



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No:	DA 2006/746
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DEVELOPMENT APPLICATION DETAILS

Applicant Name:	Benjamin James Humel
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Applicant Address:	PO Box 153 Manly NSW 2095
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Land to be developed (Address):	Lot 3, DP 33310, 192-194 Harbord Road Brookvale
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Proposed Development:	Demolition of the existing structures and construction of an industrial development comprising 32 factory/warehouse units with mezzanine offices and car parking
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DETERMINATION

Made on (Date):	16 July 2007
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Consent to operate from (Date):	16 July 2007
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Consent to lapse on (Date):	16 July 2010
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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
DA1 Revision C prepared Humel Architects Pty Ltd	13-06-07
DA2 Revision C prepared Humel Architects Pty Ltd	13-06-07
DA3 Revision E prepared Humel Architects Pty Ltd	13-06-07
DA4 Revision D prepared Humel Architects Pty Ltd	13-06-07
DA5 Revision D prepared Humel Architects Pty Ltd	13-06-07
DA6 Revision C prepared Humel Architects Pty Ltd	13-06-07
DA7 Revision D prepared Humel Architects Pty Ltd	13-06-07
DA8 Revision C prepared Humel Architects Pty Ltd	13-06-07
DA9 Revision E prepared Humel Architects Pty Ltd	13-06-07
DA10 Revision D prepared Humel Architects Pty Ltd	13-06-07
Lighting Plan Drawing No. 2005.80 E Revision A prepared by Humel Architects Pty Ltd	September 2006

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]

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

OF CONSTRUCTION CERTIFICATE

3. Construction Management Program (Commercial and Mixed use Development)

A Construction Management Program shall be submitted and approved by Council or Accredited Certifier PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property shall require appropriate approvals. 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.
- (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. 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 Councils property;
- (i) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of hoardings;
- (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 residential amenity in the locality, without unreasonable inconvenience to the community. [B2]

4. Provision of Services

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

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

5. Undergrounding of Telecommunications Services

The developer shall submit to the Council / Accredited Certifier a letter from Telstra and/or Optus confirming that satisfactory arrangements have been made for the provision of underground telecommunication services to the proposed development, prior to the issue of the Construction Certificate.

***Reason:** Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. [B5]*

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

6. Construction Certificate

Construction Certificates are required to be approved and issued by either Council or an Accredited Certifier, prior to the following:

- i. **Prior to the demolition of the building.** Additionally, upon demolition of the structures on the site, the applicant is to address the General Terms of Approval of the Department of Water and Energy (formerly Department of Natural Resources), as detailed in Conditions 86 and 87 of this consent.
- ii. **Prior to excavation and construction of the development.** Additionally, prior to release of the Construction Certificate, the applicant is to present proof of receiving the Water Licence from the Department of Water and Energy (formerly Department of Natural Resources) to the Council/Accredited Certifier.

***Reasons:** (i) Legislative requirements.
(ii) To ensure no works that can impact upon groundwater can commence before a licence is obtained.*

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. [C2]

8. Design for Access & Mobility

The development must comply with the requirements of the Disability Discrimination Act and AS 1428 – Design for Access and Mobility.

A suitably qualified Access Consultant is to provide written certification that the proposal complies with the requirements of the Disability Discrimination Act and AS1428 – Design for Access and Mobility prior to the issue of the Construction Certificate.

Reason: To ensure equitable access to members of the community to all public facilities.

9. 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]

10. Stormwater Disposal

The stormwater drainage works are to be in accordance with the drainage plan submitted by T. J. Taylor Consultants Pty Limited, drawing number 19106-1, 2 and 3A dated July 2006. The completed works shall be certified as being built in accordance with the approved drawings and compliant with Australian Standard 3500.3.2, National Plumbing and Drainage Code, by the design engineer.

