



MEMORANDUM

DATE: 11 July 2025

TO: Sydney North Planning Panel

CC: Adam Richardson, Manager Development Assessments

FROM: Claire Ryan, Principal Planner

SUBJECT: PPSSNH-548 – DA2024/1362 – 40 Myoora Road, Terrey Hills

TRIM REFERENCE: 2025/465254

The purpose of this memo is to provide the Panel with additional assessment with respect to the description of the proposed development, and an updated conditions set following the briefing meeting for PPSSNH-548 on 9 July 2025.

Assessment

Description of Proposed Development

DA2024/1352 was lodged on the NSW Planning Portal on 9 October 2024 and was accepted with the following description of the proposed development:

Demolition works and construction of mixed use hospitality venue with supporting car parking, servicing and landscaping works.

In response to issues identified by Council within its preliminary assessment, the development substantially amended, by way of lodgement of amended plans to the Portal on 9 April and 21 May 2025. The amendments included reduction in the scale of the development such that it aligns with the definition of 'restaurant', per the Dictionary of the *Warringah Local Environmental Plan 2011*.

At its briefing meeting for PPSSNH-548 on 9 July 2025, the Panel identified that the description of the proposed development was no longer accurate. Accordingly, the description of the proposed development has been updated in Council's system to read as follows:

Demolition works and construction of a restaurant with supporting car parking, servicing and landscaping works.

Amendment to Recommended Conditions of Consent

The Panel also identified several recommended conditions of consent that require refinement or addition, as follows:

CONDITION	AMENDMENT
4 Approved Land Use	Amended to allow for small, ancillary events such as birthday parties or larger dinner groups, that do not involve reserving the whole or majority of the venue.
9 Policy Controls	Amended to reflect the reduced development contributions amount in line with the reduced estimated development cost, as detailed in Council's supplementary memo dated 7 July 2024.

27 Amendments to the Plan of Management	<p>Condition title amended to read 'Amendments to Documents'.</p> <p>Amended to require:</p> <ul style="list-style-type: none"> • Amendment of the Noise Assessment MAC242173- 02RP1V2 dated 8 April 2025 to remove all references to the outdoor stage and correction of all references to Restaurants 1, 2 and 3 to instead refer to the singular restaurant. • Amendment of Section 6.1 Mitigation Included in Design and Noise Control Recommendations of the amended Noise Assessment MAC242173- 02RP1V2 dated 8 April 2025 to provide updated maximum patron capacity for the various areas of the development, per the approved plans. • Amendment to Section 4.2 Capacity of the Plan of Management to specify maximum occupancy of spaces in accordance with Section 6.1 Mitigation Included in Design and Noise Control Recommendations of the amended Noise Assessment MAC242173- 02RP1V2 dated 8 April 2025. • Amendment to Section 5.4 Parking of the Plan of Management to correct the number of parking spaces to 211. • Amendment to Section 6 Ancillary Functions of the Plan of Management to allow for small, ancillary events such as birthday parties or larger dinner groups, that do not involve reserving the whole or majority of the venue, in accordance with amended Condition 4. • Amendment to Section 12 Amendments to this Plan of the Plan of Management to specify that the most current version of the Plan of Management is to be provided to Council and is to be publicly available, within 14 days of amendment. • The Plan of Management incorporating the above amendments is to be provided to the satisfaction of the Council's Executive Manager, Development Assessment prior to the issue of a Construction Certificate.
42 Tree Removal Within the Property	Amended to specify the trees to be retained, namely Trees 8, 9, 10, 11, 12, 18, 19, 20, 33, 34, 35, 37, and 38.
97 Acoustic Requirements - On-going	Amended to refer to amendments that may arise from the investigation required by Condition 6 Acoustic Review.
105 Patron Numbers	Converted a 'reviewable condition' per section 4.17(10B) of the Environmental Planning and Assessment Act 1979.
109 Plan of Management	<p>Amended to specify:</p> <ul style="list-style-type: none"> • Amendments required by Condition 27 Amendments to Documents, as detailed above. • The Plan of Management is to be reviewed annually, with any changes necessitated from the review not to be carried out without written approval of Council's Executive Manager, Development Assessment.
110 Hours of Operation	<p>Amended to require all patrons to be off premises by 12:00am.</p> <p>Converted a 'reviewable condition' per section 4.17(10B) of the <i>Environmental Planning and Assessment Act 1979</i>.</p>

Additional Condition 115 Emergency and Complaints Contact Signage Maintenance	Addition of a condition requiring ongoing maintenance of signage at the Myoora Road frontage specifying an up-to-date emergency/complaints contact, in accordance with Section 5.6 Complaints and Incident Register of the Plan of Management.
Additional Condition 116 Publication of the Plan of Management	Addition of a condition requiring the approved (as modified by the consent) and most current version of the Plan of Management to be provided to Council and made publicly available prior to commencement of operation of the approved restaurant, with any future amended version to be provided to Council and made publicly available within 14 days of amendment.

Note: The amendments to the Noise Assessment MAC242173- 02RP1V2 dated 8 April 2025 above at Condition 27 arise at the recommendation of Council and are in addition to the amendments requested by the Panel. The amendments are recommended to correct outdated information.

A full set of amended conditions is provided at Attachment 1.

Review of Approvals in the Locality

Following the verbal addresses of the Panel at the public meeting for PPSSNH-548 on 9 July 2025, the Panel queried whether stricter noise conditions/mitigation measures with respect to amplified and live music are required, in consideration of other approvals in the locality. Upon review, it is noted that, where more stringent noise mitigation measures have been included in development consents, the approved land use is of a greater intensity that would inherently produce greater noise levels, for example:

- DA2003/0670 (as modified) and DA2019/0280 at 48 Myoora Road, Terrey Hills (Miramare Gardens) relate to a function centre.
- DA6000/3016 at 2 Aumuna Road, Terry Hills (Terrey Hills Tavern) relates to a 'place of public entertainment' (per the land use terms that applied at the time under *the Warringah Local Environmental Plan 1985*).

