

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

a) Modification Approved Plans

Architectural Plans		
Drawing No.	Dated	Prepared By
DA001 PROPOSED MASTERPLAN- REV 17	15.04.19	CAYAS ARCHITECTS
DA002 PROPOSED PART SITE PLAN-01- REV 13	15.04.19	CAYAS ARCHITECTS
DA003 PROPOSED PART SITE PLAN-02- REV 18	15.04.19	CAYAS ARCHITECTS
DA006 SITE STAGING PLAN- REV 5	15.04.19	CAYAS ARCHITECTS
DA100 PROPOSED GROUND GLOOR PLAN- Dan Murphy's- REV 17	16.04.19	CAYAS ARCHITECTS
DA101 PROPOSED ROOF AND MEZZANINE PLAN- Dan Murphy's- REV 16	15.04.19	CAYAS ARCHITECTS
DA102 PROPOSED UPPER ROOF PLAN- Dan Murphy's- REV 9	15.04.19	CAYAS ARCHITECTS
DA105 ELEVATIONS- Dan Murphy's- REV 11	16.04.19	CAYAS ARCHITECTS
DA106 SECTIONS- Dan Murphy's- REV 4	15.04.19	CAYAS ARCHITECTS
DA110 DEMOLITION PLAN PUB/BOTTLESHOP- REV 4	15.04.19	CAYAS ARCHITECTS
DA111 PROPOSED GROUND FLOOR PLAN TAVERN- REV 10	15.04.19	CAYAS ARCHITECTS
DA112 ROOF PLAN PUB- REV 8	15.04.19	CAYAS ARCHITECTS
DA115 PROPOSED ELEVATIONS TAVERN- REV 7	15.04.19	CAYAS ARCHITECTS
DA116 PROPOSED SECTIONS TAVERN- REV 2	15.04.19	CAYAS ARCHITECTS
DA117 EXTERIOR SIGNAGE AND SITE PYLON PLAN- REV 5	16.04.19	CAYAS ARCHITECTS
DA118 EXTERIOR SIGNAGE AND SITE PYLON SIGNAGE- REV 4	15.04.19	CAYAS ARCHITECTS
DA004 BASEMENT LEVEL CAR PARK REV B	28.01.16	BERGSTROM ARCHITECTS
DA120 HOTEL - GROUND FLOOR PLAN REV B	27.01.16	BERGSTROM ARCHITECTS
DA121 HOTEL - LEVEL 1 PLAN REV B	28.01.16	BERGSTROM ARCHITECTS
DA122 HOTEL - LEVEL 2 PLAN REV B	28.01.16	BERGSTROM ARCHITECTS
DA123 HOTEL - LEVEL 3 PLAN REV B	28.01.16	BERGSTROM ARCHITECTS
DA124 HOTEL - LEVEL 4 PLAN REV B	28.01.16	BERGSTROM ARCHITECTS
DA125 HOTEL - LEVEL 5 PLAN REV B	28.01.16	BERGSTROM ARCHITECTS
DA126 HOTEL - ROOF PLAN REV B	28.01.16	BERGSTROM ARCHITECTS
DA127 HOTEL - ELEVATIONS REV B	28.01.16	BERGSTROM ARCHITECTS
DA128 HOTEL - ELEVATIONS REV B	28.01.16	BERGSTROM ARCHITECTS
DA129 HOTEL - ELEVATIONS REV B	28.01.16	BERGSTROM ARCHITECTS
DA130 HOTEL - SECTION A & B REV B	28.01.16	BERGSTROM ARCHITECTS
DA140 HOTEL - ROOM TYPES REV B	28.01.16	BERGSTROM ARCHITECTS
DA600 HOTEL - ARCHITECTURAL FINISHES REV B	28.01.16	BERGSTROM ARCHITECTS

