

10 February 2006

Dee Why RSL Club Ltd  
P O Box 1546  
DEE WHY NSW 2099

2005/0545 MOD 2  
CAG (PAS)

Dear Sir / Madam,

**RE: 825-831 PITTWATER ROAD DEE WHY  
MODIFICATION OF DEVELOPMENT CONSENT NO. 2005/0545 MOD 2**

We are writing to advise that the request to modify the above-mentioned Development Consent has been approved on 8 February 2006 and determined as follows:

➤ **Condition No. 72** be removed.

This letter should therefore be read in conjunction with Development Consent 2005/0545 dated 13 December 2005 and Modification No. 1 dated 16 December 2005. Please find attached a consolidated set of conditions incorporating both modifications of consent.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 97(1) of the Environmental Planning and Assessment Act confers on the applicant who is not satisfied with the determination of the Consent Authority has a right of appeal to the Land and Environment Court exercisable within 12 months of receipt of this notice.

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.

Should you have any further enquiries in connection with this matter, please contact the referred to Enquiry Officer.

It is Council's policy not to forward these by mail to ensure safe receipt of these important documents. When collecting your Modified Consent and accompanying documents, please bring this letter with you for identification purposes. The Customer Service Centre is open between 8.30am and 5pm Monday to Friday (excluding Public Holidays).

Work must also be in accordance with the relevant MODIFIED conditions of the Development Consent.

Should you require any further information on this matter, please contact **Mitchell Drake** between the hours of 9.30am and 10.30am or 3.00pm and 4.00pm, Monday to Friday, on telephone number **9942 2111**, or at any time on facsimile number **9971 4522**.

Details of development applications lodged after July 1, 2005 are also available online, to access this facility please visit our DA's Online System at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au).

Yours faithfully,

Keith Wright *Team Leader*  
**Development Assessment**

## 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	Revision	Dated
A102-02 Ground Floor Plan	02	April 2005
A201-02 Elevations and Sections	02	April 2005
L-DA-1 Landscape Plan	1	30/05/2005
SK01-01 Office Detail	01	June 2005
H-01 E Stormwater	E	May 2005
H-02 B Long Sections	B	May 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)]

#### 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 L-DA-1 prepared by BioDesign dated 30/05/2005.

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

**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. 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]*

**6. Kerb Security Bond**

A bond of \$2,200.00 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]*

**7. Bond for Silt & Sediment Control**

The payment of \$5,000.00 to 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 for works and environmental protection. [C20]*

## **8. 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]*

## **9. Footpath Reconstruction or Construction**

The applicant shall reconstruct the footpath along the Pittwater Road and South Creek Road frontages as amended in red on the approved landscape plan No. L-DA-1 dated 30/05/2005.

The footpath is to be constructed in full width paving using 1.2m wide concrete placed centrally within the nature strip.

The works shall be designed in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's specification for footpath works.
- (b) The footpath and grass verge shall be placed on a single straight grade of 3% rising from top of the kerb.
- (c) Footpath pavement transition works are required to ensure gentle changes in grades.
- (d) A certificate prepared by an appropriately qualified and practising Civil Engineer, shall be provided with the proposed design to the Council / Accredited Certifier to certify compliance with these requirements prior to the issuing of the Construction Certificate.
- (f) Council or an Accredited Certifier (Civil Works) is to inspect the footpath works prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath works and certification is to be submitted to the Council / Accredited Certifier prior to issue of the Occupation Certificate.

**Reason:** *To ensure that public infrastructure arising from the development is of an appropriate form for the locality. [C23]*

## **10. Vehicle Crossings**

Provision of 2 vehicle crossings, 1 in South Creek Road (3m wide at the boundary and 4m wide at the kerb, located north of the existing telecom pit, as indicated in red on the approved plan) and 1 in Pittwater Road to be as approved by the R.T.A. in accordance with Warringah Council Drawing No. A4-330 (N) 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>>, 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]

## **11. 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]

## **12. 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]

## **13. 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:

**Consolidated Conditions of Modification No. 1 Approved 16 December 2005 & Modification No. 2  
Approved 8 February 2006 of Development Consent 2005/0545 Approved 13 December 2005**

<b>SECURITY BOND &amp; FEE SCHEDULE</b>	
825 - 831 Pittwater Road, Collaroy	
DEVELOPMENT APPLICATION NUMBER 2005/0545	
<b>SECURITY BONDS</b>	<b>AMOUNT (\$)</b>
Builders Road/Kerb Security Bond	2,200.00
Silt and Sedimentation Bond	5,000.00
<b>TOTAL BONDS</b>	<b>\$7,200.00</b>

<b>FEEs</b>	
Kerb Security Inspection Fee	\$200.00
Long Service Levy	\$2,053.28
<b>TOTAL FEES</b>	<b>\$2,253.28.00</b>

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

**14. 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 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]*

**15. Signposting of Driveway**

The proposed driveway off Pittwater Road should be clearly signposted and line marked as "Entry Only".