Reason: To ensure appropriate provision for stormwater disposal and management arising from the development. [C8]

11. Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20 year storm.
- (b) The pump system shall be regularly maintained and serviced, every six (6) months.
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump



provided at the property line, connected to the street gutter by a suitable gravity line.

Engineering details demonstrating compliance with these criteria, and certified by an appropriately qualified and practising Civil Engineer shall be provided to the Council / Accredited Certifier for approval with the Construction Certificate.

Reason: *To ensure adequate provision is made for the discharge of sub-surface stormwater from the excavated parts of the site. [C10]*

12. Flood Protection

All new construction and services to a minimum level of 6.45m AHD shall be designed to withstand flooding in accordance with the requirements specified in the New South Wales Floodplain Management Manual. Buoyancy, flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed. Structural details for the construction are to be prepared by a suitably qualified Civil Engineer and submitted to and approved by Council / Accredited Certifier prior to issue of the Construction Certificate.

Reason: *To protect the building from flooding in accordance with Council and NSW Government policy. [C14 (1)]*

13. Kerb Security Bond

A bond of \$5000 shall be deposited with Council and inspection fees paid (kerb inspection fee \$200), 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]*

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

A Bond of \$20 000 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. 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. [C17]*

15. Bond for Silt & Sediment Control

The payment of \$10 000 prior to issue of a construction certificate as 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]

16. Vehicle Crossings

Provision of one vehicle crossing 12 metres wide in accordance with Warringah Council Drawing No A4-3330/1 Normal and specifications. An Application for Street Levels is to be made prior to the issue of the Construction Certificate. Vehicle crossings and associated works within the road reserve shall be constructed in **plain concrete** by an Authorised Vehicle Crossing Contractor, for details see Warringah Council's website <http://www.warringah.nsw.gov.au> or phone (02) 9942 2111. All redundant laybacks and crossings are to be restored to footpath/grass.

Prior to the pouring of concrete, the vehicle crossing/s are to be inspected by Council and a satisfactory "Vehicle Crossing Inspection" card issued.

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

17. Footpath Construction

The applicant shall construct the footpath along the Harbord Road frontage. The footpath is to be constructed in plain concrete 1.2 metres wide. Two 3 metre wide pedestrian entry paths are to be constructed from the boundary to the new footpath alignment in plain concrete. 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 practicing 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.

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

18. Carparking details

Off-street parking associated with the proposed development (such as the driveway, ramp grades, aisle widths, aisle lengths, parking bay dimensions, sight distances and loading bays etc) is to be designed in accordance with AS2890.1 – 2004 and AS2890.2 – 2002. Plans demonstrating compliance are to be submitted prior to the issue of the Construction Certificate.

Reason: To ensure the adequate provision of car parking.

19. Parking for People with Disabilities

Of the required number of car parking spaces at least 3 car-parking spaces must be provided for

use by persons with a disability.

The car parking spaces and access from the car parking spaces to other areas within the building are to comply with the Disability Discrimination Act and AS 2890 and the relevant provisions of AS1428. Details demonstrating compliance with these requirements are to be submitted prior to the issue of the Construction Certificate.

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

20. Soil and Water Management Plan

A Soil and Water Management Plan shall be prepared and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The Soil and Water Management Plan shall be prepared and implemented by the person(s) supervising the works on site and must be in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004), and include:

- A. Planned stages of excavation and building;
- B. The slope of the land;
- C. Location of all pits, waterways and drains on and nearby the site;
- D. Location of washdown and storage of material areas;
- E. Proposed erosion and sediment controls and their location;
- F. Sediment control basin locations and volume;
- G. Covering materials and methods;
- H. A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

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

21. Dilapidation Survey

A dilapidation survey of adjacent buildings must be conducted prior to any site work. The lateral extent of the survey must cover the likely "zone of influence" of any excavation or construction induced vibration. The survey must be properly documented. The dilapidation report must be submitted to Council and the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *Proper management of records.*

22. Structural Adequacy of Adjoining Properties

A certificate prepared by an appropriately qualified and practising Structural Engineer, at no cost to the Council, detailing the structural adequacy of adjoining properties, and certifying their ability to withstand the proposed excavation and any measures required to be incorporated into the work to ensure that no damage will occur to adjoining properties during the course of the works, shall be submitted to the Council / Accredited Certifier with the Construction Certificate application.