As such, no amendment to the conditions beyond as described above and detailed at Attachment 1 is recommended.

Conclusion

The description of the proposed development under PPSSNH-548 – DA2024/1362 – 40 Myoora Road, Terrey Hills has been updated in accordance with the recent amendments made through the assessment process.

The recommended conditions of consent are amended in accordance with the direction of the Sydney North Planning Panel at its meeting of 9 July 2025 regarding PPSSNH-548 – DA2024/1362 – 40 Myoora Road, Terrey Hills.

Recommendation

That the Panel note the additional assessment above.

No change to the recommendation for deferred commencement approval, subject to amendment of conditions as described above, and as detailed in full at Attachment 1.

ATTACHMENT 1

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

DEFERRED COMMENCEMENT CONDITIONS

1. **Sewer Infrastructure Connection**

Prior to the operating of the consent, a Notice of Requirement under the Sydney Water Act 1994 must be obtained from Sydney Water.

Application must be made through an Authorised Water Servicing Coordinator with the Notice of Requirement being forwarded to Council.

Reason: To ensure essential infrastructure is provided to service the site and minimise risks to the natural environment from effluent disposal.

Evidence required to satisfy these conditions must be submitted to Council (through the NSW Planning Portal) within two (2) years of the date of this consent, or the consent will lapse in accordance with the Environmental Planning and Assessment Regulation.

Applicants must submit a request for operational consent to Council via the NSW Planning Portal and upload all relevant documentation. This can be completed through accessing the relevant portal application ID and navigating to 'Request for Operational Consent' in the Actions dropdown menu.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

GENERAL CONDITIONS

2. **Approved Plans and Supporting Documentation**

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA1-0000	20	Title Sheet & Drawing List	Humphrey & Edwards	21 May 2025
DA1-0110	08	Materials Palette	Humphrey & Edwards	7 April 2025

DA1-0200	08	General Notes & Abbreviations - Sheet 01	Humphrey & Edwards	7 April 2025
DA1-0201	08	Keynotes	Humphrey & Edwards	7 April 2025
DA1-0410	14	Site Plan - Existing & Demolition	Humphrey & Edwards	7 April 2025
DA1-0500	18	Site Plan - Proposed	Humphrey & Edwards	21 May 2025
DA1-1010	19	General Arrangement Plan - Myoora Road Venue Entry & Basement	Humphrey & Edwards	21 May 2025
DA1-1013	17	General Arrangement Plan - Restaurant	Humphrey & Edwards	7 April 2025
DA1-1023	17	General Arrangement Plan - Roof	Humphrey & Edwards	7 April 2025
DA1-1024	08	General Arrangement Plan - Landscaped Open Space & Mona Vale Road	Humphrey & Edwards	7 April 2025
DA1-1100	06	Seating Plan - Restaurant	Humphrey & Edwards	7 April 2025
DA1-1200	08	General Notes - Food Premises	Humphrey & Edwards	7 April 2025
DA1-1201	08	Detail Plan - Restaurant	Humphrey & Edwards	7 April 2025
DA1-3100	15	Streetscape Elevations - Proposed	Humphrey & Edwards	21 May 2025
DA1-4100	17	Site Sections - Proposed - Sheet 01	Humphrey & Edwards	21 May 2025
DA1-4101	17	Site Sections - Proposed - Sheet 02	Humphrey & Edwards	21 May 2025
DA1-4102	16	Site Sections - Proposed - Sheet 03	Humphrey & Edwards	21 May 2025
DA1-4110	17	North West - Proposed Sections - Sheet 01	Humphrey & Edwards	21 May 2025
DA1-4111	17	North West - Proposed Sections - Sheet 02	Humphrey & Edwards	21 May 2025
DA1-4112	16	North West - Proposed Sections - Sheet 03	Humphrey & Edwards	21 May 2025
DA1-4120	17	South East - Proposed Sections - Sheet 01	Humphrey & Edwards	21 May 2025
DA1-4121	17	South East - Proposed Sections - Sheet 02	Humphrey & Edwards	21 May 2025
DA1-4122	16	South East - Proposed Sections - Sheet 03	Humphrey & Edwards	21 May 2025

DA1-4130	15	Building Sections - Sheet 01	Humphrey & Edwards	7 April 2025
DA1-9000	16	Area Plan & Schedule - Proposed	Humphrey & Edwards	21 May 2025
DA1-9010	16	Site Cover Plan & Schedule - Proposed	Humphrey & Edwards	21 May 2025
DA1-9020	10	Gross Floor Area & Schedule - Proposed	Humphrey & Edwards	21 May 2025
DA1-9030	09	Fire Compartmentation - Proposed	Humphrey & Edwards	21 May 2025
DA01-D0224	H	Cover Sheet	Dangar Barin Smith	13 May 2025
DA02-D0224	H	Site Plan	Dangar Barin Smith	13 May 2025
DA03-D0224	H	Myoora Rd Entry & Carpark Landscape Plan	Dangar Barin Smith	13 May 2025
DA04-D0224	H	Outdoor Dining & Kids Play Landscape Plan	Dangar Barin Smith	13 May 2025
DA05-D0224	H	Landscape Terrace Landscape Plan	Dangar Barin Smith	13 May 2025
DA06-D0224	H	Landscaped Open Space Area & Mona Vale Rd Landscape Plan	Dangar Barin Smith	13 May 2025
DA07-D0224	H	Typical Details	Dangar Barin Smith	13 May 2025
C000	D	Cover Page & Drawing List	Richmond + Ross	21 May 2025
C100	E	Overall Stormwater Plan	Richmond + Ross	21 May 2025
C101	E	Stormwater Plan Zone-A Sheet 1 of 3	Richmond + Ross	21 May 2025
C102	E	Stormwater Plan Zone-B Sheet 2 of 3	Richmond + Ross	21 May 2025
C103	E	Stormwater Plan Zone-C Sheet 3 of 3	Richmond + Ross	21 May 2025
C110	E	Stormwater Basement Plan	Richmond + Ross	21 May 2025
C130	C	Cut and Fill Plan	Richmond + Ross	21 May 2025
C150	C	Stormwater Schedules & Details Sheet 1 of 2	Richmond + Ross	4 April 2025
C151	B	Stormwater Schedules & Details Sheet 2 of 2	Richmond + Ross	21 December 2023
C200	D	Overall Erosion & Sediment Control Plan	Richmond + Ross	21 May 2025