**Reason:** *Roads and Traffic Authority Condition.*

**16. Gutter Construction**

The design and construction of the gutter crossing off Pittwaer Road shall be in accordance with RTA requirements. Details of these requirements should be obtained from RTA's Project Services Manager, Traffic Projects Section, Blacktown (Ph 02 8814 2144).

Detailed design plans of the proposed gutter crossing are to be submitted to the RTA for approval prior to the commencement of any roadworks.

It should be noted that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RTA.

**Reason:** *Roads and Traffic Authority Condition.*

**17. Stormwater Treatment**

The open parking area(s) must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system. The stormwater treatment device is to be maintained on a regular basis to ensure functionality.

All solid and liquid wastes collected from the device are to be disposed of in accordance with the Protection of the Environment Operations Act 1997.

*Reason: To prevent pollution of waterways.*

**18. Exit Driveway**

The proposed exit driveway to South Creek Road is to be relocated 2 metres to the north.

*Reason: To provide for easier exit and to reduce the potential for an exiting car blocking the exit from the western most car wash bay/laser bay.*

**19. Driveways and Car Parking Areas to comply with Australian Standards**

Off-street parking associated with the proposed development (including driveway, aisle widths, aisle lengths, parking bay dimensions and sight distances) should be designed in accordance with Australian Standard AS 2890.1-2004.

*Reason: Safety and Amenity.*

**20. Width of Entry Driveway**

The proposed entry only driveway off Pittwater Road shall be reduced in width to 4 metres in order to discourage vehicles attempting to exit the subject site via this driveway. The width of the entry driveway off Pittwater Road shall be a max 4 metres in width, unless documentary evidence is provided from the RTA to alter the width. The Accredited Certifier shall ensure the width of the Pittwater Driveway is in accordance with the requirements of the RTA before issue of the Construction Certificate.

*Reason: Roads and Traffic Authority Condition.*

**21. Costs**

All work associated with the proposed development shall be at no cost to the RTA.

*Reason: Roads and Traffic Authority Condition.*

**22. Deleted**

**23. Trial Pumping and Groundwater Assessment**

In accordance with the report prepared by Environmental Investigation Services, dated 1 June 2005 and prior to the issue of a construction certificate, the applicant shall carry out an initial trial pumping to assess inflows together with the quality of groundwater abstracted. The applicant shall appoint an appropriately qualified or accredited person to carry out this assessment and the results of this assessment shall be submitted for review. This report shall indicate whether the treatment of groundwater is required.

*Reason: To ensure contaminated groundwater does not impact upon waterways/land environment.*

**24. Monitoring Wells**

The applicant shall submit further documentation demonstrating permission has been obtained for the installation of proposed monitoring wells on adjacent properties - as



proposed within the report prepared by Environmental Investigation Services, dated 1 June 2005.

***Reason:*** *To ensure contaminated groundwater does not impact upon waterways/land environment.*

## **25. Soil and Water Management Plan**

A Soil and Water Management Plan shall be submitted prior to the issue of a Construction Certificate. The Soil and Water Management plan must be prepared and implemented by the person(s) supervising the works on site and must include details of the controls to be installed on the development site to prevent erosion and sedimentation of the storm water network.

Note: The plan should include the slope of the land, protection of street gutters and water channels, location of wash down and storage of material areas.

***Reason:*** *To maintain awareness of good housekeeping practices on construction sites.*

## **26. Noise Impact of Plant**

Prior to the issue of a construction certificate, a report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Principal Council / Accredited Certifier demonstrating compliance with the following:

All sound producing plant, equipment, machinery or fittings including air conditioning plant, shall be sound insulated and/or isolated so that the noise emitted does not exceed 5 dB(A) above the background level in any octave band from 63.0 HZ centre frequencies inclusive, and not more than 5 dB(A) above the background level (LA90) during the day when measured at the nearest affected residence. For assessment purposes, the above LAeq sound levels are to be adjusted in accordance with EPA guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1 - 1989.

