



## CONDITIONS OF APPROVAL

<b>Application Number:</b>	DA2018/1514
<b>Land to be developed (Address):</b>	Lot 103 DP 1247294, 145 Old Pittwater Road BROOKVALE NSW 2100
<b>Proposed Development:</b>	Major additions to Warringah Mall Shopping Centre including retail premises food premises kiosks department stores and cinema complex with associated carparking and landscaping

## DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

#### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
01.5201, 01.5203, 01.5204, 01.5205, 01.5207, 01.5209, 01.5301, 01.5302, 01.5401, 01.5402, 01.5403, and 01.5662 - Rev. 2	07/06/2019	Scentre Design and Construction Pty Ltd
01.5663 - Rev. 1	07/06/2019	Scentre Design and Construction Pty Ltd
01.5201 - Rev. 3	29/07/2019	Scentre Design and Construction Pty Ltd

Reports / Documentation – Generally in accordance with the recommendations contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Flood Report - Ref. 80017026-L05:BCP/bcp	28/09/2019	Cardno
Traffic Report - Ref. 1611	31/07/2019	TTPP Transport Planning
Arborist Report - Rev. B	28/05/2019	Arterra Design Pty. Ltd.
Acoustic Report - Ref. 20151207.1/2107A/R3/BW	06/06/2018	Acoustic Logic
Security Management Plan	June 2018	Scentre Group
Stormwater Management Plan -	17/08/2018	Cardno

Ref. 80017026		
Sustainability Management Plan	12/12/2018	Scentre Group
Lighting Report	06/06/2018	Scentre Group
Geotechnical Report - Ref. 71015.37	July 2018	Douglas Partners
Fire Engineering Statement - Ref. 2016/1265	10/07/2018	Fire Engineering Professionals
Contamination Report - Ref. 71015.18	16/08/2018	Douglas Partners
Construction Management Plan	10/08/2018	Scentre Group
Acid Sulphate Soil Management Plan	23/07/2018	Douglas Partners
Access Report	10/07/2018	Access Australia

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
ART-LSD-01, and ART-LSD-02 - Rev. D	18/07/2019	Arterra Design Pty. Ltd.
ART-LSD-03, and ART-LSD-04 - Rev. B	12/12/2018	Arterra Design Pty. Ltd.
ART-LSD-05, ART-LSD-06, and ART-LSD-07 - Rev. B	28/05/2019	Arterra Design Pty. Ltd.
ART-LSD-08 - Rev. C	28/05/2019	Arterra Design Pty. Ltd.
ART-LSD-09 - Rev. A	25/05/2019	Arterra Design Pty. Ltd.
ART-LSD-10 - Rev. A	28/05/2019	Arterra Design Pty. Ltd.
ART-LSD-11 - Rev. A	31/05/2019	Arterra Design Pty. Ltd.

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Waste Management Report	June 2018	Veolia

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

## 2. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

<b>Other Department, Authority or Service</b>	<b>EDMS Reference</b>	<b>Dated</b>
NSW Roads and Maritime Service	Referral - RMS - 145 Old Pittwater Road Brookvale	03/09/2019
Ausgrid	Ausgrid response - DA2018/1514 - 145 Old Pittwater Road	24/10/2018

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

### 3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) 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:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.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.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such

damage.

- (iii) 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.
- (iv) 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.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

#### 4. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
  - 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 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).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.
- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
 

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

    - (i) Swimming Pools Act 1992
    - (ii) Swimming Pools Amendment Act 2009
    - (iii) Swimming Pools Regulation 2008
    - (iv) Australian Standard AS1926 Swimming Pool Safety
    - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
    - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
  - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

5. **No Approval for any Signage**

No approval is granted under this Development Consent for signs (as defined under Warringah Local Environment Plan 2011 and State Environmental Planning Policy No. 64). A separate Development Application for any signs (other than exempt and signs permitted under Complying Development) must be submitted for the approval prior to the erection or display of any such signs.

Reason: Control of signage.

6. **Sharps waste management**

All commercial premises that require the use of sharps must provide adequate sharps waste disposal facilities. Such premises must be provided with sharps waste disposal containers on site that adequately contain all sharps waste produced and is compliant with AS 4031 – 1992 - Non-reusable containers for the collection of sharp medical items used in health care areas.

Reason: To ensure adequate provisions are made for the safe disposal, collection and transport of used sharp objects and to minimise to risk of infectious waste to public health.