DA610 HOTEL - SIGNAGE REV B	28.01.16	BERGSTROM ARCHITECTS
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Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Accessibility Report (ADR257V1.2)	27 January 2016	ABE Consulting
Arboricultural Assessment (Rev C)	28.01.16	Elke Haege Landscape Architect and Consulting Arborist
BCA Assessment Report to accompany DA Submission (and as amended by the report submitted with Section 4.56 application Rev 1.6)	16 April 2019	Steve Watson & Partners
Traffic and Parking Report (and as amended by the report submitted with Section 4.56 application, dated October 2018 and letter dated 18 April 2019)	11 January 2016	Colston Budd Rogers & Kafes
Noise Impact Assessment (Recommendations: Recommended management conditions and Recommended acoustic treatments)- REV 2	9/04/2019	Acoustic Logic

- a) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- b) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate for the relevant stage.
- c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
L_101 (Issue G)	15.04.19	Elke Haege Landscape Architect and Consulting Arborist
L_102 (Issue G)	16.04.19	Elke Haege Landscape Architect and Consulting Arborist
L_501 (Issue C)	15.4.19	Elke Haege Landscape Architect and Consulting Arborist
Arb_601 + 602 (Issue C)	28.01.16	Elke Haege Landscape Architect and Consulting Arborist

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,

B. Add Condition No.1B - Staged Construction to read as follows:

The works may be carried out in stages with relevant conditions being satisfied prior to the issue of a Construction Certificate and/or Occupation Certificate (as applicable) for each stage.

Staged delivery is to align with the approved Site Staging Plan (DA006 Issue 5) prepared by Cayas Architects and dated 15 April 2019. Stages are generally described as follows:

- Stage 1A: Site preparation, Dan Murphy's and associated vehicular access, parking, landscaping and drainage works.
- Stage 1B: Tavern including associated parking, landscaping and drainage works.
- Stage 2: Hotel including associated basement parking, landscaping and drainage works.

Reason: To facilitate the staged construction of the approved works.

C. Add Condition No.16B – Construction Traffic Management Plan to read as follows:

A Construction Traffic Management Plan (CTMP) is to be prepared for the staged construction of the development. The plan is to address the following:

- i) Management of demolition, excavation and construction traffic for Stage 1A
- ii) Management of demolition, excavation and construction traffic associated with Stage 1B as to impacts on traffic flow, conflicts and safety for Stage 1A,
- iii) Management of demolition, excavation and construction traffic associated with Stage 2 as to impacts on traffic flow, conflicts and safety for Stage 1A and 1B.

The CTMP is to be prepared by a suitably qualified traffic consultant and submitted to the Certifying Authority prior to the issue of the Construction Certificate relating to the respective stage of development.

Reason: To ensure the effective management of construction related traffic to minimise the effects of such traffic on customers and staff related to the preceding stage of development.

D. Modify Condition <2 - Compliance with Other Department, Authority or Service Requirements> to read as follows:

The development must be carried out in compliance with the following:

Other Department, Authority or Service	eServices Reference	Dated
Ausgrid	Response Ausgrid Referral	22 October 2015
Roads and Maritime Services (RMS)	Response RMS Referral	17 November 2015 & 3 March 2016
NSW Police	Response NSW Police Referral	03/11/2015

(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at www.warringah.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's. (DACPLB02)

E. Amend Condition <11 - On-site Stormwater Detention Compliance Certification> to read as follows:

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and the amended concept drawing by herry&hymas, drawing number 18877_D1_C000- REV03, dated 16.04.19; 18877_D1_C100- REV03, dated 16.04.19; 18877_D1_C110- REV03, dated 16.04.19; 18877_D1_C120- REV01, dated 16.04.19; 18877_D1_C121- REV01, dated 16.04.19; 18877_D1_C200- REV03, dated 16.04.19; 18877_D1_C210- REV03, dated 16.04.19; 18877_D1_C250- REV03, dated 16.04.19; 18877_D1_C251- REV03, dated 16.04.19; 18877_D1_C252- REV03, dated 16.04.19

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

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

F. Amend Condition <12 - Pump-Out System Design for Stormwater Disposal> to read as follows:

The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with Council's Stormwater Drainage Policy. Engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practising hydraulic engineer.

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

Reason: To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site. (DACENC04).