***Reason:*** *To ensure that noise generated from the development does not result in offensive noise to any other party.*

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 27. 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]*

### 28. 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]*

### 29. 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]*

### 30. 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]*

### 31. Special Permits (Traffic)

An application for a 'Construction Zone' from Council adjacent to the site frontage be lodged prior to work commencing, together with the required deposit and rental charges.

*Reason: Traffic Control. [D7]*

### 32. Inspection Fees

Where Council is acting as the Principal Certifying Authority and where an inspection of building, civil or landscape work is required by these conditions, inspection fees and component certification fees must be paid to Council before Council will undertake any inspections. These fees may be paid at the time of submission of the required Notice of Commencement of works. This condition applies regardless of whether a Certification fee is also payable.

Note: The submission of a Notice of Commencement of works form to Council at

least two (2) days prior commencing works is a statutory requirement.

***Reason:*** *Statutory requirement and information. [D14]*

### **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]*

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

### **34. Notification of Inspections**

If Council is the Principal Certifying Authority, Council's Development Engineer is to be given 48 hours notice when the works reach the following stages:

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

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

***Reason:*** *Appropriate notice for works to be carried out. [E1]*

**35. Sign on Site**

A visually prominent sign to be erected and maintained on-site adjacent to the property's access point, for the duration of the landfill works. This condition must be complied with during demolition and building work.

**Reason:** *Proper identification of landfill works. [E2]*

**36. 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]*

**37. 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]*

**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. 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]*

#### **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. 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:

**(1) 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)]*

**(2) Kerbside restrictions, construction zones**

The applicant's attention is drawn to the existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

*Reason: Proper management of public land. [E24 (4)]*

**43. 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]*

**44. Erosion and Sediment Control (Contaminated Land)**

Erosion and sediment control techniques are to be in accordance with Warringah Council guidelines. All remediation works shall be conducted in accordance with an erosion and sediment control plan that follows the brochure "Preparing an Erosion and Sediment Control Plan", published by the Department of Conservation and Land Management. The plan must be kept on-site and made available to Council officers on request (see also Council's leaflet "Erosion and Sediment Control for Urban Development"). This Condition must be complied with during demolition and building work.

Erosion and sediment control measures must be established prior to commencement of work. All erosion and sediment measures must be maintained in a functional condition throughout the remediation works.

Temporary stockpiles of contaminated materials must be kept in a secure area. Facilities must be installed for cleaning vehicles prior to leaving the site. Detailed designs for any pollution control system, including leachate collection and disposal, must be provided to the Council with notice of proposed work.

**Reason:** *To protect the environment from contaminated sedimentation and erosion from development sites. [E29]*

**45. 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]*

**46. 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]*

**47. Sediment and Erosion Control Signage**

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

**Reason:** *To protect the environment from the effects of sedimentation and erosion from development sites. [E41]*

**48. Discharge of Contaminated Groundwater**

Groundwater shall be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant EPA and ANZECC standards for water quality.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** *To ensure contaminated groundwater does not impact upon waterways.*

**49. Disposal of Polluted Site Water**

Site water discharge must not exceed suspended solid concentrations of 50 mg/L, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the storm water system. The analytical results must comply with relevant Environmental Protection Authority and ANZECC standards for water quality.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** *To prevent pollution of waterways.*

**50. Soil and Water Management - Wheel Wash**

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the approved site soil and water management plan before the commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. The device shall be maintained at all times to Council's satisfaction.

**Reason:** *To minimise soil being trucked off site.*

**51. Noise Impact on Surrounding Area**

Use of associated mechanical plant shall not cause a sound level in excess of 5dB(A) at any time above the background noise level at any point along the site boundaries.

**Reason:** *To ensure compliance with acceptable levels of noise established under Industrial Noise Policy and the Protection of the Environment Operations Act 1997.*

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

**52. 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]*

**53. 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.*



**54. Storage of Liquid**

Adequate holding facilities shall be constructed for the storage of liquids in accordance with AS1940-1993. All tanks, drums and containers greater than 20 litres shall be stored in a bunded area. The bund walls and floors shall be constructed from 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 that liquids are correctly contained.*

**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 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. Storage of Solid Waste**

A bunded and roofed area shall be constructed for the storage of waste bins. All waste bins shall be stored in this bunded area. The bund walls and floors shall be constructed of impervious materials.