7. **Regulated air handling systems**

All regulated air handling systems including cooling towers and warm water systems are to be operated and maintained in accordance with AS 3666.2 – 2011 Air-handling and water systems of buildings – Microbial control and Public Health Act 2010 and Regulation 2012.

Prior to operation of the regulated system the owner or occupier of the premises must register the system with Council in accordance with the Public Health Act 2010 and Regulation 2012.

Reason: To ensure effective microbial control, maintain public health and to fulfill the notification requirements of the Public Health Act and Regulation.

8. **Sewer / Water Quickcheck (Crown Land Only)**

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

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

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

9. **Structures Located Adjacent to the Trunk drainage network.**

All structures are to be located clear of any stormwater pipelines. Footings of any structure adjacent to an easement or pipeline are to be designed in accordance with Council's Water Management Policy; in particular Section 6 - Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specification. Any proposed landscaping over a drainage system is to consist of ground cover or turf only (no trees are permitted).



Reason: Protection of Stormwater Infrastructure.

10. **Trunk Drainage System Access Pits**

The access manholes/pits to the twin 1350mm drainage line adjacent to the main pedestrian entry plaza are to be located in an area that allows 24 hour access for routine structural condition inspections and emergency maintenance and inspections.

Reason: To ensure structural integrity and maintenance of the trunk drainage system.

11. **Regulated air handling systems**

All regulated air handling systems including cooling towers and warm water systems are to be operated and maintained in accordance with AS 3666.2 – 2011 Air-handling and water systems of buildings – Microbial control and Public Health Act 2010 and Regulation 2012.

Prior to operation of the regulated system the owner or occupier of the premises must register the system with Council in accordance with the Public Health Act 2010 and Regulation 2012.

Reason: To ensure effective microbial control, maintain public health and to fulfill the notification requirements of the Public Health Act and Regulation.

## FEES / CHARGES / CONTRIBUTIONS

12. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$2,264,599.08 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$226,459,908.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

### 13. **Security Bond**

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's 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.

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).

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.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

### 14. **Footpath Works Bond**

A Bond of \$75000 as security against any damage to existing Council footpath infrastructure or failure to complete the reconstruction of footpath works as required by this consent.

Reason: Protection of Council's Infrastructure

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

### 15. **On slab landscape planting and associated works**

- a) Details shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate indicating the proposed method of waterproofing to all internal walls and slab, and drainage of the concrete slab over which soil and planting is being provided.
- b) Landscape treatment details shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate indicating the proposed soil volume, soil type, planting, automatic irrigation, services connections, and maintenance activity schedule.
- c) The following soil depths are required in order to be counted as landscaping:
  - 300mm for lawn, groundcover or training plants
  - 600mm for shrubs
  - 1metre for trees

Reason: To ensure appropriate and secure waterproofing and drainage is installed to direct water flow into the drainage system, and away from habitable areas.

### 16. **Stormwater Disposal**

Stormwater shall be disposed of to an existing approved system or in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850,  
A certificate is to be provided to the Principal Certifying Authority with the Construction



Certificate application by a qualified experienced practicing Civil Engineer, with Corporate membership of the Institute of Engineers Australia (M.I.E.) that the existing approved system can accommodate the additional flows and provide drainage plans demonstrating compliance with Council's requirements.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate provision for disposal and stormwater management arising from development.

17. **Geotechnical Report Recommendations have been Incorporated into Designs and Structural Plans**

The recommendations of the risk assessment required to manage the hazards as identified in the Geotechnical Report prepared by Douglas Partners dated July 2018 are to be incorporated into the construction plans. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

18. **Traffic Management and Control**

The Applicant is to submit an application for Traffic Management Plan to Council/RMS for approval prior to issue of the Construction Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

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.

19. **Detailed Design of Stormwater Quality System**

The Stormwater Management Report prepared by Cardno dated 17 August 2018, Concept Civil Design Project Reference D11754 and associated MUSIC Model must be updated to achieve the General Stormwater Quality Requirements in Table 4 of the Council's Water Management Policy.