Reason: *To ensure the protection and structural integrity of adjoining properties. [C48]*

23. Reflectivity Index of Glazing

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 with 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. [C54]*

24. Roofing Materials - Reflectivity

The external finish to the roof and shade sails shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof or shade sails 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]*

25. 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.

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

26. 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.

Advisory note: The rate of the Long Service Levy at the time of consent is 0.35% of the building construction works. At the time of consent, payment is not required where the value of the works is less than \$25,000. For works that are \$25,000 or over, a fee is required at the prescribed rate. 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 and is based on the building construction works identified in the Construction Certificate.

Reason: *Prescribed - Statutory. [F12]*

27. S94A Contribution

The payment of \$50 000 as a 94A levy prior to the approval/release of the Construction Certificate.

This amount has been calculated using the Warringah Section 94A Development Contributions



Plan 2006. It is current at the time of issue of this Consent. 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:

Warringah Section 94A Development Contributions Plan			
Contribution based on total development cost of		\$5,000,000.00	
Contribution - all parts Warringah (except Dee Why)	Levy Rate	Contribution Payable	Council Code
S94A Levy	0.95%	\$47,500	6923
S94A Planning and Administration	0.05%	\$2,500	6924
TOTAL	1%	\$50,000	

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. [C82]

28. High Quality Lighting

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

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

29. Public Utility Authority Requirements

The proposed relocation of the existing electrical substation and relinquishment/relocation of the existing electricity easement that burdens the site is to be in accordance with the requirements of Energy Australia. Confirmation of Energy Australia's approval for these works is to be provided to Council / Accredited Certifier prior to the release of the Construction Certificate.

Reason: To ensure compliance with the statutory requirements of Energy Australia.

30. Landscaping

Approved plans are to indicate that the landscaped front building setback incorporates 4 *Glochidion ferdinandi* spaced along the frontage of the development and 6 *Banksia integrifolia* in place of the 6 palm trees and circular planters indicated on the plans as being located in the Harbord Road road reserve.

Tree Species	Location	Pot Size
4 <i>Glochidion ferdinandi</i>	Front landscape area	300 mm
6 <i>Banksia integrifolia</i>	Road verge, 4m off the kerb	25 litre



Warringah Council

	(Between new footpath and the existing overhead powerlines)	
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Reason : *To comply with the Desired Future Character, to enhance the Greendale Creek Wildlife Corridor and provide local environmental amenity.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

31. Licensing requirements for removal of bonded asbestos

Anyone who removes, repairs or disturbs bonded asbestos must hold a bonded or a friable asbestos licence, or a demolition licence in accordance with Workcover requirements and the *Occupational Health and Safety Act 2000*.

A person licensed for friable asbestos removal work does not need an additional licence for bonded asbestos removal work.

Licensed contractors must notify WorkCover NSW of work done in relation to bonded asbestos material having a total surface area of more than the maximum allowable area specified in Clause 317 (3) of the *Occupational Health and Safety Regulation 2001*.

The notification must be given at least 7 days prior to the start of work and should provide the following information:

- Details about the removal contractor and nominated competent person and independent supervisor (building owner's representative)
- Type, quantity and location of bonded asbestos material
- Work method statement of removal procedures to be carried out
- Commencement and completion dates
- Disposal arrangements

Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the commencement of works.