C201	D	Erosion & Sediment Control Plan Zone-A Sheet 1 of 3	Richmond + Ross	21 May 2025
C202	D	Erosion & Sediment Control Plan Zone-B Sheet 2 of 3	Richmond + Ross	21 May 2025
C203	D	Erosion & Sediment Control Plan Zone-C Sheet 3 of 3	Richmond + Ross	21 May 2025
C250	A	Erosion & Sediment Control Details	Richmond + Ross	21 December 2023
C400	D	Proposed OSD Tank Details	Richmond + Ross	21 May 2025

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Aboriginal Objects Due Diligence Assessment	-	Urbis	3 April 2025
Access Report PAA_24008	1	Purple Apple Access	15 August 2024
Access Report Appendix	-	Purple Apple Access	31 March 2025
Air Quality Statement	-	Todoroski Air Sciences	5 September 2024
Arborist Impact Assessment Ref: 3550	03	Anderson Environment & Planning (AEP)	11 April 2025
Building Code of Australia 2022 Assessment Report	R02	Philip Chun Building Compliance	13 September 2024
Building Code of Australia 2022 Assessment Report Addendum	-	Philip Chun Building Compliance	4 April 2025
Bushfire Assessment	-	Black Ash Bushfire Consultants	5 September 2024
Bushfire Assessment Addendum	-	Black Ash Bushfire Consultants	8 April 2025
Bushfire Assessment Addendum	-	Black Ash Bushfire Consultants	19 May 2025
Construction & Demolition Waste Management Plan	B	Elephants Foot Consulting	2 September 2024
Construction / Traffic Management Report	4	SafeWay Traffic Management Solutions	4 October 2024

Due Diligence Environmental Site Assessment 21385RP01	1	Reditus Consulting	21 January 2022
Ecological Assessment Report 3550	-	Anderson Environment & Planning (AEP)	12 September 2024
Embodied Emissions Materials Form	1.20	Northcroft (Australia)	24 October 2024
Fire Engineering DA Support Letter JN23-00149	1	Red Fire Engineers	7 April 2025
Geotechnical Investigation Report JS/S1694	1	Fortify Geotech	18 September 2024
NCC 2022 Section J Deemed-to-Satisfy (DTS) Assessment 2501590	E	Efficient Living	28 March 2025
Noise Assessment MAC242173-01RP1V2	-	Muller Acoustic Consulting (MAC)	21 August 2024
Noise Assessment MAC242173-02RP1V2	-	Muller Acoustic Consulting (MAC)	8 April 2025
Noise Assessment Addendum MAC242173-02LR1	-	Muller Acoustic Consulting (MAC)	3 April 2025
Operational Waste Management Plan 5668	E	Elephants Foot Consulting	9 September 2024
Plan of Management	3.0	The Farm by Boathouse	30 April 2025
Stormwater Management Plan 230300	D	Richmond + Ross	May 2025
Stormwater Management Plan Addendum	-	Richmond + Ross	4 April 2025
Traffic Impact Assessment 24.014r01v05	v05	Traffix	April 2025
Traffic Impact Assessment Addendum 24.014r03v03	v03	Traffix	8 April 2025
Traffic Impact Assessment Addendum 24.014r04v04	v04	Traffix	16 April 2025
Water Services Letter	-	Rose Atkins Rimmer	20 September 2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

3. **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:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	12 November 2024
NSW Rural Fire Service	RFS Referral Response	24 April 2025
NSW Police Force	NSW Police Referral Response	24 October 2024
Transport for NSW	TfNSW Referral Response	12 June 2025

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website 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.

4. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a restaurant, in accordance with the Dictionary of the Warringah Local Environmental Plan 2011 (or any replacement instrument), as follows:

Restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—
(a) an artisan food and drink industry, or
(b) farm gate premises.

The approved development is not to be used as a 'Function Centre' as defined in the Warringah Local Environmental Plan 2011 (or any replacement instrument). Ancillary events that do not involve reserving the majority or whole of the restaurant premises may occur.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

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

5. **No Approval for Signage**

No approval is granted under this development consent for signage. A separate development application must be submitted to Council for approval prior to installation of signage.

Reason: To ensure compliance with the relevant Local Environmental Plan.

6. **Acoustic Review**

Within 30 days from the operations commencing under the terms of this consent, an acoustic review of the findings and recommendations of the noise assessment reports and addendums listed in the condition titled 'Approved Plans and Supporting Documentation' and any additional requirements at OC acoustic review stage; shall be carried out on site (during a busy period of

trading). The report associated with the compliance testing shall be submitted to Council within 30 days of the review.

Should physical works that would require approval be necessary action to achieve acoustic compliance, a modification application to modify this consent accordingly shall be lodged within 30 days of the review for assessment and must be approved prior to any works being carried out.

Reason: To ensure acoustic compliance in an operational situation.

7. 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 Certifier 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 Certifier 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 Certifier 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.