A certificate from a Civil Engineer, stating that the stormwater quality management system has been designed in accordance with the approved plans and as modified by this condition of consent.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment

20. **Soil and Water Management Plan**

A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) and implemented onsite prior to commencement. The SWMP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004) and Council's Water Management Policy. The SWMP must include the following as a minimum:

- Site boundaries and contours;

- Vehicle access points, proposed roads and other impervious areas (e.g. parking areas and site facilities)
- Location of all drains, pits, downpipes and waterways on and nearby the site;
- Planned stages of excavation, site disturbance and building;
- Stormwater management and discharge points;
- Integration with onsite detention/infiltration;
- Sediment control basin locations and volume (if proposed);
- Proposed erosion and sediment controls and their locations;
- Location of washdown and stockpile areas including covering materials and methods;
- Vegetation management including removal and revegetation;
- A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.
- Inspection and maintenance program;
- North point and scale.

All Site drainage and sediment and erosion control works and measures as described in the SWMP, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To promote the long-term sustainability of ecosystem functions.

## 21. **Submission of Engineering Plans - Deceleration lane (Condamine Street)**

The proposed deceleration lane and vehicle access point along Condamine Street shall be designed to meet Roads and Maritime (RMS) requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.

Provision of the deceleration lane requires dedication of 3.5 m wide land for the full length of the deceleration lane as public road.

The developer is required to enter into a Works Authorisation Deed (WAD) with the RMS for the above mentioned works.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works. Please note that the civil design plans are to be updated to remove the proposed pedestrian crossing and the access point with the internal road is to priorities movements for entering vehicles. The design of this access point will be finalised at the WAD stage.

Reason: To ensure compliance with Road and Maritime specification for engineering works.

## 22. **Shoring of Adjoining Property**

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 ground anchors are to be used within Council land. A Temporary Ground Anchors (Road Reserve) Application is to be submitted with Council for

assessment and approval subject to Council's Fees and Charges. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land.

23. **Existing Drainage System Chamber B6**

The existing mixing chamber B6 access manholes/grates are to be kept free from carparking spaces to allow for routine and emergency maintenance and inspections. The access lids/manholes are not to be covered with pavement/landscaping.

Details verifying these requirements are to be submitted to the accredited Certifier prior to issue of the relevant Construction Certificate.

Reason: To ensure that the existing storm water system is able to manage storm water discharge to an appropriate standard.

24. **Soil and Water Management Program**

A Soil and Water Management Plan prepared in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and implemented on site until the works are completed.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

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

25. **Food premises waste**

A designated waste storage area(s) are to be provided to accommodate all food premises. The waste storage area must be of an appropriate size to adequately contain all waste produced from food premises.

The construction, fit-out and finishes of the designated food premises waste storage area must comply with Standard 3.2.3 of the Australia and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises' and Australian Standard AS1668.2.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To ensure there is adequate storage and collection of waste from food premises and to minimise the risk of pest harbourage.

26. **Adequacy of Sanitary Facilities**

Prior to release of the relevant Construction Certificate the Certifier is to be supplied with documentation from suitably qualified and experienced persons detailing adequacy of sanitary facilities at the premises in accordance with the Building Code of Australia.

Reason: To ensure the provision of adequate sanitary facilities for the premises in accordance with legislative requirements.

27. **Plans of Kitchen Design, construction and fit out**

Prior to the relevant Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Certifying Authority. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the Food premise complies with the design construction and fit-out requirements.

28. **Grease Traps**

Grease traps must be appropriately designed and installed to adequately treat all trade waste water waste produced from food premises. Grease traps must have a piped connection to the boundary and must be designed so it does not impede right of way or any pedestrian access. Any grease traps must not be located in any kitchen, food preparation area or food store area.

Approval for the systems must be granted by Sydney Water prior to its installation.

Reason: To ensure that provision for commercial trade waste provisions have been considered with the development.

29. **Any Skin Penetration Premises Plans**

Detailed plans and specifications are to be submitted to the Certifying Authority in accordance with the relevant and current guidelines including:

- Public Health Act 2010
- Public Health Regulation 2012
- Local Government (General) Regulations 2005
- Australian Standard: AS 2182 –1998 – Sterilizers – Steam – Bench top.
- Australian Standard, AS 2773.2 – 1999 Ultrasonic cleaners for health care facilities – Bench top.

Reason: To ensure compliance with legislation and to protect public health and safety.

30. **Noise and Vibration Management Plan**

Prior to the issue of the Construction Certificate, a Noise and Vibration Management Plan is to be prepared by a suitably qualified person addressing the likely noise and vibration from demolition, excavation and construction of the proposed development. The management plan must be provided to Council or the Principal Certifying Authority prior to the issue of the Construction Certificate.

The Plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant legislation and Australian Standards. The report must itemise equipment to be used for excavation works which are likely to generate excessive noise and/or vibration. The Plan shall address, but is not limited to, the following matters:

- Identification of activities carried out and associated noise sources
- Identification of potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- A prediction as to the level of noise impact likely to affect the nearest noise sensitive receiver as well as determination of appropriate noise and vibration objectives for each receiver

- A representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations
- Confirmation of noise and vibration monitoring, reporting and response procedures to be undertaken during the main stages of work
- Assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles
- Description of specific mitigation treatments, management methods and procedures to be implemented to control noise and vibration during construction
- Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- Procedures for notifying residents of construction activities likely to affect their amenity through noise and vibration
- Contingency plans to be implemented in the event of non-compliances and/or noise complaints. A register should be kept of complaints received, and the action taken to remediate the issue.
- The activity of rock-breaking associated with the development of the site, must only occur between the hours of:
  - 9.0 M – 5.00 PM on weekdays (Monday – Friday) only.
  - Rock-breaking activities must not occur on weekends or public holidays.
  - Adjoining properties must be notified in writing of the times and days in which rock-breaking activities will be carried out. Notices must be distributed at least seven (7) days before the activity is to occur.

Reason: To protect acoustic amenity of surrounding properties and the public.

### 31. **Contaminated Land Requirements**

Prior to the issue of any Construction Certificate a Contamination Management Plan is to be prepared by an appropriately qualified Environmental Consultant and provided to the satisfaction of the Certifying Authority. The plan shall detail:

- a) How all the requirements and / or recommendations contained within the Contamination Report prepared by Douglas Partners (Project 71015.18 August 2018) are to be implemented;
- b) A Remedial Action Plan (RAP) prepared by a suitably qualified Environmental Consultant in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, and with any contaminated land planning guidelines under the Contaminated Land Management Act 1997;
- c) Stipulate reporting and processes associated with discovery of any new contamination that is revealed during excavation, demolition or development works. This process shall include the ability to contact NSW Fire and Rescue for pollution incidents, have on call (24 hours a day), a suitably qualified Environmental Consultant to undertake immediate investigations and provide recommendations for containment and rectification of contaminants or toxins and a process for notification to Northern Beaches Council and the Principal Certifying Authority.
- d) A requirement to complete ongoing water and soils testing during excavation, demolition and development works as follows:

(a) During construction in order to monitor water and soil quality the following is to be implemented:

- i) Water testing is to be completed in accordance with Section 3 of the NSW RTA's Guideline for Construction Water Quality Monitoring

ii) Soil Testing in order to detect contaminants is occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.

(b) The requirements of (i) and (ii) above are to be implemented from the commencement of works as follows:

- i) Fortnightly during excavation works
- ii) Monthly during building works

e) To ensure water quality is maintained runoff must be drained to an adequately bunded central collection sump and treated, to meet NSW Department of Environment and Climate Change (formerly Environment Protection Authority) discharge criteria.

Note: 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 transported for treatment/disposal to an appropriate waste treatment/processing facility.

f) All stockpiles of potentially contaminated soil must be stored in a secure area on the site (no greater than 48 hours) so as not to cause pollution or public health risk until disposed of at a waste facility.

All contaminated soil removed from the site must be disposed of at a waste facility that can lawfully receive that waste and must be done in accordance with all relevant Acts, Regulations and Guidelines. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

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

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

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

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

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

h) Stipulate protocols for the importation of any landfill material onto the site the protocols shall include:

- i) 'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from the (\*) site at (\*), to the subject premises.
- ii) Requirement that any landfill material being brought to the site shall be free of contaminants or toxins and shall suitable for the use on the land.
- iii) Any landfill material being brought to the site shall have a validation report prepared to the satisfaction of the Principal Certifying Authority (prepared in



accordance with the Department of Environment & Climate Change's guidelines).

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of the environment, SEPP 55 compliance.

**32. Tree Protection Plan**

In order to protect and enhance onsite vegetation and trees the following applies to the development site:

- (a) A Tree Protection Plan prepared by a AQF Level 5 Arborist (or equivalent) showing the following:
  - Layout of the approved development
  - Location of trees identified for retention
  - Extent of canopy spread
  - Location of tree protection fencing / barriers (fencing in accordance with AS2470 – 2009)
  - General tree protection measures
- (b) The Tree Protection Plan is to be submitted to the Principal Certifying Authority for approval prior to issue of a Construction Certificate.
- (c) Tree protection measures identified on the plan are to be in place prior to commencement of works.

