

**To:** Joint Regional Planning Panel

**From:** Teresa Gizzi  
Acting Development Assessment Manager, Warringah Council

**Date:** 17 April 2013

**Subject:** 2013SYE008 - Warringah - DA2012/1509 - 24-28 Beach Street, Curl  
Curl

---

Council has received a request from the applicant dated 16 April 2013 to modify a number of the recommended conditions. The modifications are requested primarily to allow for the staged construction of the development, but some do also relate to the operations of the facility. Each of the requested modifications are discussed in the attached table below.

In addition to the requested modifications, given that the construction works are to be staged, Council recommends condition no's 55 and 56 be amended as follows prior to the issue of any consent:

**55. Staffing**

A maximum of 34 staff (inclusive of staff associated with the supported living facility) are permitted on the site at any one time.

No increase in staffing from 30 (existing) to 34 is permitted until the approved car park is completed.

Reason: To ensure the development maintains a level of activity consistent with the available parking. (DACPLGOG1)

**56. Maximum Beds**

The hospital is permitted to accommodate a maximum of 63 beds (including those in the supported living facility).

No increase in beds or patients from 40 (existing) to 63 is permitted and the supported living facility is not to be occupied until the approved car park is completed.

Reason: To ensure the hospital operates in accordance with the consent.

It is also recommended that condition no. 47 be amended as follows prior to the issue of any consent:

**47. Allocation of Spaces**

Twenty – three (23) car parking spaces shall be provided, made accessible and maintained at all times.

Car-parking provided shall be used solely in conjunction with the uses contained within the development and each car parking space shall be clearly line marked.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)

Teresa Gizzi  
**Acting Development Assessment Manager**

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p><b>1. Approved Plans and Supporting Documentation</b></p> <p>The development must be carried out in compliance (except as amended by any other condition of consent) with the following:</p> <p>d) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.</p>	<p><b>1. Approved Plans and Supporting Documentation</b></p> <p>The development must be carried out in compliance (except as amended by any other condition of consent) with the following:</p> <p>d) No construction works (including excavation) shall be undertaken prior to the release of the <b>relevant</b> Construction Certificate <b>to which it relates</b>.</p>	Supported	
<p><b>5. Bonds</b></p> <p><b>(a) Security Bond</b> A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Councils Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.</p> <p><b>(b) Construction, Excavation and Associated Works Bond (Road)</b> A Bond of \$5,000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.</p> <p><b>(c) Construction, Excavation and Associated Works Bond (Drainage)</b> A Bond of \$35,000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.</p> <p><b>(d) Construction, Excavation and Associated Works Bond (Crossing/Kerb)</b> A Bond of \$30,000 as security against any damage or failure to complete the construction of any vehicular</p>	<p><b>5. Bonds</b></p> <p><b>(a) Security Bond</b> A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Councils Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.</p> <p><b>(b) Construction, Excavation and Associated Works Bond (Road)</b> A Bond of \$5,000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.</p> <p><b>(c) Construction, Excavation and Associated Works Bond (Drainage)</b> A Bond of \$35,000 as security against any damage or failure to complete the construction of stormwater drainage works as part of this consent.</p> <p><b>(d) Construction, Excavation and Associated Works Bond (Crossing/Kerb)</b> A Bond of \$30,000 as security against any damage or failure to complete the construction of any</p>	Not Supported.	All bonds are to be paid prior to the issue of any Construction Certificate.

