

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: REV2008/0036

Development Application No: DA2006/0896

DEVELOPMENT APPLICATION DETAILS

Applicant Name: HBO+EMTB ARCHITECTURAL

Applicant Address: GPO BOX 3948 SYDNEY 2001

Land to be developed (Address): Lot 202, DP 1100018, 1 Brissenden Avenue, Collaroy

Proposed Development: Construction of a spinal cord injuries residential health care rehabilitation facility

DETERMINATION

Made on (Date): 25 March 2009

Consent to operate from (Date): 30 March 2009

Consent to lapse on (Date): 30 March 2012

Details of Conditions

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

NOTE:

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

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

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

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

1. Approved Plans And Supporting Documentation

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

Drawing Number	Dated	Prepared By
S82 – 001 (Rev B)	29/01/2009	HBO + EMTB Pty Ltd
S82 – 002 (Rev A)	15/12/2008	HBO + EMTB Pty Ltd
S82 – 003 (Rev A)	15/12/2008	HBO + EMTB Pty Ltd
S82 – 004 (Rev A)	15/12/2008	HBO + EMTB Pty Ltd
S82 – 005 (Rev A)	15/12/2008	HBO + EMTB Pty Ltd
S82 – 006 (Rev A)	15/12/2008	HBO + EMTB Pty Ltd

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

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

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

2. Building Code of Australia

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

Reason: Prescribed - Statutory.

3. Landscaping Plan

Landscape works on the site are to be undertaken generally in accordance with the Landscape Plans No. 1692 – 1 1692 – 2 prepared by Precient Landscapes dated 6 September. The Landscape Plans are to be amended to reflect the modified architectural design submitted as part of the Section 82A application.

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

3A. No Work on Public space

This consent does not approve any structures appearing on the approved plans located on the adjoining public land identified as Lot 201 DP1100018. In this regard, the architectural plans are to be amended to delete all structures (i.e. ramps, pathway, viewing platform etc) of the adjoining public land.

Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.

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

4. Section 94A Contribution

\$70,000 is to be paid to Warringah Council as a Section 94A levy prior to the issue of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). 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:

<i>Warringah Section 94A Development Contributions Plan</i>			
Contribution based on total development cost of		\$	7,000,000.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable	Council Code
Total S94A Levy	0.95%	\$66,500	Rams
S94A Planning and Administration	0.05%	\$3,500	Rams
Total	1.0%	\$70,000	

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.

5. Reflectivity Index

The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

6. Long Service Levy

Payment of the Long Service Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work.

The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

Reason: Prescribed - Statutory.



Warringah Council

7. 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*

8. 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 dwellings as a result of flood events up to the 1 in 100 average recurrence interim.*

9. Submission and Approval of Engineering Plans for Road Works in Birdwood Avenue.

The submission to Council's Team Leader Development Engineering for approval in writing under Sec 138 of the Roads Act 1993, of Civil Engineering plans for the design of kerb and gutter, road pavement, stormwater drainage and associated footpath works required at the eastern end of Birdwood Avenue, including long and cross sections, details of proposed structures and specifications. And the construction of a 1.5m wide concrete footpath in Beach Road.

Such design shall be generally in accordance with drawings prepared by Henry & Hymas, numbered 05395_CC_EW01 Rev. B, EW02 Rev. B, EW03 Rev. Subject to the following amendment:

The low point on the southern side of Birdwood Avenue is to be re-designed at a location west of the driveway crossing to No. 17 that will enable the gutter invert at the western side of the vehicular access to no. 17 Birdwood Avenue to be raised by approximately 320 mm. (630mm below the garage floor level)

Such design shall be:

- (a) Prepared and submitted on A1 size sheets, undertaken by a consulting Civil Engineer,
- (b) All civil works shall be designed and built in accordance with Council's current specification for engineering works - AUSPEC 1. Council reserves the right of keeping all bonds on infrastructure works for a 6-month defects liability period,
- (c) The applicant shall reconstruct all affected kerb and gutter, bitumen reinstatements; adjust all vehicular crossings for paths, grass verges and household stormwater connections to suit the kerb and gutter levels. All works shall be undertaken at the applicant's cost.
- (d) Approved and stamped by Council prior to the issue of the Construction Certificate for these works and will be subject to Development Engineering fees in accordance Council's fees and charges.