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

**33. Flooding**

In order to protect property and occupants from flood risk the following is required:

Building Components and Structural Soundness

All new development below the relevant Flood Planning Level shall be designed and constructed as flood compatible buildings in accordance with Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas, Hawkesbury-Nepean Floodplain Management Steering Committee (2006).

Building Components and Structural Soundness

All new development must be designed and constructed to ensure structural integrity up to the relevant Flood Planning Level, taking into account the forces of floodwater, wave action, flowing water with debris, buoyancy and immersion. Structural certification shall be provided confirming the above.

Building Components and Structural Soundness

All new electrical equipment, power points, wiring, fuel lines, sewerage systems or any other service pipes and connections must be waterproofed and/or located above the Flood Planning Level. All existing electrical equipment and power points located below the Flood Planning Level must have residual current devices installed cut electricity supply during flood events.

#### Storage of Goods

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level unless adequately protected from floodwaters in accordance with industry standards.

#### Floor Levels

New floor levels within the development shall be set at the Flood Planning Level, which is the 100 year ARI flood level plus 500mm freeboard.

#### Fencing

New fencing (including boundary fencing and accessway balustrades) shall be open for passage of flood waters if within by the 1% flood area - All new fencing on the property must be design with a minimum of 50% open area between the 1% flood level and natural ground level, to allow flood waters to pass through.

#### Recommendations

As recommended in the Updated Flood Impact Assessment Report prepared by Cardno (NSW/ACT) Pty Ltd dated 10 August 2018, the surcharge pit in the area of the Hoyts complex entry, shall be sealed to avoid any flooding in the vicinity of the new Hoyts complex entry.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

#### 34. **Pre-commencement Dilapidation Report**

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

Reason: Protection of Council's and Private Party's Infrastructure during construction.

#### 35. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

#### 36. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

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

37. **Project Ecologist**

A Project Ecologist is to be employed for the duration of the approved works to ensure appropriate Microbat Management measures are carried in accordance with the Westfield Warringah Mall Stormwater Augmentation - Microbat Management Plan prepared for the site by RPS - May 5, 2014 associated with the previous development modification application MOD2014/0285.

The Project Ecologist will ensure that all conditions relating to the microbat management plan (RPS 2014) of the property are fully implemented. The Project Ecologist is to be an licensed fauna management specialist with a degree in biological science, ecology, natural area management or equivalent with at least 5 years experience.

The Project Ecologist will also ensure that the implementation of the previously approved Microbat Management Plan (RPS 2014, Version 2) and associated methodologies, is to be undertaken by persons suitably experienced in that aspect of the work they are doing, and such persons must be under the direction and supervision of a person with relevant knowledge, qualifications and experience in current best practice in that aspect.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the relevant Construction Certificate.

Reason: To ensure bushland management

38. **Microbat management – timing of the works**

Mitigation measures as identified in the Microbat Management Plan (RPS 2014) are to be implemented prior to the commencement of works, pre-construction, during construction and post construction.

Reason: Management of threatened species.

39. **Construction Traffic Management Plan**

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) shall be prepared by an suitably accredited person and submitted to and approved by the certifying authority prior to commencing any Construction work.

Due to heavy traffic congestion throughout the area, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm.

The CTMP must:

- The current access arrangement (both vehicular and pedestrian) to Aldi Store located at 3-5 Cross street, Brookvale are to be maintained at all times.
- Make provision for all construction materials to be stored on site, at all times.
- The CTMP is to be adhered to at all times during the project.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.

- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless prior approval is granted by Council's Traffic Engineers.
- Due to the proximity of the site to Brookvale Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- Specify spoil management process and facilities to be used on site.
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of the project. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS' Manual – "Traffic Control at Work Sites".

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 40. **No Access Through Adjoining Park/Reserves**

Access to the site through an adjoining park/reserve is prohibited without the written approval of the Council.

Reason: To ensure protection of council parks/reserves.

### 41. **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 \$20 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 Northern Beaches 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.