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

32. 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]*

33. Dewatering and General Terms of Approval from the Department of Water and Energy (formerly Department of Natural Resources)

The developer/applicant must apply for and obtain a bore licence from the Department of Water and Energy (DWE). The bore licence must be obtained prior to commencement of dewatering works. All requirements of the DWE are to be complied with. A copy of the approval from the DWE must be submitted to the Principal Certifying Authority prior to



commencement of construction works. All general terms of approval (GTAs) supplied by the Department of Water and Energy must be complied with.

Reason: *Compliance with the requirements of Department of Sustainable Natural Resources.*

34. 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]*

35. 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]*

36. Road opening permit

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

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

37. Structural adequacy and Excavation work

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

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

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

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

Reason: *Safety. [D9]*

38. Public Liability Insurance - Works on Public Land



Warringah Council

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]*

39. Cost of Work

All work associated with the proposed development shall be at no cost to the Roads and Traffic Authority.

Reason: *To ensure compliance with the requirements of the Roads and Traffic Authority.*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

40. 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]*

41. Footpath

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.

Installation of the footpath, street trees and grass verge shall be carried out in accordance with Council's specifications and this consent.

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

42. 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. [C30]*

43. 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]*

44. 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]*

45. 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.*

46. No Work on Public Open Space

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

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

47. Construction Access Over Public Reserve

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

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



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

48. 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) On-street mobile plant

Eg. cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

Reason: Proper management of public land. [E24 (1)]

(2) 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)]

(3) Storage of building materials and building waste containers (skips) on Council's property

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

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

(4) 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)]

49. Construction Hours



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

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

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

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

50. Out of Hours Work Permits

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. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

(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. [E27]*

51. Erosion and sediment control (contaminated land)

Erosion and sediment control techniques are to be in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004). An erosion and sediment control plan in accordance with these guidelines must be kept on-site and made available to Council Officers on request. This condition must be complied with during demolition and building work.

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

52. Water Quality form Contaminated Sites

Runoff must be drained to an adequately bunded central collection sump and treated, if necessary, to meet NSW Environment Protection Authority discharge criteria. Leachate pH should be regularly monitored in collection pond/s and treated as required to maintain a pH between 6.5 and 8.5.

***Reason:** To protect the environment from contaminated sedimentation and erosion from development sites and to ensure compliance with the Acid Sulphate Soil Management Plan.*

53. 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 with provisions of:

- *Occupational Health and Safety Act 2000;*
- *Occupational Health and Safety Regulation 2001;*
- *Protection of the Environment Operations Act 1997 (NSW); and*
- *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.*

54. Plant & Equipment Kept Within Site

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

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

55. 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]*

56. 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]*

57. 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]*

58. Asbestos Clearance Certificate

Upon completion of all demolition works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (such as an Occupational Hygienist or Environmental Consultant) must be submitted to the Principal Certifying Authority (and a copy forwarded to Council) for the building work certifying the following:

- The building is free of asbestos; or
- The building has asbestos that is presently deemed safe.

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 Conservation (NSW) website at www.dec.nsw.gov.au <<http://www.dec.nsw.gov.au>>)

Reason: *To ensure that building works involving asbestos based products are safe for occupation and will pose no health risks to occupants. [E46]*

59. Supervision of Potentially Contaminated Land During Excavation

A suitably qualified and experienced person must be nominated and available during excavation to assess any expected or unexpected contamination, such as acid sulphate soils, asbestos or underground storage tanks. This person must have sufficient authority to halt works should excavation works reveal contamination.

The name, qualifications and contact details of the suitably qualified person must be submitted to the Principal Certifying Authority prior to commencement of excavation.

Reason: *To protect employees, occupants and the environment from potential contamination arising from excavation of the soils.*

60. Storage of potentially contaminated soils

All stockpiles of potentially contaminated soil must be stored in an environmentally acceptable manner in a secure area on the site.

Reason: *For protection of environment and human health*

61. Off-site disposal of contaminated soil and actual and potential acid sulphate soils

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with:



- *Protection of the Environment Operations Act 1997 (NSW); and*
- *Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).*

Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

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

62. Acid sulphate Soil Management Plan

All demolition and building works are to be carried out in accordance with the Report on Acid Sulphate Soil Management Plan No. 43989B prepared by Douglas Partners date February 2007.