Warringah Council

- (e) Upon completion of the works, the applicant is to provide to Council or Accredited Certifier (Civil Works) 2 copies of "work as executed plans" (overdrawn in red on a copy of the approved plans). The plans are to show relevant dimensions and finished levels and are to be certified by a surveyor. Also the applicant is to provide to Warringah Council in an approved format details of all public infrastructure created as part of the works,
- (f) All civil works in Birdwood Avenue and Beach Road are to be fully supervised by the consultant responsible for their design and on completion certified to be in accordance with the approved plans, conditions of construction and Council's standard specification for engineering works. A Compliance Certificate is to be issued by Council/Accredited Certifier (Civil Works) for the drainage diversion works prior to the release of the Final Occupation Certificate. If Council is to issue the Compliance Certificate for the drainage works, the fee payable is to be in accordance with Council's fees and charges.
- (g) A maintenance period of six (6) months shall apply to the work, after it has been completed and approved. In that period the applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions.

Warringah Council will require a Security Deposit/Bank Guarantee of \$20,000 prior to issue of the final Compliance Certificate or Subdivision Certificate to ensure rectification of any defects during the maintenance period. (See Schedule).

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

10. Construction Management Program

A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area. Access across public parks and open space reserves is prohibited. Site access and egress is to be generally obtained from Beach Road;
- (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. On site craneage is a requirement of this consent. Mobile cranes if used shall be located wholly within the site or only utilised during the demolition and excavation phase, and in association with the establishment and removal of a site crane, removal of excavation equipment and the like;

- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer and shall not involve any permanent or temporary encroachment onto Council's property;
- (i) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of hoardings over footpaths and laneways;
- (j) The location and operation of any on site crane; and
- (k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.

Reason: *To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.*

11. Kerb Security Bond

A bond of \$3,000.00 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.*

12. Bond for Engineering Construction Works - Kerb and Gutter, Footpaths, Vehicular Crossing

A Bond of \$100,00.00 shall be deposited with Council against any damage or failure to complete to the relevant specification the construction of any vehicular crossings, kerb and gutter and any footpath paving works required as part of this consent prior to the issue of any Construction Certificate. (See Schedule). An inspection fee is to be paid to Council prior to the issue of a Construction Certificate so that the site may be inspected prior to commencement of works.

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.*

13. Bond for Engineering Construction Works - Stormwater

A Bond of \$15,000.00 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.

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.*

14. 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.*

15. Bond for Construction, Excavation and Associated Works

Payment to Warringah Council of a \$10,000.00 bond as security against damage to Council's roads caused by the transport and disposal of materials and equipment to and from the site. This amount to be paid prior to the issue of the Construction Certificate and to be verified by the accredited certifier.

Reason: *To ensure appropriate security for road damage.*

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 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.*

17. 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*

18. Property Alignment Levels

The property alignment levels shall match the existing levels except where modified for the vehicular crossing. The applicant shall design and construct having regard for the aforementioned levels. No approval is granted for any change to existing property alignment levels to accommodate the development.

Reason: *To facilitate suitable vehicular access to private sites, without disruption to pedestrian and vehicular traffic and to ensure appropriate access and infrastructure protection that is integral with infrastructure on surrounding sites.*

19. Crossing Plan Details

The following details must be submitted with the application for Construction Certificate:

- (a) Longitudinal section along the extremities and centre-line of each driveway/access ramp at a scale of 1:100.
- (b) Sections to be taken from the centre-line of the roadway through to the parking area itself and shall include all changes of grade both existing and proposed.
- (c) The sections shall show all relevant levels and grades (both existing and proposed) including those levels stipulated as boundary levels.
- (d) The sections shall show the calculated clearance to the underside of any overhead structure.
- (e) A longitudinal section along the gutter line showing how it is intended to blend the vehicular crossing into the existing kerb and gutter.
- (f) All details of internal ramps between parking levels.

All details are to be certified by an appropriately qualified and practicing Civil Engineer, as complying with Australian Standard AS 2890.1, and Council's standard specifications.