8. 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) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.
- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:

- i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (l) 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.
- (m) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

- (o) Should any construction cranes be utilised on site, they are to be fitted with bird deterrents along the counterweight to discourage raptor (bird) nesting activity. Deterrents are to remain in place until cranes are dismantled. Selection of deterrent methods is to be undertaken in accordance with the recommendations of a suitably qualified ecologist.
- (p) 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 2018
 - (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.

FEES / CHARGES / CONTRIBUTIONS

9. Policy Controls

Northern Beaches Section 7.12 Contributions Plan 2024

A monetary contribution of ~~\$159,544.00~~ ~~330,462.00~~ 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 (as amended).

The monetary contribution is based on a development cost of ~~\$15,954,400.00~~ ~~33,046,200.00~~.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be



submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

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

10. **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 are required 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, and details demonstrating payment are to be submitted to the Certifier 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).

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

11. **Housing and productivity contribution - Development consents**

1. The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

Contribution Type	Amount
Housing and Productivity Contribution	\$41,970.00
Strategic Biodiversity Component and/or Transport Project Component	\$0
Total:	\$41,970.00

2. The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

highest PPI number

consent PPI number

where—

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made.

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted.

June quarter 2023 and PPI have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

3. The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Manufactured home estate for which no construction certificate is required

4. The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
5. If the Minister administering the Environmental Planning and Assessment Act 1979 agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
 - a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
 - b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.

6. Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Reason: Statutory requirement.

12. **Construction, Excavation and Associated Works Security Bond(s)**

The applicant is to lodge a bond with Council for the following:

Drainage Works

As security against any damage to Council's drainage system or failure to complete the construction of stormwater drainage works required as part of this consent a bond of \$20,000.

Details confirming payment of the bond(s) are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

13. **Amended Plans**

Amended plans addressing realignment of the pedestrian pathway/ramp to Myoora Rd to allow the retention of tree 8 are required. The Arborist shall provide confirmation to the Certifier that the alignment is supported and tree 8 can be retained. Details demonstrating compliance are to be submitted to the satisfaction of the Certifier prior to the issue of the Construction Certificate.

Reason: Landscape amenity.

14. **On Slab Landscape Planters**

Details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed method of waterproofing and drainage to all planters over slab, over which soil and planting is being provided. Landscape treatment details shall be submitted to the Certifier prior to the issue of the Construction Certificate indicating the proposed soil type, planting, automatic irrigation, and services connections.

The following soil depths are required to support planting: 300mm for groundcovers, grasses, and lawn; 600mm for shrubs; and 1m for small trees.

Design certification shall be submitted to the Certifier by a qualified Structural Engineer, that

the planters are designed structurally to support the 'wet' weight of landscaping (soil, materials and established planting).

Reason: To ensure appropriate soil depth for planting and ensure waterproofing and drainage is installed.

15. **Compliance with Ecologist's Recommendations – Pre-construction**

All impact mitigation measures specified in the approved Ecological Assessment Report (Anderson Environment & Planning, 2024) are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

16. **No Clearing of Vegetation**

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

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

Reason: To protect native vegetation.

17. **Installation of Nest Boxes**

A minimum of 2 nest boxes suitable for native fauna species are to be installed in retained trees / throughout the trees within areas of retained native vegetation / on the site.

Nest boxes must be attached in accordance with industry best practice (e.g. expandable tree sensitive methods).

Written certification of compliance is to be prepared by the Project Ecologist and submitted to the Certifier prior to issue of the Construction Certificate.

Reason: To maintain wildlife habitat.

18. **On-Site Stormwater Detention Details**

The Applicant is to provide a certification of drainage plans detailing the provision of on-site stormwater detention in accordance with Northern Beaches Council's Water Management for Development Policy, and generally in accordance with the concept drainage plans prepared by Richmond + Ross Pty Ltd, drawing numbers 230300 - C000 & C400, Rev D, dated 21/05/2025; C100, C101, C102, C103 & C110, Rev E, dated 21/05/2025; C130, Rev C, dated 21/05/2025; C150, Rev C, dated 04/04/2025 and C151, Rev A, dated 21/12/2023. Detailed drainage plans are to be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) and registered in the General Area of Practice for civil engineering.

The drainage plans must address the following:

- i. The stormwater outlet pipeline from the OSD tank shall be connected to the existing Council's kerb inlet pit rather than connecting to Council's underground channel if feasible.

Detailed drainage plans, including engineering certification, are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

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

19. **Access Driveway Design**

The Applicant shall submit a design for the access driveway by a suitably qualified civil/traffic engineer in accordance with the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking.

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

Reason: Compliance with this consent.

20. **Detailed Design of Creek Works**

A certificate from a suitably qualified engineer who has membership of Engineers Australia and the National Engineering Register (NER), stating that the proposed works have been designed in accordance with the DPE Guidelines for watercourse crossings, no structural supports are placed in the watercourse channel bed and the design of the footpath crossing the watercourse allows for light penetration where possible.

The certificate shall be submitted to the Certifier prior to the release of the Construction Certificate.

Reason: To ensure creek works are completed in accordance with the consent approval.

21. **Detailed Design of Stormwater Treatment Measures**

A certificate from a Civil Engineer, stating that the stormwater treatment measures have been designed in accordance with the stormwater plans and details of the civil engineering drawing set (C101 revE and C400 revD dated 21.05.2025 by Richmond+Ross) and Council's Water Management for Development Policy.

The certificate is to confirm that the Stormwater Water quality system is achieving a minimum pollution reduction in the post-development mean annual loads of:

- Total Suspended Solids (TSS) 85%
- Total Phosphorus (TP) 65%
- Total Nitrogen (TP) 45%

The proposed parking permeable pavement if forming part of the water quality system and cannot be substituted without Council approval.

The certificate shall be submitted to the Certifier prior to the release of the Construction Certificate.

Reason: Protection of the receiving environment.