In particular, to prevent excavation/disturbance of actual or potential Acid Sulphate Soils, excavation of materials is limited to above the water table (nominally less than 0.4m bgl).

Reason: *To ensure compliance with Contaminated Land Guidelines, protection of the environment and human health*

63. Removal of Underground Storage Tank

Underground tanks shall be removed in accordance with:

- Australian Institute of Petroleum (AIP) *Code of Practice for the Removal and Disposal of Underground Petroleum Storage Tanks* (ref. AIP CP22)
- WorkCover NSW requirements (this requires writing in advance to the Chief Inspector of Dangerous Goods, WorkCover NSW, locked Bag 10, Clarence St Sydney 2000 and complying with any conditions imposed).

NOTE: In the event of conflict between the AIP Code of Practice and WorkCover NSW requirements, the latter shall prevail.

Reason: *To ensure the safe removal of underground storage tanks.*

64. Disposal of Polluted Water

Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must 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 the relevant Department of Environment and Conservation (EPA) 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.*

65. Requirement to notify about new contamination evidence



Any new information revealed during demolition works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Reason: To protect human health and the environment.

66. Discharge of water from the site

Groundwater shall be analysed for pH, suspended solids 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 DEC and ANZECC standards for water quality. Suspended solids concentrations must not exceed 50 mg/L. Details of treatment of site discharges must be supplied.

Reason: To ensure water discharged from the site does not impact upon waterways.

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

67. Building Code of Australia

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

Reason: Prescribed - Statutory. [F1]

68. Sydney Water

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

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

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

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

69. Excavation / Backfilling

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



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

70. Demolition

Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.

Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. [F6]

71. Support for Neighbouring Buildings

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage;
 - (b) if necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner's consent; and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, allotment of land includes a public road and any other public place.

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

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

72. Occupation Certificate Required

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

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

73. Fire Safety Certificate

To ensure the safety of occupants of the building a "Fire Safety Certificate" which identifies



the schedule of “Fire Safety Measures” that have been completed to satisfactory standard shall be provided to the Principal Certifying Authority prior to the issue of an “Occupation Certificate” as required in the “Environmental Planning and Assessment Act & Regulation.

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

74. Annual Fire Safety Statement for the building

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

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

75. 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]*

76. Access for People with Disabilities

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

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

77. Covenant for Maintenance of Stormwater Pump-out System

A Positive Covenant (under the provisions of Section 88B of the Conveyancing Act) is to be created on the property title to ensure the on-going maintenance of the stormwater pump-out facilities on the property being developed.

Warringah Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument, and Warringah Council’s official seal shall be affixed to these documents, prior to submission to the Land & Property Information Department. Evidence of the lodgement of the instrument referred to in this condition is to be provided to Council with a copy of the Occupation Certificate.

Reason: *To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard. [G26]*

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL COMPLETION

78. Carparking Layout

All car spaces being line marked in accordance with the carparking layout on the approved plans. The loading/unloading areas are also to be line marked in accordance with the approved plans.

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

79. Bicycle Storage Facilities

Bicycle Storage facilities are to be provided within the development.

Reason: *To ensure bike storage facilities are provided.*

80. Directional Signs

Directional signs are to be provided near the main entry to guide users to the various onsite parking spaces including the roof top disabled spaces and to direct the Heavy Rigid Vehicles to the Heavy Rigid Vehicle loading bay.

Reason: *To appropriately manage vehicles on the site.*

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

81. Allocation of Spaces

112 car parking spaces provided shall provided and maintained at all times on the subject site. The spaces shall be allocated in accordance with the car parking provisions of Schedule 17 of WLEP 2000. Of the required number of car parking spaces at least 3 car-parking spaces must be provided for use by persons with a disability.