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p>crossings, kerb and gutter and any footpath works required as part of this consent.</p> <p><b>(e) Construction, Excavation and Associated Works Bond (Pollution)</b> A Bond of \$2,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.</p> <p><b>(f) Construction, Excavation and Associated Works Bond (Maintenance for civil works)</b> The developer/applicant must lodge with Council a Maintenance Bond of \$10,000 for the construction of the trunk drainage line and associated works. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans to the satisfaction of Council. (Note: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate or Subdivision Certificate.)</p> <p>An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)</p> <p>All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)</p>	<p>vehicular crossings, kerb and gutter and any footpath works required as part of this consent.</p> <p><b>(e) Construction, Excavation and Associated Works Bond (Pollution)</b> A Bond of \$2,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.</p> <p><b>(f) Construction, Excavation and Associated Works Bond (Maintenance for civil works)</b> The developer/applicant must lodge with Council a Maintenance Bond of \$10,000 for the construction of the trunk drainage line and associated works. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans to the satisfaction of Council. (Note: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate or Subdivision Certificate.)</p> <p>An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)</p> <p>All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the <b>relevant</b> Construction Certificate.</p> <p>Reason: To ensure adequate protection of Councils infrastructure. (DACENZ01)</p>		

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p><b>6. Disability Access Requirements</b></p> <p>The 'Disability Access' upgrading measures and works required to the building (including any upgrading measures required to the existing adjacent building known as 28 Beach Street) as detailed and recommended in the 'Disability Access Report' prepared by Cheung Access, dated 6 December 2012 and received by Council on 14/12/2012 are to be carried out. This is to include where required, 'Disability Access' upgrading measures and works as detailed in any subsequent amended report/s for the subject building and also No.28 Beach Street.</p> <p>Details demonstrating compliance to the degree necessary, are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure adequate provision is made for adequate Disabled Access to, within and egress from the premises including for building occupant safety.(DACBCCPCC1)</p>	<p><b>6. Disability Access Requirements</b></p> <p>The 'Disability Access' upgrading measures and works required to the building (including any upgrading measures required to the existing adjacent building known as 28 Beach Street) as detailed and recommended in the 'Disability Access Report' prepared by Cheung Access, dated 6 December 2012 and received by Council on 14/12/2012 are to be <b>demonstrated on the relevant Construction Certificate</b> carried out <b>as necessary</b>. This is to include where required, 'Disability Access' upgrading measures and works as detailed in any subsequent amended report/s for the subject building and also No.28 Beach Street.</p> <p>Details demonstrating compliance to the degree necessary, are to be submitted to the Principal Certifying Authority prior to the issue of the <b>relevant</b> Construction Certificate.</p> <p>Reason: To ensure adequate provision is made for adequate Disabled Access to, within and egress from the premises including for building occupant safety.(DACBCCPCC1)</p>	<p>Amended wording not supported.</p>	<p>Amended wording is ambiguous. Recommend amended condition as follows.</p> <p><b>6. Disability Access Requirements</b></p> <p>The 'Disability Access' upgrading measures and works required to the building (including any upgrading measures required to the existing adjacent building known as 28 Beach Street) as detailed and recommended in the 'Disability Access Report' prepared by Cheung Access, dated 6 December 2012 and received by Council on 14/12/2012 are to be <b>demonstrated on the relevant Construction Certificate and carried out prior to the issue of the Occupation Certificate</b>. This is to include where required, 'Disability Access' upgrading measures and works as detailed in any subsequent amended report/s for the subject building and also No.28 Beach Street.</p> <p>Details demonstrating compliance to the degree necessary are to be submitted to the Principal Certifying Authority prior to the issue of the <b>relevant</b> Construction Certificate.</p>

Recommended Condition	Proposed Modification	Modification Supported	Comment
			Reason: To ensure adequate provision is made for adequate Disabled Access to, within and egress from the premises including for building occupant safety.(DACBCCPCC1)
<p><b>7. On-site Stormwater Detention Compliance Certification</b></p> <p>Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and the concept drawing by Whipps-Wood Consulting, drawing number 2012-0349 HDA01/P2, HDA02/P3, HDA03?P3, HDA04/P3, HDA05/P3, HDA06/P2, HDA07/P3 dated 31.01.13.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)</p>	<p><b>7. On-site Stormwater Detention Compliance Certification</b></p> <p>Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and the concept drawing by Whipps-Wood Consulting, drawing number 2012-0349 HDA01/P2, HDA02/P3, HDA03?P3, HDA04/P3, HDA05/P3, HDA06/P2, HDA07/P3 dated 31.01.13.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the <b>relevant</b> Construction Certificate.</p> <p>Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)</p>	Supported	
<p><b>8. Submission of Engineering Plans for Civil Works in the Public Road Reserve</b></p> <p>Engineering plans are to be submitted to Council for approval under the provisions of Section 138 of the Roads Act 1993. The submission is to include four (4) copies of Civil Engineering plans for the design of the trunk drainage line from the site to the existing pit in Beach Street which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.</p>	<p><b>8. Submission of Engineering Plans for Civil Works in the Public Road Reserve</b></p> <p>Engineering plans are to be submitted to Council for approval under the provisions of Section 138 of the Roads Act 1993. The submission is to include four (4) copies of Civil Engineering plans for the design of the trunk drainage line from the site to the existing pit in Beach Street which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.</p>	Supported	

