



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2006/0358

DEVELOPMENT APPLICATION DETAILS

Applicant Name: St Hilliers Property P/L

Applicant Address: 88 Cumberland Street The Rocks NSW 2000

Land to be developed (Address): Lot 16, DP 619911, 22 Clearview Place Brookvale

Proposed Development: Proposed industrial/warehouse building with ancillary office space and carparking

DETERMINATION

Made on (Date): 1 February 2007

Consent to operate from (Date): 28 February 2007

Consent to lapse on (Date): 28 February 2010

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
Drawing No.01, 02 and 06, Revision D	20/12/06
Drawing No.03 to 05 and 07, Revision C	20/12/06

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 PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property shall require appropriate approvals. The program shall detail:

- A construction traffic management program, which addresses construction vehicle access to and from the site during excavation and building works is to be submitted for Council's consideration and approval. The need for a works zone adjacent to the site frontage in Clearview Place is to be considered as part of the construction program. The provision of a work zone will require approval from Warringah Traffic Committee. Applications for work zones are available form Customer Service and should be lodged at least 4 weeks prior to work commencing.

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. Landscaping Plan

Landscaping works on the site are to be undertaken generally in accordance with the landscaping plan prepared by John Lock and Associates Landscape Architecture, Dwg No. 1303 LP-01 and 1303 LP-02 , Revision A, dated 09/05/06. This landscape plan is to be amended to incorporate the following prior to the issue of a construction certificate:

The proposed 12 Brush Box street trees indicated on the plans are to be replaced with 12 *Tristanopsis laurina* (Water Gums). The proposed *Cupaniopsis anacardioides* (Tuckeroo) proposed in the landscape setback are to be replaced with 4 *Angophora costata* in the western landscape setback to Clearview Place and 5 *Angophora costata* on the eastern setback area. A further *Angophora costata* is also to be provided on the easternmost end of the site in the proposed corner landscape area.

In terms of the north eastern boundary, medium sized trees are to be planted to ameliorate the bulk of the building and rear carpark. The proposal shall incorporate 11 *Glochidion ferdinandi* (Cheese Tree) along this façade, between the proposed entrances to the units. Three large triangular shaped garden areas are located adjacent to the rear multi levelled carpark and 3 *Angophora costata* are to be planted in these areas to provide some larger trees at the rear of the site.

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

5. 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]*

6. 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 telephone and cable television services from the utility to the proposed development, prior to the release 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

7. Landscaping

Landscaping shall be provided to the south-eastern portion of the site as marked in red on Drawing No.01, Revision D, dated 20/12/06.

Details indicating compliance shall be submitted to and approved by Council/Accredited Certifier prior to the issue of a construction certificate.

Reason: *To ensure a landscaped front setback is provided.*

8. Fire Safety Measures

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

Reason: *Fire Safety [C1]*

9. 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]*

10. Submission of engineering plans for trunk drainage works

The submission to Council or an Accredited Certifier (Civil Works) of four (4) copies of Civil Engineering plans for the design of trunk drainage works required in 22 Clearview Place to the existing 3.05 x 2.70 box culvert in the road reserve, in including long and cross sections, details of proposed structures and specifications. A Construction Certificate is to be issued by Council/an Accredited Certifier in Civil Works for the above works prior to construction of the drainage line. If Council is to issue the Construction Certificate for the drainage line works, the fee payable is to be in accordance with Council's fees and charges.

Such design shall be:

- a) Prepared and submitted on A1 size sheets, undertaken by a consulting Civil Engineer,
- b) All drainage diversion works shall be designed and built in accordance with Council's current specification for engineering works - AUSPEC 1 and Council's "Building Over or Adjacent to Constructed Council Drainage Systems and Easements" policy. Council reserves the right of keeping all bonds on infrastructure works for a 6-month defects liability period,
- c) Fire stairs located at the rear of units 9 to 16, inclusive, are to be modified to minimize the potential blockage of overland flow within the floodway. Modifications may include, but not limited to, re-aligning of the fire stairs, use of alternate construction materials, etc,
- d) Elevated open space area located adjacent to unit 8A is to be re-located such that the elevated open space area is located wholly outside of the floodway easement,
- e) 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.
- f) Approved and stamped by Council or the Accredited Certifier (Civil Works) prior to the issue of the Construction Certificate for these works,
- g) 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,
- h) All trunk drainage works in 22 Clearview Place and the road reserve 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 trunk drainage works prior to the release of the Final Occupation Certificate. If Council is to issue the Compliance Certificate for the trunk drainage works, the fee payable is to be in accordance with Council's fees and charges.