22. **Car Parking Standards**

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004.

Details demonstrating compliance with this condition are to be submitted to the Certifier prior to

the issue of a construction certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

23. Car Parking Finishes

All driveways, car parking areas and pedestrian paths are to be permeable or be surfaced and sealed. Details of treatment to these areas are to be submitted to the Certifier prior to issue of the Construction Certificate.

Reason: To provide suitable stormwater disposal and to prevent soil erosion and runoff.

24. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase.
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- Make provision for all construction materials to be stored on site, at all times.
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed.
- Where access is required across private property not in the direct ownership of the proponent, such as a private road/driveway, community title road or right of way, the CTMP is to include:
 - Evidence of the legal right and terms to use the access route or provide owners consent from the owners/strata/community association.
 - Demonstrate that direct access from a public space/road is not viable for each stage of works.
 - An assessment to be carried out of the physical constraints of the Right of Carriageway to determine the maximum size of vehicle that may access the site via the Right of Carriageway during construction.
 - Unless owner/strata/community associations consent is obtained, vehicles are not to exceed 24 tonnes or 7.5 metres in length (an assessment must be undertaken that the surface is capable of supporting up to 24 tonnes, otherwise the weight limit should be reduced in the CTMP). If consent is obtained, a copy must be included in the CTMP.
 - No construction vehicles, materials or plant are to be located or parked in the private road/driveway, community title road or right of way.
 - How any disruption to other users of the private road/driveway, community title road or right of way will be minimised and all users kept informed of likely disruption where the access will be closed or blocked for any given time.
 - If trees are located within or overhang the access route, a tree protection plan prepared by an Arborist with minimum AQF Level 5 in arboriculture demonstrating how any trees within the Right of Carriageway will be protected

from damage by construction vehicles. Should any tree protection measures be required on private land in accordance with AS4970-2009 Protection of trees on development sites, owner's consent must be obtained.

- A Dilapidation report, including photographic surveys, of the private road/driveway/right of way must be included prior to any works commencing on the site. The report must detail the physical condition of the private road/driveway/right of way, and any other adjacent private property assets (including trees) or adjacent public property that may be adversely affected by vehicles servicing the development site to undertake works or activity during site works.
- A requirement for Post-Construction Dilapidation Reports, including photos of any damage evident at the time of inspection, to be submitted after the completion of works and prior to the Occupation certificate. The report must:
 - Compare the post-construction report with the pre-construction report,
 - Clearly identify any recent damage or change to the private road/driveway/right of way and whether or not it is likely to be the result of the development works,
 - Should any damage have occurred, identify remediation actions taken.
 - Be submitted to Council with the Occupation Certificate.
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site.
- Make provision for parking onsite. All Staff and Contractors are to use any basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Specify that, due to the proximity of the site to Terrey Hills Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted along Myoora Road, from north of the site in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any 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, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.

Specify that the public roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.

The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent.

- Proposed protection for Council and adjoining properties.
- The location and operation of any on site crane.

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.

A copy of the approved CTMP must be kept on-site at all times while work is being carried out.

The development is to be undertaken in accordance with the Construction Traffic Management Plan approved by Northern Beaches Council Traffic Team.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

25. **Removal of Redundant Driveways**

All redundant driveways shall be removed and reinstated to Council standard kerb and gutter. Suitably prepared plans shall be submitted to for an approval under and approved by Council prior to the issue of the Construction Certificate. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To maximise on street car parking by removing driveways that are no longer needed in accordance with Council policy.

26. **Pedestrian sight distance at property boundary**

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas.

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

Reason: To maintain pedestrian safety.

27. **Amendments to ~~the Plan of Management~~Documents**

The following amendments are to be made to the Noise Assessment MAC242173- 02RP1V2 dated 8 April 2025:

- Remove all references to the outdoor stage.
- Correction of all references to Restaurants 1, 2 and 3 to instead refer to the singular approved restaurant.
- Amendment of Section 6.1 Mitigation Included in Design and Noise Control Recommendations of the amended Noise Assessment MAC242173- 02RP1V2 dated 8

Formatted: List Paragraph, Space Before: 0 pt, Bulleted + Level: 1 + Aligned at: 2.11 cm + Indent at: 2.74 cm

April 2025 to provide updated maximum patron capacity for the various areas of the development, per the approved plans.

The following amendments are to be made to the approved Plan of Management:

- Section 4.2 Capacity shall be amended to specify maximum occupancy of spaces in accordance with Section 6.1 Mitigation Included in Design and Noise Control Recommendations of the amended Noise Assessment MAC242173- 02RP1V2 dated 8 April 2025.
- Section 5.4 Parking shall be amended to correct the number of parking spaces to 211.
- Section 6 Ancillary Functions shall be amended to:
 - ~~specify~~ Specify that the ~~the~~ approved development is not to be used as a 'Function Centre' as defined in the Warringah Local Environmental Plan 2011 (or replacement instrument), and
 - To allow for ancillary events such as birthday parties or larger dinner groups, that do not involve reserving the whole or majority of the venue, in accordance with Condition 4.
- Section 7.3 Prevention of Sale and Supply of Alcohol to Minors shall be amended to remove reference to functions.
- Section 12 Amendments to this Plan shall be amended to specify that the most current version of the Plan of Management is to be provided to Council and is to be publicly available, within 14 days of amendment.

Formatted: Not Expanded by / Condensed by

Formatted: Bulleted + Level: 1 + Aligned at: 2.11 cm + Indent at: 2.74 cm

Formatted: Condensed by 0.1 pt

Details demonstrating compliance are to be submitted to the Certifier/satisfaction of Council's Executive Manager, Development Assessment, prior to the issue of the relevant Construction Certificate.

Reason: To require amendments to the Noise Assessment and Plan of Management endorsed by the consent authority following assessment of the development.