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p>The fee associated with the assessment and approval of the plans is to be in accordance with Council's fees and charges.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure compliance with Council's specification for engineering works. (DACENC08)</p>	<p>The fee associated with the assessment and approval of the plans is to be in accordance with Council's fees and charges.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the <b>relevant</b> Construction Certificate.</p> <p>Reason: To ensure compliance with Council's specification for engineering works. (DACENC08)</p>		
<p><b>9. Vehicle Crossings Application Formwork Inspection</b></p> <p>An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: To facilitate suitable vehicular access to private property. (DACENC12)</p>	<p><b>9. Vehicle Crossings Application Formwork Inspection</b></p> <p>An application for street levels shall be made with Council subject to the payment of fee applicable at the time of payment. The fee includes all Council inspections relating to the driveway construction and must be paid.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the <b>relevant</b> Construction Certificate.</p> <p>Reason: To facilitate suitable vehicular access to private property. (DACENC12)</p>	Supported	
<p><b>11. Structural Adequacy and Excavation Work</b></p> <p>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.</p> <p>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:</p>	<p><b>11. Structural Adequacy and Excavation Work</b></p> <p>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.</p> <p>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:</p>	Supported	

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p>(a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and</p> <p>(b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: Safety. (DACENC19)</p>	<p>(a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and</p> <p>(b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the <b>relevant</b> Construction Certificate.</p> <p>Reason: Safety. (DACENC19)</p>		
<p><b>12. Shoring of Adjoining Property</b></p> <p>Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors are to be used within Council land.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENCO5)</p>	<p><b>12. Shoring of Adjoining Property</b></p> <p>Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors are to be used within Council land.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the <b>relevant</b> Construction Certificate.</p> <p>Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENCO5)</p>	Supported	
<p><b>14. Compliance with Standards</b></p> <p>The development is required to be carried out in accordance with all relevant Australian Standards.</p> <p>Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.</p> <p>Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)</p>	<p><b>14. Compliance with Standards</b></p> <p>The development is required to be carried out in accordance with all relevant Australian Standards.</p> <p>Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the <b>relevant</b> Construction Certificate.</p> <p>Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)</p>	Supported	

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p>Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:</p> <p>(a) AS2601.2001 - Demolition of Structures**  (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**  (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**  (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **  (e) AS 4970 - 2009 'Protection of trees on development sites'**  (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**  (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**  (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**  (i) AS 2890.5 - 1993 Parking facilities - On-street parking**  (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**  (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**  (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**  (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**</p> <p>*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website <a href="http://www.humanrights.gov.au/disability_rights/building/good.htm">http://www.humanrights.gov.au/disability_rights/building/good.htm</a></p> <p>**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.</p>	<p>Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:</p> <p>(a) AS2601.2001 - Demolition of Structures**  (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**  (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**  (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **  (e) AS 4970 - 2009 'Protection of trees on development sites'**  (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**  (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**  (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**  (i) AS 2890.5 - 1993 Parking facilities - On-street parking**  (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**  (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**  (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**  (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**</p> <p>*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website <a href="http://www.humanrights.gov.au/disability_rights/building/good.htm">http://www.humanrights.gov.au/disability_rights/building/good.htm</a></p> <p>**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that</p>		