- i) 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. [C4] (Special Condition)*

11. Design for Access & Mobility

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

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

- (a) AS 1428.1 (2001) - Design for Access and Mobility
- (b) Advisory Notes on Access to Premises - Human Rights and Equal Opportunity Commission (1998)
- (c) Disability Discrimination Act (1992)

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

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

12. 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]*

13. Shoring for Adjoining Private Property

Where it is proposed to provide shoring to support an adjoining property, or Council road reserve, which involves encroachment of ancillary structural elements onto adjoining land to provide structural support of the shoring via rock anchors or the like, Council and/or owner's consent for the encroachment from the affected property owner shall be provided with the engineering drawings. Details being submitted with the Construction Certificate.

Reason: Council owners consent for ancillary works, and to ensure the protection of adjoining properties and the road reserve. [C7]

14. Stormwater Disposal

The stormwater drainage works are to be in accordance with the drainage plan submitted by Argent Consulting, drawing number 0579 H01A and H02A dated 10 May 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] **Special Condition**

15. Stormwater Pipeline Construction (minor works)

Where connection to Council's nearest stormwater drainage system is required, being the 3.05 x 2.70 box culvert in Clearview Place, the applicant shall construct the pipeline in accordance with Council's specification for engineering works and 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, and certified by an appropriately qualified and practising Civil Engineer upon completion.

Reason: To ensure appropriate drainage and stormwater management on site to protect amenity of residents and prevent local flooding. [C12]

16. Flood Protection

- (1) All new construction and services to a minimum level of 17.34 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. [Modified - C14 (1)]



- (2) The finished floor level/s shall be Reduced Level = 17.34 AHD (500mm above the predicted 1 in 100 year water surface level for the site and public drainage system). The Council / Accredited Certifier is to certify compliance with this condition prior to issue of the Construction Certificate.

Reason: *To protect the building from flooding in accordance with Council and NSW Policy. [Modified - C14 (2)]*

17. Kerb Security Bond

A bond of \$5,000 shall be deposited with Council and inspection fees paid, prior to the issue of any construction certificate, against the potential for damage to Council's footpath and road reserve infrastructure during the construction process. (See Schedule)

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

18. Bond for Engineering Construction Works - Stormwater

A Bond of \$100,000 shall be deposited with Council prior to the issue of any Construction Certificate, against any damage or failure to complete to the relevant specification the construction of stormwater drainage works that upon completion revert to Council's care and control. (See Schedule).

The bond will only be refunded upon the completion of the drainage works and will be replaced by the maintenance bond of \$20,000 which will be held by Council for a six (6) month maintenance period, if the work has been completed in accordance with the approved plans and conditions to the satisfaction of the Council / Accredited Certifier (Civil Works). Requests for refunds must be made in writing to Council.

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

19. Bond for Silt & Sediment Control

The payment of \$10,000 shall be deposited with Council prior to issue of any 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-Customised]*



20. Bond for Construction, Excavation and Associated Works

Payment to Warringah Council of a \$10,000 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. [C21]*

21. 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]*

22. 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]*

23. Vehicle Crossings

Provision of 2 vehicle crossing(s) 10.0m wide at the kerb to 9.0m wide at the boundary in accordance with Warringah Council Drawing No A4-3330 1-Normal and specifications. All redundant laybacks and crossings are to be restored to footpath/grass.