28. **Boundary Identification Survey**

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on a boundary identification survey, prepared by a Registered Surveyor, with setbacks between the property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

29. **Services and Fire Hydrant Enclosure**

Prior to the issue of a Construction Certificate for works above ground level, Council's Executive Manager of Development Assessment is to be provided with plans to their satisfaction demonstrating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that compliments the building, do not visually dominate the streetscape and are in accordance with the requirements of the BCA.

An updated landscape plan is also to be provided to reflect the changes resulting from the fire hydrant and sprinkler booster detailed design.

Reason: To ensure essential services are appropriately screened.

30. **Submission Roads Act Application for Civil Works in the Public Road**

The Applicant is to submit an application for approval for infrastructure works on Council's roadway. Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include Civil Engineering plans for the design of the new vehicular crossover, new footpath, new pedestrian access and the proposed stormwater connection to Council's Stormwater Assets which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans shall be prepared by a qualified Civil Engineer.

The design must include the following information:

- Driveway long-sections along both sides of the new vehicular crossover prepared by a qualified civil/traffic engineer.
- Details of 1.5m wide new footpath along the full frontage of Myoora Road including cross-sections and long-sections
- Details of the proposed pedestrian access within the Road Reserve.
- Details of the proposed stormwater connection to Council's Stormwater Assets including all relevant levels.
- All reinstatement works required within the Road Reserve.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifier prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

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

Prior to any 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 Principal Certifier. 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 premises complies with the design construction and fit-out requirements.

32. **Mechanical ventilation Plans**

Where Mechanical ventilation is required to be installed in the food premises, prior to any Construction Certificate (CC) being issued, detailed plans must be submitted to and approved by the Principle certifier that demonstrate compliance with the following:

- Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings"; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

These plans are to be prepared by a suitably qualified person.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

33. Engagement of Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all biodiversity protection measures are carried out in accordance with Ecological Assessment Report (Anderson Environment & Planning, September 2024).

The Project Ecologist must have one of the following memberships / accreditation:

- Practising member of the NSW Ecological Consultants Association (<https://www.ecansw.org.au/find-a-consultant/>) OR
- Biodiversity Assessment Method Accredited Assessor under the relevant legislation (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>)

Evidence of engagement of the Project Ecologist is to be provided to the Certifier prior to issue of Construction Certificate.

Reason: To protect native vegetation and wildlife.

34. NSW Rural Fire Service - Landscaping Assessment

Landscaping within the area mapped as Bush Fire Prone Land must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifier prior to the issue of the Construction Certificate.

Reason: Bushfire safety.

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 Certifier 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 Solar Absorptance (SA) greater than 0.43 to minimise solar reflections to neighbouring properties. Any roof with a reflective finish is not permitted. Green roofs and areas where solar panels (PV) are installed are excluded from conforming to the SA range. Details demonstrating compliance are to be submitted to the Certifier 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. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifier demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

"Tap in" details - see <http://www.sydneywater.com.au/tapin>
Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

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

38. **State Road Public Utility Adjustment/Relocation Works**

Any public utility adjustment/relocation works on the state road network (i.e. Mona Vale Road) will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the issue of a Construction Certificate and the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

The developer is required to enter into a Works Authorisation Deed (WAD), or other suitable arrangement as agreed to by TfNSW, for the abovementioned works that are located on or have the potential to impact Mona Vale Road.

Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifier prior to the issue of the Construction Certificate.

Reason: Transport for NSW requirement.

39. **No Consent for 'No Right Turn' Works**

No consent is granted for the 'No Right Turn' on the Aumuna Road and Kamber Road approaches to Mona Vale Road detailed in the amended documentation (letter from TRAFFIX dated 16 April 2025, Ref: 24.014r04v04). All references to such works in approved documentation are to be deleted.

Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Certifier prior to the issue of the Construction Certificate.

Reason: Transport for NSW requirement.

40. **Pram Ramps to Myoora Road**

The two pram ramps connecting the development site to the kerb alignment on Myoora Road are to be deleted from the plans.

Details demonstrating compliance with this condition are to be incorporated in the plans submitted to Council's Development Engineers for Section 138 and/or 139 Roads Act approval with confirmation of approval of the above provided to the Certifier prior to the issue of a construction certificate.

Reason: The pram ramps are unnecessary and any vehicles stopping to load/unload passengers at the ramps would be illegally parked.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

41. **Project Arborist**

a) A Project Arborist with minimum AQF Level 5 in arboriculture shall be engaged prior to any commencement of works on site to provide tree protection measures in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment.

b) The Project Arborist shall be in attendance and supervise all works as nominated in the Arboricultural Impact Assessment, and in particular the tree protection measures and works under section 7 Recommendations, and Figure 7 Tree Protection Plan. The Project Arborist shall also be in attendance and supervise all works involved with the construction of any pedestrian pathway in the tree protection zone of tree 8.

c) All tree protection measures specified must:

- i) be in place before work commences on the site, and
- ii) be maintained in good condition during the construction period, and
- iii) remain in place for the duration of the construction works.

d) The Project Arborist shall provide certification to the Certifier that all tree protection measures under AS 4970-2009 have been satisfied, and the recommendations listed for the protection of the existing tree(s) have been carried out satisfactorily to ensure no impact to the health of the tree(s). Photographic documentation of the condition of all trees to be retained shall be recorded, including at commencement, during the works and at completion.

Note: any potential impact to trees as assessed by the Project Arborist will require redesign of any approved component to ensure existing trees upon the subject site and adjoining properties are preserved and shall be the subject of a modification application where applicable.

Reason: Tree protection.