Reason: *To facilitate suitable vehicular access to private sites, without disruption to pedestrian and vehicular traffic.*

20. Line Marking

17 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 as required by conditions of this consent. 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.*

21. Cleanliness and Maintenance of Food Preparation Areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:



Warringah Council

- (a) The Food Act (as amended)
- (b) The Food Regulation (as in force);
- (c) Council's Code for the Construction and Fit out of Food Premises;
- (d) Sydney Water Corporation - Trade Waste Section;
- (e) The Clean Air (Plant and Equipment) Regulation, ;
- (f) AS 1668 Part 1;
- (g) AS 1668 Part 2;
- (h) The Protection of the Environment Operations Act; and
- (i) The Building Code of Australia;
- (j) The ANZ Foods Standards Code

The relevant matters to be taken into account under this approval relate to:

- (k) Construction, materials and finishes;
- (l) Installation of fixtures, fittings and equipment;
- (m) Washing facilities, other facilities and special requirements;
- (n) Mechanical ventilation and exhaust discharges; and
- (o) Temperature control.

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

Reason: *To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation.*

22. 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.*

23. Dilapidation Survey

A photographic survey of adjoining properties numbers 19 Birdwood Avenue and 3 Brissenden Avenue detailing the physical condition of those properties, both internally and externally, SHALL BE submitted to Council / Accredited Certifier prior to the issue of a Construction Certificate. This survey is to be prepared by an appropriately qualified and experienced independent person and submitted by the applicant to the owners of the adjoining properties and to Council prior to the issue of a Construction Certificate.

On completion of the demolition works and on completion of the excavation and building works and prior to occupation of the building, a certificate prepared by who appropriately qualified and experienced prepared the survey to the effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority.

If damage is identified by the person agreed to by who appropriately qualified and experienced prepared the survey which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to occupation of the development.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council / Accredited Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible)

Reason: *Proper management of records.*

24. Colours & Finishes

The colours, texture and substance of all external components of the building and hard surfaced areas being generally in accordance with plans numbered 0211.05/da100, dated 01/09/2006 as modified by any conditions of this consent/approval. Prior to issue of the Construction Certificate, Council / Accredited Certifier is to verify that the external components are in accordance with that specified above.

Reason: *Amenity*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

25. Asbestos Management Plan

As specified by the Additional Environmental Investigation and Remedial Action Plan for the Proposed Sargood Centre Development prepared by Environmental Investigation Services (EIS) September 2006 (Ref No.: E20247F-RPT2), an asbestos management plan should be prepared by a licensed asbestos contractor prior to the commencement of remedial works at the site. An appropriate occupational health and safety plan should also be prepared for the contaminants encountered at the site.

Reason: *To ensure land contaminated with asbestos is removed according to requirements and the long term health of workers on site and occupants of the building is not put at risk unnecessarily.*

26. Remedial Action Plan

Remediation of the site including excavation, removal, backfilling and validation of the area surrounding the underground storage tank must be done in accordance with the Remedial Action Plan for the Proposed Sargood Centre Development prepared by Environmental Investigation Services (EIS) September 2006 (Ref No.: E20247F-RPT2).

Reason: *To protect people and the environment from potential harm arising from contaminated material.*

27. Design, construction and fit out

The design construction and fit out of the kitchen for morning and evening meal preparation shall comply with Australian Standard AS 4674 – 2004 – ‘Design, Construction and fit-out of food premises’.

Reason: *To ensure compliance with the Australian Food Standards Code.*

28. Toilets

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

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

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

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

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

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

29. Site Sign

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) Stating that unauthorised entry to the work site is prohibited;
 - (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

Reason: *Statutory requirement.*

30. Notice of Commencement

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

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

31. 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.*

32. Waste Collection Contract

Prior to the commencement of work, written evidence is to be submitted to the Certifying Authority that there is a contract with a licensed contractor for the removal of demolition waste.

Reason: *To maintain the property in a safe and hygienic state.*

33. Tree Protection

Prior to the commencement of work, written evidence is to be submitted to the Certifying Authority, that the recommendation and measures as outlined in a letter prepared by Stuart Pittendrigh, dated 12 December 2008 has been adopted in relation to the retention of trees.