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

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

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

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

24. Sediment Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council / Accredited Certifier accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Warringah Council Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

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

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites. [C46]*

25. 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 numbers 20 and 21 Clearview Pl, 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]*

26. Asbestos & Hazardous Material

- (1) In relation to the demolition of the existing building (or part of a building) on the site:
 - (a) A report is to be submitted to the Council / Accredited Certifier, with the Construction Certificate application, detailing whether any hazardous materials exist on the site (eg lead in paints and ceiling dust or asbestos).

Note: If no hazardous materials are identified, the demolition may proceed in accordance with AS2601 and the following conditions, including dust control and WorkCover requirements.
 - (b) Should any hazardous materials be identified as per item (i), a Work Plan shall be submitted to Council in accordance with AS2601 - Demolition of Buildings. The report shall contain details regarding:
 - (i) The type of hazardous material
 - (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
 - (iii) Proposed methods of containment; and
 - (iv) Proposed methods of disposal.
 - (c) Where unacceptably high levels of lead are found in a premises to be demolished, item (ii) is to be followed, and the soil sample from site is to be tested by a NATA Registered laboratory before and after demolition. This will determine whether remediation of the site is necessary.
 - (d) The demolition must be undertaken in accordance with AS2601.
 - (e) Any works involving asbestos cement sheeting must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice.
 - (f) All work involving lead paint removal must not cause lead contamination of air or ground. Particular attention must be given to the control of dust levels on the site.

Details demonstrating compliance with these requirements are to be approved by the Council / Accredited Certifier and submitted with the Construction Certificate.

(Note: Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at www.lead.org.au <<http://www.lead.org.au>>)

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. [C53 (1)]

- (2) A person taking down, demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Work Cover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. [C53 (2)]

27. Roofing Materials - Reflectivity

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

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

28. Geo-technical Report

A certificate prepared by an appropriately qualified Geo-technical Engineer shall be submitted with the documentation for the Construction Certificate certifying that the existing rock formations and substrate on the site are capable of withstanding:

- (a) the proposed loads to be imposed;
- (b) the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- (c) protection of adjoining properties;
- (d) the provision of appropriate subsoil drainage during and upon completion of construction works.

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

29. S94 Contributions

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

Contribution - Commercial and Industrial Development

Plan Number	Amount
6924: E8 Industry	\$16,061
Total	\$16,061

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

The basis for the contributions is as follows:

10 296.0 square metres of industrial floorspace

Reason: *To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. [C70]*

30. Security Bond Schedule

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

SECURITY BOND & FEE SCHEDULE	
22 Clearview Pl, Brookvale	
DEVELOPMENT APPLICATION NUMBER 2006/358	
SECURITY BONDS	AMOUNT (\$)
Builders Road/Kerb Security Bond	\$ 5,000.00
Engineering Construction Bond • Stormwater	\$100,000.00
Silt & Sediment Bond	\$ 10,000.00
Construction, Excavation and Associated Works Bond	\$ 10,000.00
Stormwater Maintenance Bond	\$ 20,000.00
TOTAL BONDS	\$145,000.00
FEES	
Kerb Security Inspection Fee	\$ 200.00
Section 94 contribution	\$16,061.00
Long Service Levy	\$49,000.00
TOTAL FEES	\$65,261.00

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

31. 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-Customised]*

32. High Quality Lighting

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

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

33. Unit Amalgamation

Units 8A and 8B shall be amalgamated to ensure the building design is consistent with the industrial/warehouse/ancillary office land uses proposed.

Details shall be provided to and approved by Council/Accredited Certifier prior to the issue of a construction certificate.

Reason: *To ensure the building design is consistent with the proposed land uses.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

34. 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]*

35. Construction Certificate

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

Reason: *Legislative requirements. [D3]*

36. 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]*

37. 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]*

38. 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]*

39. 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]*

40. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council’s road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

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

41. Dewatering

Where dewatering works are required on the development site during construction, the developer/applicant must apply for and obtain a bore licence from the Department of Natural Resources (DNR). The bore licence must be obtained prior to commencement of dewatering works. All requirements of the DNR are to be complied with. A copy of the approval from the DNR must be submitted to the Principal Certifying Authority prior to commencement of construction works.