42. **Tree Removal Within the Property**

This consent approves the removal of existing prescribed trees on the subject site as listed below:

i) trees 1, 2, 3, 4, 5, 6, 7 - *Eucalyptus grandis*, tree 15 - *Ceratopetalum gummiferum*, tree 24 - *Casuarina glauca*, tree 32 - *Eucalyptus grandis*, and tree 47 - *Casuarina glauca*.

Trees 8, 9, 10, 11, 12, 18, 19, 20, 33, 34, 35, 37, and 38 are to be retained in accordance with the approved Arborist Impact Assessment.

Reason: To enable authorised development works.

43. Work Zones and Permits

Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site.

A separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane

Reason: To ensure Work zones are monitored and installed correctly.

44. Demolition Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) shall be prepared by an suitably accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to commencing any demolition work.

The DTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- The DTMP 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.
- Specify that, due to the proximity of the site adjacent to Terrey Hills Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic on Myoora Road north of the site are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- Include a Traffic Control Plan prepared by an TfNSW 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 DTMP 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 demolition. At the direction of Council, the applicant is to undertake remedial treatments such as patching at no cost to Council.

The DTMP 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 Demolition 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 DTMP 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.

45. **Sediment and Erosion Controls**

For developments that include more than 2500sqm of disturbance:

- A Soil and Water Management plan (SWMP), in accordance with section 2.3 of the Blue Book, must be prepared and certified by a suitably qualified professional.

For sites larger than 250sqm and less than 2500sqm of disturbance:

An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified person in accordance with the following considerations and documents:

- Sites that have slopes exceeding 20% (measured in any direction across the site), and/or where works are within the high-water mark or adjacent to a waterway or watercourses are considered environmentally sensitive areas. These sites require a site-specific ESCP which must be prepared and certified by a suitably qualified professional,
- The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate – Volume 1, 4th Edition (2004)' (the Blue Book), and
- The 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure).

The ESCP must include the following as a minimum:

- Site Boundaries and contours,
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application),
- Location of site access, proposed roads and other impervious areas (e.g. parking area and site facilities),
- Existing and proposed drainage patterns with stormwater discharge points,
- Locations and methods of all erosion and sediment controls that must include sediment fences, stabilised site access, materials and waste stockpiles locations, location of any stormwater pits on the site and how they are going to be protected,
- North point and scale,
- Type of erosion control measures to divert and slow run-off around and within the site.

Environmentally sensitive areas (i.e. Sites that have slopes exceeding 20% and/or where works are within the high-water mark or adjacent to a waterway or watercourses) must also consider:

- Identify and mark any environmentally sensitive areas on and immediately next to the site and how you will protect these, including any appropriate buffer zones (for example, marking them out as 'no-go' areas),
- Details on vegetation you will clear, as well as areas of vegetation you will keep (mark no go areas),
- Detail on soil information and location(s) of problem soil types, especially dispersive soils and potential or actual acid sulfate soils,
- Location of any natural waterways that could receive run-off and how these will be protected these from run-off.

For sites smaller than 250sqm or where the disturbance is less than 50sqm:

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- Diverting uncontaminated run-off around cleared or disturbed areas, and
- Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- Preventing the tracking of sediment by vehicles onto roads, and
- Stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- Identifying any environmentally sensitive areas on and immediately next to the site, and demonstrating how these will be protected (for example, by designation as no-go areas).

Details demonstrating compliance with the relevant requirements above are to be submitted to the Certifier, and the measures implemented, prior to the commencement of works.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

46. **Hazardous Materials Survey**

Prior to the commencement of any demolition works, a hazardous building materials survey is to be conducted by a suitably qualified and experienced person. The survey is to include a survey of hazardous building materials including but not limited to asbestos, lead, SMF and PCBs. Following the survey a Hazardous Building Materials Register is to be prepared for the premises providing recommendations for the safe management/removal of hazardous building material.

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

DURING BUILDING WORK

47. **Site Contamination**

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

Reason: To protect human health and the environment.

48. **Protection of Existing Street Trees**

a) All existing street trees in the vicinity of the works shall be retained during all construction stages, and the street tree(s) fronting the development site shall be protected by tree protection fencing in accordance with Section 4 of AS 4970-2009 Protection of trees on development sites. As a minimum the tree protection fencing for street tree(s) fronting the development site

shall consist of standard 2.4m panel length to four sides and in accordance with Australian Standard 4687-2007 Temporary Fencing and Hoardings, unless otherwise directed by an Arborist with minimum AQF Level 5 in arboriculture. All fencing shall be located to allow for unrestricted and safe pedestrian access upon the road verge.

b) All street trees within the road verge are protected under Northern Beaches Council development control plans, except where Council's written consent for removal has been obtained. The felling, lopping, topping, ringbarking, or removal of any tree(s) is prohibited. No excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of street trees.

Reason: Street tree protection.

49. **Tree and Vegetation Protection**

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees within the site not approved for removal, including trees and vegetation nominated for retention on the approved Plans,
- ii) all trees and vegetation located on adjoining properties,
- iii) all trees and vegetation within the road reserve.

b) Tree protection shall be undertaken as follows:

- i) tree protection shall be in accordance with AS 4970-2009 Protection of trees on development sites, and any recommendations of an approved Arboricultural Impact Assessment,
- ii) existing ground levels shall be maintained within the tree protection zone of trees to be retained, unless authorised by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iii) removal of existing tree roots at or >25mm (Ø) diameter is not permitted without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture,
- iv) no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- v) structures are to bridge tree roots at or >25mm (Ø) diameter unless directed by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture on site,
- vi) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture including advice on root protection measures,
- vii) should either or all of v) or vi) occur during site establishment and construction works, an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist/Project Arborist to the Principal Certifier,
- viii) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained during the construction works is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009 Protection of trees on development sites,
- ix) the activities listed in section 4.2 of AS 4970-2009 Protection of trees on development sites, shall not occur within the tree protection zone of any tree on the lot or any tree on an adjoining site,
- x) tree pruning from within the site to enable approved works shall not exceed 10% of any tree canopy, and shall be in accordance with AS 4373-2007 Pruning of amenity trees,
- xi) the tree protection measures specified in this clause must: be in place before work commences on the site, be maintained in good condition during the construction period, and remain in place for the duration of the construction works.

c) The Principal Certifier must ensure that:

- i) If activated, the arboricultural works listed in a) and b) are undertaken and certified by an Arborist/Project Arborist as complaint to AS 4970-2009 Protection of trees on development



sites, and any recommendations of an approved Arboricultural Impact Assessment.

