

SCHEDULE 1

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term ‘applicant’ means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council’s stamp, except where amended by Council and/or other conditions of this consent:

<i>Plan No.</i>	<i>Rev</i>	<i>Drawn by</i>	<i>Dated</i>
D0000-Cover sheet	K	Gardner Wetherill and Associates	27/09/2011
DA0100-Site Survey	K	Gardner Wetherill and Associates	27/09/2011
DA1001-Site Plan	K	Gardner Wetherill and Associates	11/10/2011
DA1002-Truck Circulation Plan	K	Gardner Wetherill and Associates	27/09/2011
DA1101-Site Sections Sheet 1	K	Gardner Wetherill and Associates	27/09/2011
DA1102-Site Sections Sheet 2	M	Gardner Wetherill and Associates	29/11/2011
DA1202-Roof Plan	K	Gardner Wetherill and Associates	27/09/2011
DA1201 – General Arrangements	K	Gardner Wetherill and Associates	27/09/2011
DA1301-General Arrangements Transformer Yard	K	Gardner Wetherill and Associates	27/09/2011
DA1501-Building Elevations	K	Gardner Wetherill and Associates	27/09/2011
DA1502-Elevations Transformer Yard	K	Gardner Wetherill and Associates	27/09/2011

DA1601-Building Sections	K	Gardner Wetherill and Associates	27/09/2011
DA LD 01	-	Lorna Harrison Pty Ltd	28/09/2011
Stormwater Management and ESCP cover sheet	03	Enstruct Group Pty Ltd	26/09/2011
Stormwater Management Plan	02	Enstruct Group Pty Ltd	22/09/2011
Erosion and Sediment Control Plan	02	Enstruct Group Pty Ltd	22/09/2011

<i>Document No.</i>	<i>Prepared by</i>	<i>Dated</i>
Statement of Environmental Effects including Appendix A and B	Doug Sneddon Planning Pty Ltd	October 2011
Noise Impact Assessment	Koikas Acoustics Pty Ltd	6 May 2011
BCA Assessment Report	Davis Langdon	March 2011
Waste Management Plan	Nix Management Pty Ltd	6/05/2011
Ausgrid Waste Management Guidelines	Ausgrid	-
Bushfire Protection Assessment Report	Australian Bushfire Protection Planners Pty Ltd	30/09/2011
Traffic and Parking Assessment Report	Varga Traffic Pty Ltd	28/09/2011
Dangerous Goods Compliance Report	Premier Engineering Services Pty Ltd	September 2011

2. Removal of Existing Trees

This development consent does not permit the removal of any trees. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

3. Erection of Construction Sign

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a. Showing the name, address and telephone number of the project manager for the work,
- b. Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours, and
- c. Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

4. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a. Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.
- b. Could cause damage to adjoining lands by falling objects.
- c. Involve the enclosure of a public place or part of a public place.

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

5. Toilet Facilities

Toilet facilities must be available or provided at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site. Each toilet must:

- a. be a standard flushing toilet connected to a public sewer; or
- b. be a temporary chemical closet approved under the *Local Government Act, 1993*; or
- c. have an on-site effluent disposal system approved under the *Local Government Act, 1993*.

6. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications.

The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.

7. Sydney Water – Quick Check

The application must be submitted to a *Sydney Water* ‘Quick Check Agent’ or ‘Customer Centre’ for approval to determine whether the development will affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

Note: Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

REQUIREMENTS DURING CONSTRUCTION

8. Building Code of Australia

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

9. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

10. Construction Noise Management

The construction works must be undertaken in accordance with the “Interim Construction Noise Guidelines – 2009” published by DECCW.

11. Works near Trees

All required tree protection measures are to be maintained in good condition for the duration of the construction period.

All works (including driveways and retaining walls) within four metres of any trees required to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*), must be carried out under the supervision of an ‘*AQF Level 5 Arborist*’ and a certificate submitted to the Crown certifying authority detailing the method(s) used to preserve the tree(s).

Note: Except as provided above, the applicant is to ensure that no excavation, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants is to occur within 4 metres of any tree to be retained.

12. Environmental Management

The site must be managed in accordance with the publication *Managing Urban Stormwater – Landcom (March 2004)* and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures to prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

13. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Woodland Way during works and until the site is established.

14. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, (including natural rock-outcrops, vegetation, soil and watercourses) must not be altered unless otherwise nominated on the approved plans.

15. Landfill

Landfill must be constructed in accordance with Council's *'Construction Specification, 2005'* and the following requirements:

- a. All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.

16. Excavated Material

All excavated material removed from the site must be classified in accordance with the *NSW Environment Protection Authority's Environmental Guidelines – Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

REQUIREMENTS PRIOR TO THE OCCUPATION OF THE SITE AND THE BUILDINGS FOR THE PURPOSE OF THE APPROVED DEVELOPMENT

17. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from *Sydney Water*.

18. Landscaping of Site

All pervious areas of the site and the road reserve adjoining the site must be appropriately landscaped with suitable (preferably indigenous) turf, trees and shrubs to complement the development and prevent erosion of soil.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au.

19. Wastewater Connection to Sydney Water

All wastewater generated by the development must be connected to Sydney Water's sewerage system.

20. Stormwater Drainage

The stormwater drainage system for the development must be designed and constructed generally in accordance with the approved Stormwater Management Plans in Condition 1 and Council's *Civil Works – Design and Construction Specification 2005*.