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

42. Site Remediation

Prior to the commencement of any works, the applicant is to provide to the Principal Certifying Authority a Clearance Certificate in accordance with NSW EPA requirements from an appropriately qualified person (such as an occupational hygienist, environmental consultant or asbestos consultant) validating that the site has been remediated in relation to the removal of asbestos and other contaminated material identified on site.

Reason: *To protect employees, occupants and the environment from potential harm arising from contaminated material.*

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

43. Notification of Inspections

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

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

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

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

44. Removal of Underground Storage Tank

Underground tanks shall be removed in accordance with:

- (a) Australian Institute of Petroleum (AIP) *Code of Practice for the Removal and Disposal of Underground Petroleum Storage Tanks* (ref. AIP CP22), AS 1674.1
- (b) 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.*

45. 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 Industrial development at 22 Clearview Place Brookvale prepared by Environmental Investigation Services (EIS) March 2006 (Ref No.:E19783FJ-RAP).

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

46. 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]*

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

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

- (a) At the commencement of the building work.
- (b) Prior to covering any stormwater drainage connections.
- (c) After the building work has been completed and prior any Occupation Certificate being issued in relation to the building.

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



Notes:

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

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

48. Progress Certification Trunk Drainage Works

Certification is to be supplied to the Principal Council / Accredited Certifier from a suitably qualified engineer on completion and adequacy in regard to Australian Standards of the following stages of works and/or as and when requested by the Principal Council / Accredited Certifier.

- (a) Laying of stormwater pipes and construction of pits for trunk drainage
- (b) Sub-grade trimmed and compacted **
- (c) Base-course laid and compacted **
- (d) Kerb and gutter construction
- (e) Pavement seal: asphaltic concrete **

(** To be tested by a recognised N.A.T.A. approved laboratory).

Reason: To ensure compliance standards are met. **[E16 - Customised]**

49. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

Reason: To ensure residential amenity is maintained in the immediate vicinity. **[E17]**

50. Dust Emission and Air Quality

Materials must not be burnt on the site.

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

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.

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

51. 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]*

52. 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]*

53. 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)]*

54. 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]*

55. Installation and Maintenance of Sediment Control

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council guidelines. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised. This Condition must be complied with during demolition and building work.

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

56. Health and Safety

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

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the Internet at www.WorkCover.nsw.gov.au.

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

57. Water Quality from 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. This condition shall be complied with during demolition and building work.

Reason: *To protect the environment from contaminated sedimentation and erosion from development sites. [E31]*

58. Contaminated Waste

Any removal of contaminated solids from the site must comply with applicable laws for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed of on land without:

- (a) Permission of the land owner;
- (b) Development consent from the relevant local Council (if required);
- (c) An environment protection licence from the NSW Environment Protection Authority; and



- (d) Compliance with the provisions of the Protection of the Environment and Operations Act.

This Condition shall be complied with during demolition and building work.

Reason: *To protect the environment from contaminated material from development sites. [E32]*

59. Prohibition on Use of Pavements

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

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

60. 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]*

61. Sediment and Erosion Control

Sediment and erosion control measures during demolition and construction must be in accordance with the Erosion and Sediment Control Plan prepared by Argent Consulting, March 2006.

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

62. 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.*

63. 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.

64. Disposal of Polluted Water

Site water discharged, excluding groundwater, 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 relevant Environmental Protection Authority and ANZECC standards for water quality.

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

Reason: To prevent pollution of waterways.

65. 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]

66. 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]

**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. Lead

For the protection of the health and safety of workers, adjoining property owners, the public and the environment, any person renovating or demolishing any building built before the 1970’s should be aware that any surfaces may be coated with lead based paint. Lead dust is a hazardous substance. The requirements of the Environmental Protection Authority are to be followed in this regard.

Reason: *Safety. [F4]*

70. 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]*

71. 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]*

72. 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]

73. Protection of Public Places

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place,
a hoarding and site fencing must be erected between the work site and the public place.
- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- (5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout.

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



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

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

74. 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.