G. Amend Condition <13 - Submission of an Application for Engineering Plans under the provisions of S138 and S139 of the Road Act 1993> to read as follows:

Engineering plans are to be submitted to Council for the incorporation within the broader documentation package relating to the Frenchs Forest Road upgrade to be carried out by the Road and Maritime Services. The submission is to include four (4) copies of Civil Engineering plans for the design of concrete footpath and cycle way, vehicular crossings 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 and to the requirements and approval of RMS.

The design must in accordance with the following:

- A shared bike and footpath 2.5 metres wide in plain concrete shall be constructed for the full frontage of the development site to Frenchs Forest Road.
- Vehicular crossings are to be designed to the requirements of Road and Maritime Services.
- The proposed vehicular crossing located on the west side of the subject lot shall be designed for 19.0 metres Articulated Vehicle Turning path template.
- The existing vehicular crossing located on the eastern side where necessary to be adjusted or widened shall be reconstructed.
- Submission of a traffic control management plan for the required civil works.

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

Reason: To ensure compliance with Council's specification for engineering works. (DACENC08)

H. Amend Condition <14 - Soil & Water Management Program> to read as follows:

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 Construction Certificate relating to the respective stage of development.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACHPC02)

I. Amend Condition <15 Waste Management Plan> to read as follows:

A waste management plan that addresses Clauses C8 and C9 in the Warringah DCP must be prepared for this development.

Details of the method of transportation and location of the waste/recycling centres are to be included in the plan

Details demonstrating compliance must be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate relating to the respective stage of development.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner (DACHPC03).

J. Amend Condition <17 Provisions for mechanical ventilation > to read as follows:

Detailed plans for the installation of adequate mechanical ventilation must be prepared by a suitably qualified person and certified in accordance with the Standard 3.2.3 of the Australian New Zealand Food Standards Code under the Food Act 2003 and Australian Standard AS 1668 - The use of mechanical ventilation, and must be submitted to and approved by Council prior to a Construction Certificate being issued relating to the respective stage of development.

Reason: No provisions for the use of mechanical ventilation has been made for areas where food is to be prepared (DACHPCPC1)

K. Amend Condition <18 Tree protection and pruning> to read as follows:

- a) Existing trees which must be retained
 - i) All trees not indicated for removal on amended Landscape Plans identified in Condition 1 prepared by Elke Haege Landscape Architect, unless exempt or noxious in Warringah.
- b) Tree protection and pruning:
 - i) No tree roots greater than 50mm 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 50mm diameter unless directed otherwise by a qualified Arborist on site.
 - iii) All tree protection to be in accordance with the Arboricultural Assessment Revision C dated 28.01.16 prepared by Elke Haege Consulting Arborist and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures. .
 - iv) All tree protection measures, including fencing, are to be in place prior to commencement of works
 - v) Tree pruning within the subject site is approved to enable construction in accordance with the approved plans.
 - vi) Tree pruning is not to exceed 15% of any existing tree canopy
 - vii) All tree pruning to be in accordance with AS4373-2007 Pruning of amenity trees.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

K. Amend Condition <25 Fire Safety Upgrade > to read as follows:

The fire upgrading measures and works to upgrade the 'Refurbished Tavern Building' are to be completed so as to bring the building into compliance with the requirements of the Building Code of Australia. At a minimum these works are to upgrade the building to the degree necessary so as to comply with Parts C ,D, E (fire safety) of the BCA.

Details demonstrating implementation are to be submitted to the Principal Certifying Authority prior to the issue of the Interim Occupation Certificate for the Tavern.

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety. (DACBCF01)

L. Amend Condition <26 Authorisation of Legal Documentation Required for On-site Stormwater Detention> to read as follows:

In respect of each stage of the development, 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.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority within 3 months of the issue of any final Occupation Certificate associated with the corresponding stage of development.

Reason: To create encumbrances on the land. (DACENF01)

M. Amend Condition <27 Registration of Encumbrances for On-site Stormwater Detention> to read as follows:

In respect of each stage of the development, 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.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority within 6 months of the issue of any final Occupation Certificate associated with the corresponding stage of development.