Recommended Condition	Proposed Modification	Modification Supported	Comment
(DACPLC02)	the relevant Australian Standards are adhered to. (DACPLC02)		
<p><b>15. Construction Management Program</b></p> <p>A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:</p> <ul style="list-style-type: none"> <li>(a) The proposed method of access to and egress from the site for construction vehicles, including 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, with no access across public parks or reserves being allowed;</li> <li>(b) The proposed phases of construction works on the site, and the expected duration of each construction phase;</li> <li>(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;</li> <li>(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.</li> <li>(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. Wherever possible mobile cranes should be located wholly within the site;</li> <li>(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;</li> <li>(g) Estimated volumes of waste and excavated</li> </ul>	<p><b>15. Construction Management Program</b></p> <p>A Construction Management Program shall be submitted to the Certifying Authority prior to the issue of <b>the relevant</b> Construction Certificate. The program shall detail:</p> <ul style="list-style-type: none"> <li>(a) The proposed method of access to and egress from the site for construction vehicles, including 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, with no access across public parks or reserves being allowed;</li> <li>(b) The proposed phases of construction works on the site, and the expected duration of each construction phase;</li> <li>(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;</li> <li>(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.</li> <li>(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. Wherever possible mobile cranes should be located wholly within the site;</li> <li>(f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the</li> </ul>	Not Supported	The Construction Management Plan is required prior to the issue of any Construction Certificate for works on the site.

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p>material and method of disposal;</p> <p>(h) Evidence that waste and excavated material has been appropriately disposed of is to be provided to the Certifying Authority prior to the issue of Occupation Certificate;</p> <p>(i) 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;</p> <p>(j) The location and operation of any on site crane.</p> <p>Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.</p>	<p>construction period;</p> <p>(g) Estimated volumes of waste and excavated material and method of disposal;</p> <p>(h) Evidence that waste and excavated material has been appropriately disposed of is to be provided to the Certifying Authority prior to the issue of Occupation Certificate;</p> <p>(i) 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;</p> <p>(j) The location and operation of any on site crane.</p> <p>Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.</p>		
<p><b>17. Dilapidation survey</b></p> <p>A photographic survey of adjoining properties to the south (being No's. 7, 9, 11 and 13 Wyndora Avenue) detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Certifier prior to the issue of a Construction Certificate.</p> <p>This survey is to be prepared by an appropriately qualified person.</p> <p>On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the</p>	<p><b>17. Dilapidation survey</b></p> <p>A photographic survey of adjoining properties to the south (being No's. 7, 9, 11 and 13 Wyndora Avenue) detailing the physical condition of those properties, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Certifier prior to the issue of <b>the relevant</b> Construction Certificate.</p> <p>This survey is to be prepared by an appropriately qualified person.</p> <p>On completion of the excavation and building works and prior to occupation of the building, a certificate prepared by the appropriately qualified person to the</p>	Not Supported	The dilapidation survey should be undertaken prior to works commencing on site.

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p>effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority.</p> <p>If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to a final Occupation Certificate being issued.</p> <p>All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.</p> <p>In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of the Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.</p> <p>(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible)</p> <p>Reason: Proper management of records (DACPLCPCC1)</p>	<p>effect that no damage has resulted to adjoining premises, is to be provided to the Principal Certifying Authority.</p> <p>If damage is identified by the appropriately qualified person which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to a final Occupation Certificate being issued.</p> <p>All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.</p> <p>In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate, in writing, to the satisfaction of the Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.</p> <p>(Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible)</p> <p>Reason: Proper management of records (DACPLCPCC1)</p>		
<p><b>29. Fire Safety Upgrade</b></p> <p>The fire upgrading measures and works to upgrade the building (including fire upgrading measures required to the existing adjacent building known as 28 Beach Street) as detailed (or referred to) and recommended in the Building Code of Australia Assessment Report prepared by Blackett Maguire and Goldsmith, dated</p>	<p><b>29. Fire Safety Upgrade</b></p> <p>The fire upgrading measures and works to upgrade the building (including fire upgrading measures required to the existing adjacent building known as 28 Beach Street) as detailed (or referred to) and recommended in the Building Code of Australia Assessment Report prepared by Blackett Maguire</p>	<p>Not Supported</p>	<p>The buildings shall not be occupied unless the buildings are made fire safe.</p> <p>The wording of this condition does not preclude the issue of an interim occupation certificate for an</p>