Reason: *To ensure retain significant planting on the site and on the adjacent Lands.*

34. Protection of Trees During Works

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

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

35. Identification and Protection of Trees

- (1) All trees identified for retention/protection are to be clearly identified by signage as protected trees.
- (2) The primary root zone areas of the trees identified for protection are to be protected by fencing during the entire construction period except for specific areas directly to achieve construction works.
- (3) The tree protection fence shall be constructed of galvanised pipe at 2.4 m spacing and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres. The tree protection fencing is to be installed and fully operational prior to any demolition or construction works commencing on the site.

Reason: *To protect trees to be retained.*

36. Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to issue of the Construction Certificate to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.

Or telephone 13 20 92.

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

37. 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 then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.



Warringah Council

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*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

38. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from site.

Reason: *To ensure bushland management*

39. Plans on Site

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

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

40. Special permits (Hoarding)

Hoardings/fences shall be installed before any work is commenced on site including construction/demolition, and shall remain in place for the duration of the work. A separate application to be made to Council for this purpose and appropriate fee paid. No construction access is permitted other than at the approved vehicle crossing/s. All loading, unloading and storage of materials for works within the site shall take place within the hoarding enclosure.

Reason: *To ensure public safety of the footpath area and road.*

41. 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.*

42. Health and Safety

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

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

43. Excavation / Backfilling

All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.

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.*

44. Construction Hours

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

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

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

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

45. Aboriginal Heritage

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

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

Reason: *Aboriginal Heritage Protection.*

46. Waste Management Plan

Material to be removed from the site must be source separated on site to maximise recycling, and the material disposed of to an appropriate disposal and recycling facility in accordance with the approved Waste Management Plan.

Reason: *To maximise reuse and recycling of material and protect the environment from illegal dumping.*

47. Dust emission and air quality

Materials must not be burnt on site.

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

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

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

48. Storage of Potentially Contaminated Soils

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

Reason: *For protection of environment and human health*

49. 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.*

50. 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.*

51. Removal of Hazardous Material

Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.

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

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

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

52. Removing, Handling and Disposing of Asbestos

Any works involving asbestos based products in relation to removal, handling and disposing of material must be undertaken in accordance with all relevant Acts, Regulations, Guides and Codes.

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

- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]

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

53. Tree Pruning

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

Note: The following Australian Standard applied at the time of determination:

- Australian Standard AS 4373.2007 - Pruning of Amenity Trees.

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

54. Protection of Trees

All trees which are not listed as exempt or noxious in Warringah that are not indicated for removal on Site Plan drawing No. S82-001RevB Prepared by HBO+EMTB Heritage Pty Ltd dated 29.01.09 are to be protected.

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

55. Tree Preservation Order

The land is subject to a Tree Preservation Order and no trees other than those expressly granted permission as a result of this development consent, may be removed without the prior consent of Council.

Reason: *Protection of trees.*

56. Trees

- (1) Tree roots of 50mm or greater in diameter encountered during excavation, shall only be cut following consultation with a qualified Arborist. Tree roots between 10mm and 50mm in diameter, severed during excavation, shall be cut cleanly by hand.
- (2) Underground services should use common trenches as far away from tree roots as possible. If the services need to be run within the protection zone, all utility pipes are to be laid using appropriate directional boring techniques. Directional Boring shall be carried out at least 600mm beneath natural ground to avoid damage to tree/trees root system. Entry and exit points are to be located outside the protected area. No tree roots are to be severed, or damaged during this work. Should problems arise, work is to cease until those problems are resolved and confirmed in writing by Council's Tree Management Officer.