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

**42. Tree protection**

(a) Existing trees which must be retained

i) All trees not indicated for removal on Landscape Plans Dwg Nos. ART-LSD-01, 02 and 03 Rev. B dated 25/03/19 prepared by Arterra Design, unless exempt under relevant planning instruments or legislation

(b) Tree protection

- i) No tree roots greater than 30mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
- ii) All structures are to bridge tree roots greater than 30mm diameter unless directed otherwise by a qualified Arborist on site.
- iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
- iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
- v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

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

**43. Project Arborist**

- i) A Project Arborist with minimum qualification AQF Level 5 is to be appointed prior to commencement of works.
- ii) The Project Arborist is to oversee all tree protection measures, removals and works adjacent to protected trees as outlined in the approved Tree Protection Plan, Arboricultural Impact Assessment Report and AS4970-2009 Protection of trees on development sites.
- iii) The Project Arborist is to ensure compliance as relevant with any other environmental requirements conditioned under this consent.

Reason: to ensure protection of vegetation proposed for retention on the site.

**44. Roads and Maritime Services - Conditions**

All conditions imposed by Transport Roads and Maritime Services are to be satisfied prior to the release of any construction certificate. Concurrence of compliance from RMS is to be submitted to and approved by Council prior to the release of any Construction Certificate.

Reason: To ensure the applicant has satisfied the requirements of RMS prior to any works commencing

**45. Safety By Design - Pedestrian Entrance**

The new pedestrian entry point shall be designed in such a way as to improve safety for pedestrians and promote a pedestrian friendly zone.

The applicant is to provide a detailed design drawing and engage a appropriately accredited Safety Auditor to review the plan. The plan and safety audit review are to be submitted to and approved by Council prior to the issue of any Construction Certificate.

Reason: To ensure the pedestrian entrance reduces pedestrian and vehicular conflicts

## CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 46. Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

### 47. Removing, Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- Work Health and Safety Act
- Work Health and Safety Regulation
- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]
- Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.
- The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

Reason: For the protection of the environment and human health.

### 48. Footpath Construction

The applicant shall reconstruct any damaged footpath in Condamine and Old Pittwater Road. The works shall be in accordance with the following:

- (a) All footpath works are to be constructed in accordance with Council's Specification
- (b) Council is to inspect the formwork prior to pouring of concrete to ensure the works are in accordance with Council's specification for footpath. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.
- (c) The footpath area adjacent to the vehicle entry point opposite William Street is to be reconstructed on both sides with full width paving.

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

### 49. Cleaning of Vehicles Leaving Site

Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.

Reason: To reduce sediment being taken offsite



50. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

51. **Amenity**

The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, ash, dust, waste water, waste products, grit, oil or other harmful products.

Reason: To ensure the surrounding area and people within the neighbourhood are not affected adversely and to ensure compliance with the Protection of the Environment Operations Act 1997.

52. **Food Business Fit Out**

The construction and fit-out of all food premises including kiosks must comply with the relevant and current guidelines including:

- Food Act 2003,
- Food Regulations 2004,
- Australian Standard AS 4674-2004: Construction and fit out of food premises,
- Australia and New Zealand Food Standards Code 3.2.2: Food Safety Practices and General Requirements, and
- Australia and New Zealand Food Standards Code 3.2.3: Food Premises and Equipment.

Reason: To ensure compliance with legislation and to protect public health and safety.

53. **Any Skin Penetration Premises – Fit Out**

The construction and fit-out of all skin penetration premises must comply with the relevant and current guidelines including:-

- Public Health Act 2010
- Public Health Regulation 2012
- Local Government (General) Regulations 2005
- Australian Standard: AS 2182 –1998 – Sterilizers – Steam – Bench top.
- Australian Standard, AS 2773.2 – 1999 Ultrasonic cleaners for health care facilities – Bench top.

Reason: To ensure compliance with legislation and to protect public health and safety.

54. **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.

55. **Surveyor's Report**

A Registered Surveyor's identification report indicating the finished ground floor levels and driveway entry levels to a nominated fixed datum point are in accordance with the levels

indicated on the approved plans. A Surveyor's Report is to be provided for confirmation prior to pouring of the slab or construction of the floor platform.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority

Reason: To ensure the height of buildings under construction comply with levels shown on approved plans.

56. **Microbat management – timing of the works**

Mitigation measures as identified in the Microbat Management Plan (RPS 2014) are to be implemented during demolition, excavation and building works. The connection to the chamber in proximity to the known microbat roosts and culvert entrances (C6 Pit/Chamber and Condamine street works) must be conducted during spring and summer months only. Construction works in proximity to the known microbat roosts and culvert entrances are to be undertaken outside of the winter period.

Reason: Management of threatened species.

57. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by Stormwater Management Report prepared by Cardno dated 17 August 2018, Concept Civil Design Project Reference D11754.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

58. **Dewatering Management**

Discharge of tailwater must not occur until the above water quality parameters are met.