Reason: To identify encumbrances on land. (DACENF02)

N. Amend Condition <29 Restriction as to User for On-site Stormwater Detention> to read as follows:

In respect of each stage of the development, 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.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority within 6 months of the issue of any final Occupation Certificate associated with the corresponding stage of development.

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

O. Amend Condition <30 On-Site Stormwater Detention Compliance Certification> read as follows:

In respect of each stage of the development, 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.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority within 6 months of the issue of any final Occupation Certificate associated with the corresponding stage of development.

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

P. Amend Condition <31 Positive Covenant for the Maintenance of Stormwater Pump-out Facilities> read as follows:

In respect of each stage of the development, a positive Covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the property title to ensure the on-going maintenance of the stormwater pump-out facilities on the property being developed.

Northern Beaches Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Warringah Council's delegate shall sign these documents prior to the submission to the Land & Property Information Department.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority within 6 months of the issue of any final Occupation Certificate associated with the corresponding stage of development.

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard. (DACENF11).

Q. Amend Condition <32 Positive Covenant for On-site Stormwater Detention > read as follows:

In respect of each stage of the development, 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.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority within 6 months of the issue of any final Occupation Certificate associated with the corresponding stage of development.

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

R. Amend Condition < 33 Creation of Positive Covenant and Restriction as a User > read as follows:

In respect of each stage of the development, 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.

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".

Details demonstrating compliance are to be submitted to the Certifying Authority within 6 months of the issue of a Final Occupation Certificate associated with the corresponding stage of development.

Reason: To identify encumbrances on land. (DACENF14)

S. Amend Condition <37 Mechanical Ventilation certification> read as follows:

In respect of each stage of the development, 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 are to be provided to demonstrate that the operation of all mechanical, ventilation, plant equipment and other noise generating machinery will not give rise to an 'offensive noise' as defined by the Environmental Protection Authority's NSW Industrial Noise Policy and any other appropriate legislation.

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. (DACHPFPOC4)

T. Amend Condition <38 Required Planting > read as follows:

In respect of each stage of the development, the tree/s listed in the following schedule shall be planted in accordance with the following schedule:

No. of Trees Required.	Species	Location	Minimum Pot Size
All trees	As indicated on Landscape Plans Dwg Nos. L 101 D and L 102 D dated 27.01.16 Elke Haege Landscape Architect, except as modified by the amended landscape concept drawings referred to in Condition 1.	As indicated on the Landscape Plan	As indicated on the Landscape Plan

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

Reason: To maintain environmental amenity. (DACLAF01)

U. Amend Condition <39 Removal of All Temporary Structures/Material and Construction Rubbish > read as follows:

In respect of each stage of the development, 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 final Occupation Certificate associated with the corresponding stage of development.

Reason: To ensure bushland management. (DACPLF01)

V. Amend Condition <41 Undergrounding of Telecommunications Services>read as follows:

In respect of each stage of the development, arrangements are to be made for the provision of underground telecommunications services to the building.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any final Occupation Certificate associated with the corresponding stage of development.

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. (DACPLF06)

W. Amend Condition <43 Sydney Water >read as follows:

In respect of each stage of the development, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site

www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be 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 final Occupation Certificate associated with the corresponding stage of development.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLF08)

X. Delete Condition < 52 Access From Frenchs Forest Road >read as follows:

~~A review of the right in/right out traffic movements from the vehicle access for the development to be carried out following the operation of the completed development and the traffic signals on Frenchs Forest Road and Romford Road.~~

~~The review is to assess the impacts of vehicles turning right in to and out of the development on traffic flows on Frenchs Forest Road.~~

~~The review should be submitted to Council for review by Council's Traffic Engineer and, if required, referred to Roads and Maritime Services and/or the Warringah Local Traffic Committee Traffic Committee.~~

~~Reason: To assess that the increased development on the site does not impact adversely on traffic flows and queuing on Frenchs Forest Road. (DACTRGOG1)~~

