Reason: Information, protection of infrastructure and the environment. [C72]

17. Drawings to Show Levels of Heights

The level of the ground floor and the overall height of the roof of the proposed warehouse in relation to Australian Height Datum must be shown on the drawings submitted with the Construction Certificate application to ensure that building construction complies with the development consent.

Reason: To ensure compliance with the development consent.

18. Requirement for Emergency Response Management Plan

An Emergency Response Management Plan shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Principal Certifying Authority before the issue of the Construction Certificate. The Plan shall include the following:

- List of chemicals and maximum quantities to be stored at the site;
- Identification of potentially hazardous situations;
- Procedure for incident reporting;
- Details of spill stations and signage;
- Containment and clean-up facilities and procedures; and
- The roles of all staff in the Plan and details of staff training.

A copy of the approved Emergency Response Management Plan shall be submitted to Council with the approved Construction Certificate.

Reason: To ensure that procedures are in place in the case of liquid spills.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

19. 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]

20. Construction Certificate

A Construction Certificate is required to be approved and issued by either Council or an



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Accredited Certifier, prior to the commencement of any works on the site.

Reason: *Legislative requirements. [D3]*

21. 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 & 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. [D4]*

22. 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]*

23. 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]*

24. 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]*



CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

25. Approved Materials

The colour, texture and substance of all external materials shall be generally in accordance with that detailed in the application.

Reason: *To ensure compliance with the terms of this development consent. [E6]*

26. 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 to 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 Environmental Planning & Assessment Regulation.
- (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]*

27. Replacement of Principal Certifying Authority

If the person exercising the benefits of a development consent changes or replaces the Principal Certifying Authority (PCA) during works on the site, the replacement PCA must notify Warringah Council within two (2) days of appointment. If the original PCA was Warringah Council, written approval from Council must be obtained for any change to the PCA role.

(Note: Special legislative provisions in the Environmental Planning and Assessment Act 1979 apply to the procedure for replacing a PCA)

Reason: *Statutory requirement. [E11]*

28. Final Compliance Certificate

Within seven (7) days of completion of the building works and prior to occupation or the issue of an Interim/Final Occupation Certificate, a Certificate of Compliance under Section 109C (1) (a) of the Environmental Planning and Assessment Act 1979 must be provided by the Principal Certifying Authority. This Compliance Certificate must certify that the completed work complies with the relevant plans and specifications and with the conditions of this development consent.

Reason: *To ensure compliance with the terms of this development consent. [E13]*

29. 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]*

30. 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.

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



31. Prohibition on Use of Pavements

Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

Reason: To ensure public safety and amenity on public land. [E35]

32. 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 building work.

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

33. 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]

34. Removal of Extra Fabric

Should any portion of the existing buildings, trees, or curtilage of the site which is indicated on the approved plans to be retained be damaged for whatever reason, all the works in the area of the damaged portion are to cease and written notification given to Council. No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council taking further action including legal proceedings if necessary.

Reason: To ensure compliance with the terms of this development consent. [E40]

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

35. 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]



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36. Excavation / Backfilling

- (1) All 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 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]*

37. 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 0.2% of the building and construction work.

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

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

38. 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]*

39. 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 "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]*

40. Annual Fire Safety Statement for the building

In accordance with the Environmental Planning and Assessment Act and Regulation the owner of a building is to provide Council with an Annual Fire Safety Statement for the building.



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

41. Access for People with Disabilities

Prior to occupation provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Parts 1 and 4. Particular attention should be given to tactile ground surface indicators for the orientation of people with vision impairment (AS 1428.4).

Reason: Equitable access for people with a disability. **[G10]**

42. Storage of Hazardous or Toxic Material

To ensure hazardous and toxic materials are not a threat to the environment they must be stored in accordance with WorkCover Authority requirements. All tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Reason: To ensure the health and safety of the public and workers. **[G13]**

43. 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]**

44. On-Site Stormwater Detention Compliance Certification

The on-site detention system and associated drainage works are to be in accordance with the drainage plan prepared by GNG Design (Drawing No. 04.059-SMP Revision B, dated February 2005). 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]**



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45. 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 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]

46. 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]

47. Storage of Liquid

Adequate holding facilities shall be constructed for the storage of new and waste oils and other bulk liquids in accordance with Australian Standard 1940-2004: *The Storage and Handling of Flammable and Combustible Liquids* before commencement of use.

Reason: To ensure that waste liquids are correctly contained.

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

48. Noise Impact on Surrounding Area

Use of the premises shall not cause a sound level in excess of 5 dB(A) at any time above the background noise level at the nearest affected residential dwelling (from within a habitable room).

Reason: To ensure compliance with acceptable levels of noise established under best practice guidelines. [I8]

49. 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]

50. Hours of Operation

The hours of operation of the site shall be limited to between 6:00am and 10:00pm, Monday to Friday.

Reason: To ensure that amenity of the surrounding locality is maintained.

51. 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]

52. Provision Of Bunds Or Drains

For the purposes of environmental protection, the provision of bunds or drains inside all external doors (roller shutter or side hung) shall be installed to collect accidental liquid spillage. The drains are to be piped to an area suitable for the location of a collection well and capped off.

Reason: Health & amenity. [I49]

53. WorkCover Requirements for Dangerous Goods

Details of the exact nature, quantity, location, method of storage and packing of any material covered by the Dangerous Goods Act 1975, shall be submitted to WorkCover NSW in accordance with their requirements.

Reason: To ensure that the storage of liquids within the premises are stored in the prescribed manner.