Parameter	Criterion	Method	Time Prior to Discharge
<b>Oil and grease</b>	No visible	Visual inspection	<1 hour
<b>pH</b>	6.5- 8.5	Probe/meter	<1 hour
<b>Total Suspended Solids (TSS)</b>	<50mg/L	Meter/grab sample measures as NTU	<1 hour

*NOTE: The correlation between NTU and TSS must be established by a NATA accredited laboratory prior to the commencement of dewatering activities.*

All records of water discharges and monitoring results are to be documented and kept on site. Copies of all records shall be provided to the appropriate regulatory authority, including Council, upon request.

Tailwater must be discharged to the nearest stormwater pit in accordance with Council's Auspec1 Design Manual and must not spread over any road, footpath and the like. Discharge to the kerb and gutter will not be accepted.

Reason: Protection of the receiving environment.

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

### 59. **Landscape completion certification**

- a) Landscaping is to be implemented in accordance with Landscape Plans Dwg Nos. ART-LSD-01, 02 and 03 Rev. B dated 25/03/19 prepared by Arterra Design.
- b) Prior to the issue of a relevant Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with the approved landscape plan and inclusive of any conditions of consent.
- c) Prior to the issue of a relevant Occupation Certificate, a landscape report prepared by a landscape architect or landscape designer shall be submitted to the Certifying Authority, certifying that the landscape works have been established and maintained in accordance with the approved landscape plan.

Reason: To ensure that the landscape treatments are installed to provide landscape amenity.

### 60. **Certification for the Installation of Stormwater Quality System**

A certificate from a Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate, stating that the stormwater quality management system has been installed in accordance with the Stormwater Management Report prepared by Cardno dated 17 August 2018, Concept Civil Design Project Reference D11754.

The certificate shall be submitted to the Principal Certifying Authority prior to the release of the relevant Occupation Certificate.

Reason: Protection of the receiving environment.

### 61. **Positive Covenant for Stormwater Quality System**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the stormwater quality system in accordance with the standard requirements of Council, the manufacturer and as required by the Stormwater Quality Operation and Maintenance Plan.

The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Council), at the applicant's expense and endorsed by the Northern Beaches Council's delegate prior to lodgement with the Department of Lands. The Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

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

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

### 62. **Registration of Encumbrances for Stormwater Quality System**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for stormwater quality system as to user is to be submitted.

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

Reason: To identify encumbrances on land.

63. **Restriction as to User for Stormwater Quality System**

A restriction as to user shall be created on the title over the stormwater quality system, restricting any alteration to system. The terms of such restriction are to be prepared to Council's standard requirements, (available from Northern Beaches Council), at the applicant's expense and endorsed by Council prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such restriction.

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

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval.

64. **Stormwater Quality Operation and Maintenance Plan**

An Operation and Maintenance Plan is to be prepared to ensure proposed stormwater quality system remain effective.

The Plan must contain the following:

- a) Maintenance schedule of all stormwater quality treatment devices
- b) Identification of maintenance and management responsibilities
- c) Maintenance requirements for establishment period
- d) Routine maintenance requirements
- e) Inspection and maintenance record and reporting
- f) Funding arrangements for the maintenance of all stormwater quality treatment devices
- g) Vegetation species list associated with each type of vegetated stormwater treatment device
- h) Waste management and disposal
- i) Traffic control measures (if required)
- j) Maintenance and emergency contact information
- k) Renewal, decommissioning and replacement timelines and activities of all stormwater quality treatment devices
- l) Work Health and Safety requirements

Details demonstrating compliance shall be submitted to the Principal Certifying Authority prior to the release of the relevant Occupation Certificate.

Reason: Protection of the receiving environment.

65. **Works as Executed Drawings - Stormwater Quality System**

Works as Executed Drawings for the stormwater quality system must be prepared in accordance with Council's Guideline for Preparing Works as Executed Data for Council

Stormwater Assets.

The drawings shall be submitted to the Principal Certifying Authority prior to the release of the relevant Occupation Certificate.

Reason: Protection of the receiving environment.

66. **Installation of Water Efficient Fittings**

The following Water Efficiency Labelling and Standards (WELS) Scheme rated fittings must be installed:

- a) 4 star dual-flush toilets
- b) 3 star showerheads
- c) 4 star taps (for all taps other than bath outlets and garden taps)
- d) 3 star urinals
- e) 3.5 star washing machines
- f) 4 star dishwashers

A certificate from a licenced plumber shall be submitted to the Principal Certifying Authority prior to the release of the relevant Occupation Certificate demonstrating compliance with this condition.