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

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

**57. Reinstatement of Kerb**

All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All costs shall be borne by the applicant, and works shall be completed prior to the issue of an Occupation Certificate.

***Reason:** To facilitate vehicular access to private sites, without disruption to pedestrian and vehicular traffic, and the preservation of on street parking spaces. [G9]*

**58. 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 Harris Page & Associates consultants (Drawing No H-01 Rev E and H-02 Rev B dated May 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]*

**59. 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]*

**60. 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]*

**61. 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 with the 'NSW Land and Property Information Department'.

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

**62. Requirement for Trade Waste Agreement**

A Trade Waste Agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as "discharge water containing any substance produced through industrial or commercial activities or operation on the premises". Separator systems are to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund. Records of maintenance of the separator system are to be kept in accordance with the Environment Protection Authority's Waste Tracking Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999). All solid and liquid wastes collected from the device are to be disposed of in accordance with the

Protection of the Environment Operations Act 1997.

*Reason: To ensure proper disposal of waste water.*

**63. Verification of Noise Attenuation**

Prior to the issue of an occupation certificate, a post noise survey report is to be prepared by an appropriately qualified or accredited person and submitted to the Principal Council / Accredited Certifier verifying:

- (a) Works have been carried out in accordance with the acoustic report prepared by Wilkinson Murray.
- (b) That **all** mechanical plant and air conditioners comply with the noise criteria specified in condition G12.

*Reason: To maintain the acoustic amenity of surrounding properties.*

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

**64. Line Marking and Signposting of Driveway off South Creek Road**

The proposed driveway off South Creek Road shall be clearly line marked and signposted as "Exit Only"

*Reason: Safety and amenity.*

**65. Requirement to Notify About New Contamination Evidence**

Any contamination which is uncovered during works or if any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination, shall be immediately notified to the Council and the Principle Certifying Authority. Works must cease until further notice from Council and the Principle Certifying Authority that each are satisfied that the NSW Department of Environment and Conservation Contaminated Land Guidelines will be complied with.

*Reason: To protect human health and the environment.*

**66. Occupation Health and Safety Compliance**

All site works shall comply with the occupational health and safety requirements of WorkCover NSW.

*Reason: To ensure that safe work/site conditions and practices are afforded to site workers and the surrounding community.*

**67. Lighting**

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the

amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard AS4282:1997 The Control of the Obtrusive Effects of Outdoor Lighting.

***Reason:** To protect the amenity of the surrounding neighbourhood from the emission of light.*

**68. Noise from Mechanical Plant and Air Conditioners**

Mechanical plant and air conditioners that are to be operated between 10pm - 7am on weekdays and/or 10pm and 8am on weekends and public holidays must when operated, be inaudible from within a habitable room of another residential premises (regardless of whether any door or window is open).

***Reason:** To protect the amenity of the surrounding neighbourhood from the emission of noise.*

**69. Compliance with POEO Act 1997**

Liquid and solid wastes generated on the sites shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations Act 1997. Records shall be kept of all waste disposals from the site.

***Reason:** To ensure the proper disposal of wastes.*

**70. Ground Water Extraction**

A licence shall be obtained from the Department of Infrastructure Planning and Natural Resources for approval to extract groundwater under the provisions of Part 5 of the Water Act, 1912.

***Reason:** To comply with Department of Infrastructure Planning and Natural Resources requirements.*

**71. Entry and Exit of Vehicles**

All vehicles are to enter and exit the site in a forward direction.

***Reason:** Safety.*

**72. Removed**

**73. Signage - Hours of Operation**

The sign shall cease illumination between the hours of 10pm and 7am daily Eastern Summer Time and Eastern Standard Time.

*Reason: Amenity.*

**74. Acoustic Screens**

The acoustic screens are to 190mm thick block walls.

*Reason: To protect amenity.*

**75. Hours of Operation**

The car wash facility will operate between the hours of 7am to 10pm, daily.

*Reason: Amenity.*

**76. Chemicals on site**

All chemicals on site are to be kept locked in the plant room.

*Reason: Safety and to protect the environment.*

**77. Height Control Bar**

The height control bar shall be located 6.5m from the front boundary on Pittwater Road.

*Reason: To preserve the streetscape.*