Warringah Council

- (3) All overhead utility services are to be located outside the canopies of existing trees.
- (4) The following guidelines are to be complied with at all times:
 - (a) The applicant shall ensure that at all times during the development period no activities, storage or disposal of materials shall take place beneath the canopy of any tree covered under Council's Tree Preservation Order unless specifically approved by Council.
 - (b) Trees marked for retention are not to be damaged or used to display signage, or as fence or cable supports for any reason.
 - (c) Sitting of sheds, stockpiles and vehicle parking should be sited so that they are remote from trees.
 - (d) Site personnel are to be made aware of tree requirements and protective measures. Paving materials placed within the dripline of any tree should be of a porous material.
- (5) During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:
 - (a) A general decline in health and vigour.
 - (b) Damaged, crushed or dying roots due to poor pruning techniques.
 - (c) More than 10% loss or dieback of roots, branches and foliage.
 - (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
 - (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
 - (f) An increase in the amount of deadwood not associated with normal growth.
 - (g) An increase in kino or gum exudation.
 - (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
 - (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

- (6) All trees on neighbouring properties are to be protected from adverse impacts caused by the works. Any excavations or changes of level occurring within the canopy of trees on neighbouring properties shall only be undertaken following consultation by a suitably qualified Arborist.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: *Protection of trees.*

57. No Removal of Trees on Public Property

No trees or native shrubs or understorey on public property (footpaths, roads, reserves, etc.), unless specifically approved in this 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.*

58. Noxious Plants

All plants on the site that are declared as noxious weeds in Warringah shall be eradicated before the commencement of landscape works.

Reason: *To ensure that plants identified as weed species are not allowed proliferating or interfering with a quality-landscaping outcome.*

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

59. Undergrounding of Telecommunications Services

Arrangements are to be made for the provision of underground telecommunications services to the building, prior to the issue of an Interim/Final Occupation Certificate.

Reason: *Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services.*

60. Stormwater Disposal Certification

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

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

- Australian/New Zealand Standard AS/NZS 3500.3:2003 - Plumbing and drainage - Stormwater drainage
- Australian/New Zealand Standard AS/NZS 3500.3:2003/Amdt 1:2006 - Plumbing and drainage - Stormwater drainage
- National Plumbing and Drainage Code.

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

61. Restriction as to User for On-site Stormwater Detention

A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land prior to the issue of an Interim/Final Occupation Certificate. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgment with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.

Reason: *To ensure no modification to the on-site stormwater detention structure without Council's approval.*

62. Reinstatement of Kerb

Prior to the issue of an Interim/Final Occupation Certificate all redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

Reason: *To facilitate the preservation of on street parking spaces.*

63. Registration of Encumbrances for On-site Stormwater Detention

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted to Council prior to the issue of an Interim/Final Occupation Certificate.

Reason: *To identify encumbrances on land.*

64. Positive Covenant for On-site Stormwater Detention

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council prior to the issue of an Interim/Final Occupation Certificate. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgment with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

Reason: *To ensure ongoing maintenance of the on-site stormwater detention system.*

65. On-Site Stormwater Detention Compliance Certification

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance/Component Certificate shall be issued by Council or an Accredited Certifier in Civil Works stating that the works are in accordance with the approved plans prior to the issue of an Interim/Final Occupation Certificate.

If Council is to issue the Compliance Certificate for these works, the fee is to be in accordance with Council's Fees and Charges.

Reason: *To ensure stormwater disposal is constructed to Council's satisfaction.*

66. CCTV of Stormwater Drainage Works

Prior to the issue of an Interim/Final Occupation Certificate the applicant shall submit to Council a CCTV inspection of the completed drainage works that revert to Council's care and control. The above CCTV inspection is to be provided on a DVD in mp2 file format, and should be clearly labeled and contain a menu outlining the pipe attributes.

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

67. Certification Stormwater Drainage Works

An appropriately qualified and practicing Civil Engineer shall certify to the Council / Principal Certifying Authority that the stormwater drainage system was constructed in accordance with this consent and approved drainage plans submitted by Henry & Hymas Consulting Civil Drawing No. [DA601, DA602, DA603 (A), DA604 (02 – dated 15/06/2007), DA605 (A)], dated May 2006. The Applicant shall, upon completion of the Development works and prior to the issue of any Occupation Certificate, submit to Council a copy of the aforementioned letter of Certification.

Reason: *Compliance with this consent.*

68. Occupation Certificate Required

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

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

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

69. Garbage and Recycling Facilities

Prior to the issue of an Interim/Final Occupation Certificate all internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Reason: *To prevent pollution of the environment and to protect the amenity of the area.*

70. Garbage and Recycling Facilities

Prior to the issue of an Interim/Final Occupation Certificate, garbage facilities are to be constructed in accordance with Warringah Council's Code for Waste Handling in Residential Buildings.