Reason: To conserve potable water.

67. **Microbat management – timing of the works**

Mitigation measures as identified in the Microbat Management Plan (RPS 2014) are to be implemented post construction. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the relevant Occupation Certificate.

Reason: Management of threatened species.

68. **Road dedication (Footpath Condamine Street )**

The road reserve area in Condamine Street adjacent to the proposed deceleration lane and entry point is to be widened to fully contain the realigned public footpath. A subdivision plan is to be submitted to Council for approval detailing the road dedication prior to the issue of the relevant occupation certificate.

The signing of the plan is subject to Councils relevant fees and charges.

Reason: To ensure the realigned footpath is within the road reserve area.

69. **Registration of Skin Penetration Businesses**

All skin penetration businesses must be registered with the Appropriate Regulatory Authority prior to any relevant Occupation Certificate being issued.

Reason: Relevant skin penetration premises are required to be registered with the Appropriate Regulatory Authority.

70. **Registration of Food Business**

All food businesses must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

**71. Compliance with Contamination Management Plan**

Prior to the issue of any relevant interim / final occupation certificate, relevant certification from an appropriately qualified environmental consultant is to be provided stipulating that the requirements of the Contamination Management Plan have been compliance with throughout excavation, demolition and development work stages.

The certification shall also include:

- a) A validation and site monitoring report prepared in accordance with relevant guidelines issued under the Contaminated Land Management Act 1997 must be submitted to the Council within one month from completion of the remediation work.
- b) A detailed survey of all sites used for landfill disposal must be prepared within one month from completion of the remediation work, and submitted to Council.
- c) Identification of the extent and depth of all fill material in relation to existing roadways and buildings. The survey must also include a detailed survey of all sites used as landfill disposal pits, identifying boundaries and depth of disposal pits in relation to existing roadways and buildings.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: Protection of the environment, SEPP 55 compliance.

**72. Kitchen Design, construction and fit out of food premises certification**

Prior to the issuing of any relevant interim / final occupation certificate, certification is to be provided from a suitably qualified professional that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the kitchen complies with the design requirements.

**73. Mechanical Ventilation certification**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the mechanical ventilation system complies with the design requirements.

**74. Removal of All Temporary Structures/Material and Construction Rubbish**

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

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 bushland management.

**75. 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) <<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 built 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.

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 compliance with the statutory requirements of Sydney Water.

**76. Fire Safety Matters**

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 Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

**77. Height of Building**

The height of all buildings are not to exceed the building heights approved under this consent and no consent is granted to additional or ancillary roof structures such as plant rooms, railings, stairwells or the like or for use of the roof top for recreational purposes.

Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with the above, to the satisfaction of the Principal Certifying Authority.

Reason: To ensure compliance with the terms of this consent.

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

**78. Maintenance of Stormwater Quality System**

The stormwater quality system must be maintained at all times in accordance with the Stormwater Quality Operation and Maintenance Plan, manufacturer’s specifications and as necessary to achieve the required stormwater quality targets for the development.

Reason: Protection of the receiving environment.  
DA2018/1514

**79. Illumination Intensity and design**

The level of lighting intensity used is to be minimised on the site and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure lighting used for the development do not interfere with amenity of nearby properties.

**80. Noise Impact on surrounding areas**

Any noise from the premise shall not exceed more than 5dB(A) above the background level when measured from within any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy and any appropriate legislation to prevent offensive noise.

Reason: Reason: To ensure that noise generated from the premise does not create offensive noise.

**81. Landscape maintenance**

- i) Trees shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilized as required at the time of planting.
- ii) If any tree, shrub or groundcover required to be planted under this consent fails, they are to be replaced with similar species to maintain the landscape theme and be generally in accordance with the approved Landscape Plan.

Reason: To maintain local environmental amenity

**82. Commercial 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 protect the acoustic amenity of surrounding properties.

**83. Loading and Unloading**

All loading and unloading of vehicles and the delivery of goods must be carried out wholly within the site.

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

**84. Commercial Waste and Recycling Storage**

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed.

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA  
SUBDIVISION OR SUBDIVISION CERTIFICATE**

**85. Restoration of Damaged Public Infrastructure**

Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the

Occupation Certificate application.

Reason: To ensure public infrastructure is returned to the state it was in prior to development.