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

75. 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]*

76. Retaining Walls & Drainage

If the soil conditions require it:

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

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

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

77. Occupation Certificate Required

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

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

78. Fire Safety Certificate

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

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

79. 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]*

80. Street Number

Street number being affixed to building prior to occupation.

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

81. Works as Executed Drawings and Video - Stormwater

The applicant shall, upon completion of the engineering works, submit to Council the works-as-executed drawing (W.A.E.) and Compliance Certificate certifying compliance with the requirements of Council’s standard specification for engineering works AS3500.3.2. This consent, issued by Council/Accredited Certifier (Civil Works) prior to the issuing of any Occupation Certificate. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures. A video inspection must also be carried out of completed drainage works that are to revert to Council’s care and control, and the videotape forwarded to Council to support the certification.

Reason: *Compliance with the Consent. [G8]*

82. 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]*

83. Mechanical Exhaust Ventilation

The 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 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 an Interim/Final Occupation Certificate.

Reason: *To ensure compliance with acceptable standards for the construction and operation of mechanical plant. [G22]*

84. Utility Services

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

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

85. Stormwater Control – Overland floodway

A temporary easement shall be created in favour of Council over the overland floodway to convey upstream flows. The easement is to be detailed on the linen plan, prior to the issue of the Occupation Certificate. The wording of the restriction of use is to be prepared by a surveyor, with terms acceptable to Council's solicitor. All costs associated with the preparation of the linen plan, 88B Instrument and restriction of use are to be paid by the Applicant.

Reason: *To identify overland floodway on the property title. [Special Condition]*

86. Stormwater Control – 1200mm diameter reinforced concrete drainage line.

A temporary easement shall be created in favour of Council over the 1200mm diameter reinforced concrete drainage line to convey upstream flows. The easement is to be detailed on the linen plan, prior to the issue of the Occupation Certificate. The wording of the restriction of use is to be prepared by a surveyor, with terms acceptable to Council's solicitor. All costs associated with the preparation of the linen plan, 88B Instrument and restriction of use are to be paid by the Applicant.

Reason: *To identify 1200mm diameter reinforced concrete drainage line on the property title. [Special Condition]*

87. Geotechnical Certification

Certification from a Geotechnical Engineer indicating all works and the site are adequate shall be provided prior to the issue of an Interim/Final Occupation Certificate.

Reason: Ensure the stability of the works and site.

88. Landscaping

Landscaping in accordance with the requirements of Condition of development consent No. 4 shall be completed prior to the issue of a Final Occupation Certificate.

Reason: To ensure landscaping is provided.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL COMPLETION

89. Carparking Layout

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

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

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

90. Trade Waste

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

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

91. Loading Within Site

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

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

92. Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To ensure the acoustic amenity of surrounding properties. [I31]

93. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

***Reason:** To ensure the acoustic amenity of surrounding properties. [I32]*

94. Provision Of Bunds Or Drains

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

***Reason:** Health & amenity. [I49]*

95. Loading and Unloading

Loading and unloading shall not take place outside approved loading areas.

***Reason:** Safety. [I51]*

96. Carparking

145 car-parking spaces shall be provided in accordance with the approved development plans.

A minimum of 2 carparking spaces shall be allocated to each unit/occupancy.

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

97. Occupation of Units

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

All ancillary office space shall be confined to the mezzanine levels on the approved plans.

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 use of the building is consistent with the given consent.*

98. Noise Generating Activities

Noise from the combined operation of all mechanical plant, equipment and land use activities shall not generate noise levels that exceed 5dB(A) above the ambient background noise level measured at the nearest residential property boundary when measured in accordance with the Environment Protection Authority's Industrial Noise Policy.

***Reason:** To ensure surrounding residential acoustic amenity is not unreasonably impacted upon.*



Right to Review by the Council

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 12 months after the date of determination shown on this notice.

NOTE: A fee will apply for any request to review the determination.

Right of Appeal

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

Signed on behalf of the consent authority

Signature _____
Name Peter Robinson – Major Projects

Date 28 February 2007