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p>December 2012 and received by Council on 14/12/2012 are to be carried out. This is to include where required, fire upgrading measures and works as detailed in any subsequent report/s and alternative solutions created for the building and also No.28 Beach Street.</p> <p>Details demonstrating implementation are to be submitted to the Principal Certifying Authority prior to the issue of the Interim or Final Occupation Certificate.</p> <p>Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety. (DACBCF01)</p>	<p>and Goldsmith, dated December 2012 and received by Council on 14/12/2012 are to be carried out. This is to include where required, fire upgrading measures and works as detailed in any subsequent report/s and alternative solutions created for the building and also No.28 Beach Street.</p> <p>Details demonstrating implementation are to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate.</p> <p>Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety. (DACBCF01)</p>		<p>individual stage subject to the fire upgrade measures for that stage being completed.</p>
<p><b>30. Disability Access Requirements</b></p> <p>The 'Disability Access' upgrading measures and works required to the building (including any upgrading measures required to the existing adjacent building known as 28 Beach Street) as detailed and recommended in the 'Disability Access Report' prepared by Cheung Access, dated 6 December 2012 and received by Council on 14/12/2012 are to be carried out. This is to include where required, 'Disability Access' upgrading measures and works as detailed in any subsequent amended report/s for the subject building and also No.28 Beach Street.</p> <p>Details demonstrating implementation are to be submitted to the Principal Certifying Authority prior to the issue of the Interim or Final Occupation Certificate.</p> <p>Reason: To ensure adequate provision is made for adequate Disabled Access to, within and egress from the premises including for building occupant safety. DACBCFPOC2)</p>	<p><b>30. Disability Access Requirements</b></p> <p>The 'Disability Access' upgrading measures and works required to the building (including any upgrading measures required to the existing adjacent building known as 28 Beach Street) as detailed and recommended in the 'Disability Access Report' prepared by Cheung Access, dated 6 December 2012 and received by Council on 14/12/2012 are to be carried out. This is to include where required, 'Disability Access' upgrading measures and works as detailed in any subsequent amended report/s for the subject building and also No.28 Beach Street.</p> <p>Details demonstrating implementation are to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate.</p> <p>Reason: To ensure adequate provision is made for adequate Disabled Access to, within and egress from the premises including for building occupant safety. DACBCFPOC2)</p>	<p>Not supported</p>	<p>The buildings shall be made accessible prior to the issue of an interim occupation certificate.</p> <p>The wording of this condition does not preclude the issue of an interim occupation certificate for an individual stage subject to the disability upgrade measures for that stage being completed.</p>

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p><b>31. Authorisation of Legal Documentation Required for On-site Stormwater Detention</b></p> <p>The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.</p> <p>Reason: To create encumbrances on the land. (DACENF01)</p>	<p><b>31. Authorisation of Legal Documentation Required for On-site Stormwater Detention</b></p> <p>The original completed request forms (Department of Lands standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.</p> <p>Reason: To create encumbrances on the land. (DACENF01)</p>	Supported	
<p><b>32. Registration of Encumbrances for On-site Stormwater Detention</b></p> <p>A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.</p> <p>Reason: To identify encumbrances on land. (DACENF02)</p>	<p><b>32. Registration of Encumbrances for On-site Stormwater Detention</b></p> <p>A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.</p> <p>Reason: To identify encumbrances on land. (DACENF02)</p>	Supported	
<p><b>33. Reinstatement of Kerb</b></p> <p>All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by</p>	<p><b>33. Reinstatement of Kerb</b></p> <p>All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all</p>	Not Supported	The reinstatement of kerb and gutter and removal of redundant vehicular crossings is essential to minimise traffic and parking