54. Storage and Handling of Hazardous Liquids

All chemicals shall be stored and handled in accordance with:

- Australian Standard 1940-2004: *The Storage and Handling of Flammable and Combustible Liquids.*
- Environment Protection Authority's *Environment Protection Manual for Authorised Officers: Technical Section (Bunding and spill management) (1995).*

Reason: To ensure a safe working environment and the correct storage of hazardous liquids.

55. Disposal of Liquid Waste

All proprietors of the business shall be responsible to ensure that all liquid wastes associated with the business are disposed of in accordance with the Environment Protection Authority's Waste Tracking Guidelines as described in the Environment Protection Authority's



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Environmental Guidelines; *Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999)* and the Protection of the Environment Operations Act 1997.

Reason: *To ensure that wastes are correctly disposed of.*

56. Spill Clean Up Equipment

Sufficient supplies of appropriate absorbent materials and/or other spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods only.

Reason: *To ensure that any liquid spills can be contained on site and prevent the contamination of stormwater drains.*

57. Pollution

The operation of the premises must be conducted in a manner, which does not pollute waters as defined by the Protection of the Environment Operations Act 1997.

Reason: *Environmental protection.*

58. Emergency Response Management Plan

The provisions of the Emergency Response Management Plan shall be complied with at all times.

Reason: *To ensure that adequate procedures are adhered to in the case of liquid spills.*

59. Document Station

A document station containing all relevant Material Safety Data Sheets and a copy of the Emergency Response Management Plan shall be provided in the subject warehouse at all times.

Reason: *To ensure relevant safety guidelines and documents are available at the premises.*

60. Submission of a New Development Application

Any new chemicals stored in quantities that would be classified as potentially hazardous or offensive pursuant to the provisions of State Environmental Planning Policy No. 33 *Hazardous and Offensive Development* shall require the submission of a new development application.

Reason: *To ensure that the amount of chemicals stored on site is consistent with this development consent.*



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61. Submission of New Development Application

Any proposals for the installation of signage on the subject site, other than those identified as Exempt or Complying Development under Warringah Local Environmental Plan 2000, shall require the submission of a new development application.

Reason: To ensure that the requirements of Council are satisfied.

CONDITIONS IMPOSED BY OTHER GOVERNMENT AUTHORITIES

62. Department of Infrastructure, Planning and Natural Resources (DIPNR) Conditions

The following General Terms of Approval have been imposed by the Department of Infrastructure, Planning and Natural Resources (DIPNR) in relation to the development pursuant to Section 91A(2) of the Environmental Planning and Assessment Act 1979:

- a) The Construction Certificate will not be issued until a copy of the Part 3A Permit, issued by the Department of Infrastructure, Planning and Natural Resources (DIPNR) has been provided to Council.
- b) All works proposed must be designed, constructed and operated to minimise sedimentation, erosion and scour of the banks or bed of the watercourse / foreshore and to minimise adverse impacts on aquatic and riparian environments.
- c) Erosion and sediment control measures are to be implemented prior to any works commencing at the site and must be maintained, for as long as necessary after the completion of works, to prevent sediment and dirty water entering the watercourse / foreshore environment. These control measures are to be in accordance with the requirements of Council or the consent authority and best management practices as outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" Manual (2004) – the 'Blue Book'.
- d) The Part 3A Permit from DIPNR is issued for works on FREEHOLD land only. This Permit is null and void for any works on Crown Land.
- e) Rehabilitation of the area in accordance with the 3A Permit Conditions or any direction from DIPNR is the responsibility of the Permit holder and owner or occupier of the land.
- f) Work as executed survey plans of a professional standard and including information required by DIPNR shall be provided to DIPNR on request.
- g) If, in the opinion of a DIPNR officer, works are carried out in such a manner that they may damage or adversely affect the watercourse or foreshore environment, the DIPNR officer may issue an oral or written direction to immediately stop all work(s).
- h) If any DIPNR Part 3A Permit Conditions are breached, the Permit holder shall restore the site in accordance with these Conditions and any other necessary remedial actions as



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directed by DIPNR. If any breach of the Part 3A Permit Conditions requires a site inspection by DIPNR, then the permit holder shall pay a fee prescribed by DIPNR for this inspection and all subsequent breach inspections.

Special Conditions:

- i) Details of any stormwater outlet to the creek (which must be constructed to prevent erosion or scour of the bank) are to be submitted to DIPNR for approval prior to the issue of permit. The stormwater outlet to the watercourse should be designed, located and constructed to minimise any erosion or scour of the banks or bed of the watercourse and the construction technique adopted is to ensure that disturbance to the banks soil and vegetation is kept to an absolute minimum. The stormwater outlet is to be of a soft engineering design and should address the requirements of the guideline *Stormwater Outlet Structures to Streams*.
- j) Any disturbed areas adjacent to the watercourse are to be revegetated using a diverse range of native plant species propagated from local genetic stock. A rehabilitation plan covering any disturbed areas in the riparian zone, addressing the requirements of the DIPNR guideline on *Watercourse and Riparian Zone Rehabilitation Requirements*, is to be submitted to DIPNR for approval prior to the issue of permit. The disturbed areas must be revegetated for a minimum distance of 10m measured from the edge of the disturbance.
- k) A *Soil and Water Management Plan* (S&WMP) for all site works is to be prepared by a suitably qualified person to the satisfaction of Council and DIPNR and approved by DIPNR prior to the issue of the 3A permit. The S&WMP is to meet the requirements outlined in Chapter 3 of the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (2004) manual (the "Blue Book").

Reason: *Requirements of Statutory Authority.*



Warringah Council

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

Date 1 September 2005