Note: The works relating to the stormwater drainage system must be completed prior to the occupation of any section of the site for the purpose of the approved development.

21. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

- a. Have a capacity of not less than 150 cubic metres, and a maximum discharge (when full) of 180 litres per second.
- b. Have a surcharge/inspection grate located directly above the outlet.
- c. Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d. Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.
- e. Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

Note: The works relating to the stormwater drainage system must be completed prior to the occupation of any section of the site for the purpose of the approved development.

22. Creation of Easements

The following matters must be nominated on the property title of the subject site under s88B or s88E of the *Conveyancing Act 1919*:

- a. The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- b. To register the OSD easement, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the "*works-as-executed*" plan and supported by calculations.

Note: (1) The easements are to be created within six months of the occupation of the site for the purpose of the proposed development

(2) Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

23. Car Parking and Deliveries

All driveways and car packing areas must be constructed and operated in accordance with *Australian Standard AS 2890.1 – 2004 – Off Street Car Parking*, and 2890.2-2002, where applicable, and the following requirement:

- a. All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c. Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d. All vehicular entry on to the site and egress from the site shall be made in a forward direction

Note: The works related to driveways and car parking are to be completed prior to the occupation of the site for the purpose of the proposed development.

24. Storage of Flammable and Combustible Goods

Flammable and combustible liquids must be stored in accordance with *Australian Standard 1940 – The Storage and Handling of Flammable and Combustible Liquids*. A bund wall must be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area must provide a volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

Note: the works are to be completed prior to occupation of the buildings.

25. Completion of Landscaping

A certificate must be provided by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au.

26. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

27. s94 Infrastructure Contributions

The payment to Council of a contribution of \$23514.80* for eleven employees towards the cost of infrastructure identified in Council's *Development Contributions Plan 2007-2011*

*Note: * The value of contribution is based on a rate of \$2137.71 per employee, on 28 November 2011. The contribution will be adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.*

It is recommended that you contact Council to ascertain the indexed value of the contribution prior to payment.

28. Consolidation of Allotments

All allotments the subject of this consent must be consolidated into one allotment prior to occupation of the buildings.

Note: The applicant is recommended to submit the plan of subdivision to consolidate allotments to the NSW Department of Lands at least 4-6 weeks prior to the occupation of the site for the purpose of the development.

OPERATIONAL CONDITIONS

29. Use of Premises

The development approved under this consent shall be used for “utility installation” and not for any other purpose without Council’s separate written consent.

The maximum number of staff that can access the site at any one time is restricted to thirty.

30. Hours of Operation

- The general hours of operation of the premise are restricted to those times listed below:

Monday to Friday	6 am to 10 pm
Saturday	6 am to 10 pm
Sunday & Public Holidays	No work

- Access to the site by Ausgrid is permitted at all times for emergency transmission and network requirements.

31. Advertising Signs

The advertising signage approved under this consent must not be illuminated, flash, move or display electronic images.

32. Noise

The proposed development must prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).

33. Waste Management

All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.

34. Maintenance of Wastewater Device

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

35. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

CONDITIONS - RURAL FIRE SERVICE

36. Asset Protection Zone

To inform current and future owners that the proposed lots are to be managed as an Inner Protection Area (IPA), the following matter must be nominated on the property title under s88B of the *Conveyancing Act 1919*, prior to the occupation of the building and the site.

The creation of a "*Positive Covenant*" over Lots 8 – 13 DP 270596 requiring that the entire property, must be managed as an Inner Protection Area (IPA) as outlined within Section 4.1.3 and Appendix 5 of *Planning for Bushfire Protection 2006* and the *NSW Rural Fire Service's* document '*Standards for asset protection zones*'.

Note: (1) Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

(2) The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

(3) The condition does not permit the removal of any trees on the site or works within the restricted development area.

37. Design and construction

The following design standards must be incorporated into the development:

- a. New construction of transformer yard must comply with Section 8 (BAL 40) Australian Standard AS 3959-2009 '*Construction of buildings in bushfire prone areas*'.
- b. New construction to the southwest, northwest and northeast elevations of the warehouse/office building must comply with Section 7(BAL 29) Australian Standard AS 3959-2009 '*Construction of buildings in bushfire prone areas*'.
- c. New construction to the southeast elevation of the warehouse/office building must comply with Section 6(BAL 19) Australian Standard AS 3959-2009 '*Construction of buildings in bushfire prone areas*' and Section A3.7 Addendum Appendix 3 of '*Planning for Bushfire Protection*'.
- d. Roofing must be gutterless or the guttering and valleys screened to prevent build up of flammable material.

38. Water, Electricity and Gas

Water, electricity and gas are to comply with section 4.1.3 of '*Planning for Bush Fire Protection 2006*'.

39. Landscaping

Landscaping on the site must comply with the principles of Appendix 5 of '*Planning for Bushfire Protection 2006*'.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act, 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act, 1979 Requirements

- The Environmental Planning and Assessment Act, 1979 requires:

- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.

Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, it is an offence to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the approved building envelope without the prior written consent from Council.

Note: A tree is defined as a single or multi-trunked wood perennial plant having a height of not less than three (3) metres, and which develops many branches, usually from a distance of not less than one (1) metre from the ground, but excluding any plant which, in its particular location, is a noxious plant declared as such pursuant to the Noxious Weeds Act 1993. This definition of 'tree' includes any and all types of Palm trees.

All distances are determined under Australian Standard AS4970-2009 "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with Council's *Tree Preservation Order*.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the applicant.

Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.