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p>the applicant.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.</p> <p>Reason: To facilitate the preservation of on street parking spaces. (DACENF03)</p>	<p>costs borne by the applicant.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.</p> <p>Reason: To facilitate the preservation of on street parking spaces. (DACENF03)</p>		<p>impacts within the street by providing additional on street parking.</p>
<p><b>34. Restriction as to User for On-site Stormwater Detention</b></p> <p>A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.</p> <p>Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)</p>	<p><b>34. Restriction as to User for On-site Stormwater Detention</b></p> <p>A restriction as to user shall be created on the title over the on-site stormwater detention system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.</p> <p>Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)</p>	Supported	
<p><b>35. Stormwater Disposal</b></p> <p>The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.</p>	<p><b>35. Stormwater Disposal</b></p> <p>The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.</p>	Supported	

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.</p> <p><b>Note:</b> The following Standards and Codes applied at the time of determination:</p> <ul style="list-style-type: none"> <li>(a) Australian/New Zealand Standard <b>AS/NZS 3500.3</b> - 2003 - Plumbing and drainage - Stormwater drainage</li> <li>(b) Australian/New Zealand Standard <b>AS/NZS 3500.3</b> - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage</li> <li>(c) National Plumbing and Drainage Code.</li> </ul> <p>Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)</p>	<p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.</p> <p><b>Note:</b> The following Standards and Codes applied at the time of determination:</p> <ul style="list-style-type: none"> <li>(a) Australian/New Zealand Standard <b>AS/NZS 3500.3</b> - 2003 - Plumbing and drainage - Stormwater drainage</li> <li>(b) Australian/New Zealand Standard <b>AS/NZS 3500.3</b> - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage</li> <li>(c) National Plumbing and Drainage Code.</li> </ul> <p>Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)</p>		
<p><b>37. On-Site Stormwater Detention Compliance Certification</b></p> <p>Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a “work as executed” (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.</p> <p>Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)</p>	<p><b>37. On-Site Stormwater Detention Compliance Certification</b></p> <p>Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a “work as executed” (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.</p> <p>Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)</p>	Supported	

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p><b>38. Positive Covenant for On-site Stormwater Detention</b></p> <p>A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.</p> <p>Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)</p>	<p><b>38. Positive Covenant for On-site Stormwater Detention</b></p> <p>A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.</p> <p>Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)</p>	Supported	
<p><b>39. Creation of Positive Covenant and Restriction as a User</b></p> <p>Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.</p> <p>A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of an</p>	<p><b>39. Creation of Positive Covenant and Restriction as a User</b></p> <p>Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.</p> <p>A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the "Department of Lands".</p> <p>Details demonstrating compliance are to be</p>	Supported	

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p>Interim / Final Occupation Certificate.</p> <p>Reason: To identify encumbrances on land. (DACENF14)</p>	<p>submitted to the Certifying Authority prior to the issue of a Final Occupation Certificate.</p> <p>Reason: To identify encumbrances on land. (DACENF14)</p>		
<p><b>43. Fire Safety Matters</b></p> <p>At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.</p> <p>Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.</p> <p>Reason: Statutory requirement under Part 9 Division 4 &amp; 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)</p>	<p><b>43. Fire Safety Matters</b></p> <p>At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Final Occupation Certificate.</p> <p>Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.</p> <p>Reason: Statutory requirement under Part 9 Division 4 &amp; 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)</p>	Not Supported	<p>The buildings shall not be occupied unless the buildings are made fire safe.</p> <p>The wording of this condition does not preclude the issue of an interim occupation certificate for an individual stage subject to the fire upgrade measures for that stage being completed.</p>
<p><b>45. Vehicle Turning Area</b></p> <p>The manoeuvring space adjacent to parking space 22 is to be linemarked as a 'No Parking' area.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.</p>	<p><b>45. Vehicle Turning Area</b></p> <p>The manoeuvring space adjacent to parking space 22 is to be linemarked as a 'No Parking' area.</p> <p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.</p>	Not supported	<p>The linemarking is required to ensure the effective operation of the car park.</p> <p>The wording of this condition only precludes the issue of an interim occupation certificate for a</p>