Reason: *To ensure the provision of appropriate waste facilities for residents and protect community health, and to ensure efficient collection of waste by collection contractors*

71. Fire Safety Upgrade

The fire upgrading measures and works to upgrade the building as detailed and recommended in the Fire Safety and Building Code of Australia Audit Report prepared by Davis Langdon dated 4 August 2006, are to be implemented prior to the issue of an Interim / Final Occupation Certificate.

Reason: *To ensure adequate provision is made for fire safety in the premises for building occupant safety.*

72. Storage of Liquid

Adequate holding facilities shall be constructed for the storage of new and waste oils and other bulk liquids in accordance with the relevant Australian Standards prior to the issue of an Interim/Final Occupation Certificate.

Note: The following Australian Standard applied at the time of determination:

- Australian Standard AS 1940 -2004 - The Storage and Handling of Flammable and Combustible Liquids

Reason: *To ensure waste liquids are correctly contained*

73. Requirement of Emergency Response Management Plan

An emergency response management plan shall be prepared and submitted to the Principal Certifying Authority prior to the issue of an Interim/Final Occupation Certificate. The plan shall include the following:

- List of chemicals and maximum quantities to be stored at the site;
- Identification of potentially hazardous situation;
- 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.

Reason: *Environmental Protection and Emergency Management*

74. Noise Impact of Plant

All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system and/or the refrigeration system, shall be sound insulated and/or isolated so that the noise emitted does not exceed 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 Environment Protection Authority's NSW Industrial Noise Policy guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.

A report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Principal Certifying Authority demonstrating compliance with this condition prior to the issue of an Interim / Final Occupation Certificate.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard AS1055.1 - 1997 Acoustics - Description and measurement of environmental noise - General procedures.

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

75. Asbestos Clearance Certificate

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



Warringah Council

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

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

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

76. Notification of the food premises

The proprietor of a food business must not conduct the food business unless the proprietor has given written notice, in the approved form, of the information specified in the Food Safety Standards that is to be notified to the appropriate enforcement agency before the business is conducted.

Notification may be done either online at www.foodnotify.nsw.gov.au or by lodging a completed NSW Food Authority notification form to the NSW Food Authority or Council.

Note: A fee of \$55 applies when lodging notification forms with Council.

The proprietor of a food business must also contact an Environmental Health Officer of Council to inform them of their notification number and business details prior to trading.

Reason: *To ensure compliance with the Australian Food Standards Code.*

77. Mechanical Exhaust Ventilation

Any mechanical exhaust system shall be installed in accordance with AS1668, and be operated in such a way so as to minimise/prevent the creation of odours, fumes and excessive noise which may adversely affect the amenity, or interfere unreasonably with the comfort or repose of occupants of the building and adjoining residential premises.

Certification, from an appropriately qualified and practising Mechanical Engineer, is to be submitted to the Principal Certifying Authority, detailing that the exhaust ventilation system has been installed in accordance with AS1668, prior to completion and the issue of any Occupation Certificate.

Reason: *To ensure compliance with acceptable standards for the construction and operation of mechanical plant.*

78. 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.*

79. 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 are maintained, statutory requirements for record keeping.*

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

80. Visitors Sign

A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

Reason: *To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors.*

81. Vehicle Egress Signs

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.

Reason: *To ensure pedestrian safety.*

82. Loading Within Site

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

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

83. 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.*

84. Storage of Radioactive Substances

The operation of the premises and the use, storage and transport of any radioactive substance or waste shall be carried out in accordance with the provisions of all relevant Acts, Regulations and Standards.

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

- Radiation Control Act 1990
- Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (2004)

Reason: *To ensure the correct storage and transport of radioactive substances or wastes.*

85. Duty to Notify of Pollution Incidents

Pollution incidents causing or threatening harm to the environment must be reported to Council, the Department of Environment and Climate Change or the appropriate regulatory authority as soon as practicable.

Reason: *Statutory requirement under Protection of the Environment Operations Act 1997.*

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 Lashta Haidari

Date 30 March 2009