Car-parking provided shall only be used in conjunction with the uses contained within the development. Each car parking space allocated to a particular tenancy shall be numbered or signposted to indicate the unit/tenancy to which it is allocated.

Reason: *To ensure that adequate parking facilities to service the development are provided on site.*

82. Loading Within Site

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

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

83. Office Use

The use of the office area shall be ancillary to the use of the individual tenancy as an industry/warehouse activity at all times.



***Reason:** To ensure that the primary use of the premises is the approved use under this application, and that any other uses are ancillary to the approved use.*

84. Separate Development Application for Signs

A separate development application is to be submitted for signs where required under the provisions of Warringah Local Environmental Plan 2000.

***Reason:** Control of signage.*

85. Separate Development Application for other uses

This consent relates to the occupation of all units for *Industry* and *Warehouse* uses as defined under the Warringah Local Environmental Plan 2000.

No retail sales shall occur from the building without Development Consent.

Any other proposed uses that are not in accordance with Schedule 1 – Exempt development or Complying Development requirements of the Warringah Local Environmental Plan 2000 shall be the subject of a separate Development Application.

***Reason:** To ensure the uses within the development are in accordance with the consent.*

CONDITIONS IN RELATION TO TEMPORARY GROUNDWATER DEWATERING PROVIDED BY DEPARTMENT OF WATER AND ENERGY (FORMERLY THE DEPARTMENT OF NATURAL RESOURCES)

86. General Administrative Issues

- i) Groundwater shall not be pumped or extracted for any purpose other than **temporary construction dewatering**.
- ii) Tailwater shall not be allowed to discharge off-site (eg adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.
- iii) The licensee shall allow (subject to Occupational Health and Safety Provisions) DWE or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by DWE for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
- iv) If a work is abandoned at any time the licensee shall notify DWE that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by DWE.
- v) Suitable documents are to be supplied to DWE of the following:
 - a. A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.

- b. A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
- c. Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/ weeks), the amount of lowering of the water table and the anticipated quality of the extracted water.
- d. Descriptions of the actual volume of tailwater to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/ weeks) and anticipated quality of treated tailwater to be reinjected.
- e. Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

***Reason:** To comply with the requirements of the Department of Water and Energy*

87. Conditions Specific to the proposal

- i) The design of the structure must preclude the need for permanent dewatering.
- ii) The design of the structure that may be impacted by any watertable must require a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of watertable levels. (It is recommended that a minimum allowance for a watertable variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
- iii) Construction methods and material used in and for construction are not to cause pollution of the groundwater.
- iv) Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to DWE on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
- v) Groundwater quality testing must be conducted (and report supplied to DWE). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of DWE for both extraction and reinjection activities, if required). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- vi) Discharge of any contaminated tailwater **that is not to be reinjected**, must satisfy all requirements of any controlling authority (i.e. DEC, Council and Sydney Water). The method of disposal of excess tailwater (i.e. street drainage to the stormwater system or discharge to sewer) and written advice from the relevant controlling authority, indicating



Warringah Council

that the proposed/actual quality of tailwater is acceptable, must be presented to DWE and the consent authority.

- vii) Discharge of any contaminated tailwater, **if reinjection is proposed**, must satisfy all requirements of DEC and DWE. The quality of any tailwater reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. The following must be demonstrated in writing:
- The treatment to be applied to the tailwater to remove any contamination.
 - The measures to be adopted to prevent redistribution of any contaminated groundwater.
 - The means to avoid degrading impacts on the identified beneficial use of the groundwater.
 - Written advice from DEC indicating their approval for the methodology of handling and treating the groundwater.
- viii) Written advice be provided from the Certifying Authority to Department of Water and Energy to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
- Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
 - Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
 - Locations of settlement monitoring points, and schedules of measurement.

Reason: To comply with the requirements of the Department of Water and Energy



Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Signed on behalf of the consent authority

Signature _____
Name

Date 16 July 2007