Recommended Condition	Proposed Modification	Modification Supported	Comment
Reason: to maintain manoeuvring space for parked vehicles. (DACTRBOC1)	Reason: to maintain manoeuvring space for parked vehicles. (DACTRBOC1)		construction stage that includes the car park.
<b>46. Disabled Parking Space.</b>  Parking space number 4 is to be clearly linemarked and signposted as a disabled parking space.  Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.  Reason: To meet the requirement of AS2890.9 (DACTRBOC2)	<b>46. Disabled Parking Space.</b>  Parking space number 4 is to be clearly linemarked and signposted as a disabled parking space.  Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.  Reason: To meet the requirement of AS2890.9 (DACTRBOC2)	Not supported	The linemarking is required to ensure the effective operation of the car park.  The wording of this condition only precludes the issue of an interim occupation certificate for a construction stage that includes the car park.
<b>47. Allocation of Spaces</b>  Car parking spaces provided shall be provided, made accessible and maintained at all times.  Car-parking provided shall be used solely in conjunction with the uses contained within the development and each car parking space shall be clearly line marked.  Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.  Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)	<b>47. Allocation of Spaces</b>  Car parking spaces provided shall be provided, made accessible and maintained at all times.  Car-parking provided shall be used solely in conjunction with the uses contained within the development and each car parking space shall be clearly line marked.  Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.  Reason: To ensure that adequate parking facilities to service the development are provided on site. (DACPLG01)	Not supported	The proposed car parking is required to be provided prior to the interim occupation certificate being issued for the development.
<b>48. Visitors Sign</b>  A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site.	<b>48. Visitors Sign</b>  A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site.	Supported	

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.</p> <p>Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors. (DACPLG04)</p>	<p>Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate.</p> <p>Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors. (DACPLG04)</p>		
<p><b>16. Secure Carpark</b></p> <p>The car park is to be secured between the hours of 9pm and 6am with access during these hours via intercom or similar only. Grills, gates etc. used to secure the car park are to be of an open style in colours and materials that match the approved development.</p> <p>Details are to be provided to the certifying authority prior to the issue of the Construction Certificate.</p> <p>Reason: To maintain safety and security.</p> <p><b>44. Operational Plan of Management</b></p> <p>The draft operational plan of management is to be amended as follows:</p> <p>(a) The outdoor terrace adjoining the dining room and kitchen at the first floor level and the serenity garden in the south eastern corner of the site are not to be used between the hours of 9pm and 7am, seven days a week.</p> <p>(b) A register of complaints is to be maintained on site at all times for the registering of complaints in relation to noise, traffic and deliveries etc. and associated actions undertaken to rectify the issue.</p> <p>(c) The car park is to be secured between the hours of 9pm and 6am seven days a week with access during these hours via intercom or</p>	<p>The applicant requests that condition 16 and condition 44(c) be deleted.</p>	<p>Not supported</p>	<p>The conditions to secure the carpark are required to protect the safety and security of staff, residents and the locality. An unsecured basement carpark is considered to provide an opportunity for crime.</p> <p>It is acknowledged that an intercom system may not be practical for the facility and as such it is recommended additional wording be added to each of these conditions to allow for an intercom <b>or swipe card</b> system which would permit staff access and egress between 9pm and 6am. Such a system is unlikely to cause significant queuing, road safety or amenity impacts as the securing of the car park would be at night time only, when only a small number of staff are likely to be using the carpark.</p> <p>Condition 16 and 44 (c) should therefore read as follows:</p> <p><b>16. Secure Carpark</b></p> <p>The car park is to be secured</p>

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p>similar only.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.</p> <p>Reason: To minimise noise and traffic impacts.</p>			<p>between the hours of 9pm and 6am with access during these hours via intercom, <b>swipe card</b> or similar only. Grills, gates etc. used to secure the car park are to be of an open style in colours and materials that match the approved development.</p> <p>Details are to be provided to the certifying authority prior to the issue of the Construction Certificate.</p> <p>Reason: To maintain safety and security.</p> <p><b>44. Operational Plan of Management</b></p> <p>The draft operational plan of management is to be amended as follows:</p> <p>(a) The outdoor terrace adjoining the dining room and kitchen at the first floor level and the serenity garden in the south eastern corner of the site are not to be used between the hours of 9pm and 7am, seven days a week.</p> <p>(b) A register of complaints is to be maintained on site at</p>

Recommended Condition	Proposed Modification	Modification Supported	Comment
			<p>all times for the registering of complaints in relation to noise, traffic and deliveries etc. and associated actions undertaken to rectify the issue.</p> <p>(c) The car park is to be secured between the hours of 9pm and 6am seven days a week with access during these hours via intercom, <b>swipe card</b> or similar only.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.</p> <p>Reason: To minimise noise and traffic impacts.</p>
<p><b>44. Operational Plan of Management</b></p> <p>The draft operational plan of management is to be amended as follows:</p> <p>(a) The outdoor terrace adjoining the dining room and kitchen at the first floor level and the serenity garden in the south eastern corner of the site are not to be used between the hours of 9pm and 7am, seven days a week.</p> <p>(b) A register of complaints is to be maintained on site at all times for the registering of complaints</p>	<p>The application seeks to modify condition 44(a) to allow additional use of the terrace and serenity garden as follows:</p> <p><b>44. Operational Plan of Management</b></p> <p>The draft operational plan of management is to be amended as follows:</p> <p>(a) The outdoor terrace adjoining the dining room and kitchen at the second floor level is not to be used between the hours of 9pm and 7am from Sunday to Thursday and</p>	<p>Not supported</p>	<p>The modification to the operating hours of the outdoor terrace adjoining the dining room and kitchen is supported.</p> <p>The modification to the condition in relation to the operating hours of the serenity garden is not supported. The serenity garden is located in a sensitive location adjoining residential properties and the enforceability of a condition</p>

Recommended Condition	Proposed Modification	Modification Supported	Comment
<p>in relation to noise, traffic and deliveries etc. and associated actions undertaken to rectify the issue.</p> <p>(c) The car park is to be secured between the hours of 9pm and 6am seven days a week with access during these hours via intercom or similar only.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.</p> <p>Reason: To minimise noise and traffic impacts</p>	<p>between 10pm and 7am on Friday and Saturday evenings. The serenity garden in the south eastern corner of the site at first floor level is not to be used between the hours of 10pm and 7am, seven days a week. Between the hours of 9pm and 10pm , this area will only be used by individuals and small groups for quiet reflection and conversation.</p> <p>(b) A register of complaints is to be maintained on site at all times for the registering of complaints in relation to noise, traffic and deliveries etc. and associated actions undertaken to rectify the issue.</p> <p>(c) The car park is to be secured between the hours of 9pm and 6am seven days a week with access during these hours via intercom or similar only.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.</p> <p>Reason: To minimise noise and traffic impacts</p>		<p>which limits the use of the area to individual and small groups is not accepted.</p> <p>Therefore it is recommended the condition be amended as follows:</p> <p><b>44. Operational Plan of Management</b></p> <p>The draft operational plan of management is to be amended as follows:</p> <p>(a) <b>The outdoor terrace adjoining the dining room and kitchen at the second floor level is not to be used between the hours of 9pm and 7am from Sunday to Thursday and between 10pm and 7am on Friday and Saturday evenings. The serenity garden in the south eastern corner of the site at first floor level is not to be used between the hours of 9pm and 7am, seven days a week.</b></p> <p>(b) A register of complaints is to be maintained on site at all times for the registering of complaints in relation to noise, traffic and deliveries etc. and associated actions undertaken to rectify the issue.</p>

Recommended Condition	Proposed Modification	Modification Supported	Comment
			<p>(c) The car park is to be secured between the hours of 9pm and 6am seven days a week with access during these hours via intercom or similar only.</p> <p>Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.</p> <p>Reason: To minimise noise and traffic impacts</p>