Reason: Tree and vegetation protection.

50. **Compliance with Ecologist's Recommendations – During Construction**

All impact mitigation measures specified in the approved Ecological Assessment Report (Anderson Environment & Planning, 2024) are to be implemented at the appropriate stage of development.

Compliance with these measures is to be certified by the Project Ecologist in writing to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

51. **Pre-clearance Survey - Certified by Project Ecologist**

Any habitat for native wildlife (including tree hollows) approved for removal is to be inspected for native wildlife by the Project Ecologist prior to its removal. If native wildlife is found within habitat to be removed, the animal is to be safely relocated by the Project Ecologist to a suitable location.

Any incidents in which native wildlife are injured or killed as a result of works are to be recorded, in addition to details of any action taken in response.

Written evidence of compliance (including records of inspections and any wildlife incidents) is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to any Occupation Certificate.

Reason: To protect native wildlife.

52. **Wildlife Protection**

If construction activity associated with this development results in injury or displacement of a native mammal, bird, reptile or amphibian, a licensed wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

53. **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed during the construction works, except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

54. **Road Reserve**

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

Reason: Public safety.

55. **Installation and Maintenance of Sediment and Erosion Controls**

Council proactively regulates construction sites for sediment management.

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 prior to commencement of any other works on site.

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 vegetation cover has been re-established across 70 percent of the site, and the remaining areas have been stabilised with ongoing measures such as jute mesh or matting.

Reason: To protect the receiving environment.

56. Substitution of Stormwater Treatment Measures

The substitution of an "equivalent" device for the stormwater treatment measure approved under the Development Consent must be submitted to the Principal Certifier for approval prior to installation.

The permeable paving cannot be substituted without Council approval.

Reason: To ensure stormwater is appropriately managed and in accordance with the Water Management for Development Policy.

57. Implementation of Demolition Traffic Management Plan

All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: To ensure compliance and Council's ability to modify the approved Construction Traffic Management Plan where it is deemed unsuitable during the course of the project.

58. Staff and Contractor Parking

The applicant is to make provision for parking for all construction staff and contractors for the duration of the project. All Staff and Contractors are to use the basement and at grade parking once available. All necessary facilities are to be provided to accommodate this requirement including lighting in the basement, security cameras, etc.

Reason: To ensure minimum impact of construction activity on local parking amenity.

59. Implementation of Construction Traffic Management Plan

All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate TfNSW accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to Council on request.

Reason: To ensure compliance of the developer/builder in adhering to the Construction Traffic Management procedures agreed and are held liable to the conditions of consent.

60. **Ongoing Management**

The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the demolition and building works.

Reason: To ensure public safety.

61. **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)];
- 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; and
- 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.

62. **Geotechnical Requirements**

All recommendations (if any) included in the Geotechnical Report referenced in the condition titled 'Approved Plans and Supporting Documentation' of this consent are required to be complied with during works.

Reason: To ensure geotechnical risk is mitigated appropriately.

63. **Demolition Works - Asbestos**

Demolition works must be carried out in compliance with WorkCover Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 2001 The Demolition of Structures.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifier, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.

64. **Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier.

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

65. Maintenance of Sediment and Erosion Controls

Erosion and sediment controls must be adequately maintained and monitored at all times, particularly surrounding periods of rain, and shall remain in proper operation until all development activities have been completed and the site is in a state where no substance other than rainwater can enter the stormwater system and waterways.

All sediment control measures must be maintained at, or above, their design capacity.

Where more than 2500 square metres of land are disturbed or if the site has a slope of more than 20%, a self-auditing program must be developed for the site. A site inspection using a log book or inspection test plan (ITP) must be undertaken by the site supervisor:

- at least each week
- immediately before site closure
- immediately following rainfall events that cause runoff.

Details demonstrating compliance must be provided to the Certifier during demolition and building works.

Reason: Protection of the receiving environment and to ensure no substance other than rainwater enters the stormwater system and waterways.

66. 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 Certifier.

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

67. 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 Certifier.

Reason: To protect human health and the environment.

68. **Compliance with Remedial Action Plan**

The requirements of the Remedial Action Plan by Reditus Consulting, report number 21385RP02, dated 1 March 2022 as required by this consent are to be fully implemented from commencement of any excavation, demolition or development works until the issue of an Occupation Certificate.

Reason: Protection of the environment, SEPP (Resilience and Hazards) 2021 compliance.

69. **Aboriginal Heritage**

If in undertaking excavations or works any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Northern Beaches Council, and the Cultural Heritage Division of the Department of Planning, Housing and Infrastructure.

Should any archaeological deposits be uncovered during any site works, the following steps must be followed:

1. All works within the vicinity of the find must immediately stop and the location cordoned off with signage installed to stop any accidental impact to the finds. The find must not be moved 'out of the way' without assessment.
2. The site supervisor or another nominated site representative must contact Metropolitan Local Aboriginal Land Council, Heritage NSW (Enviroline 131 555) and a suitably qualified archaeologist.
3. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Such management may require further consultation with Heritage NSW, preparation of a research design and archaeological investigation/salvage methodology and registration of the find with the Aboriginal Heritage Information Management System (AHIMS).
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject area may be required and further archaeological investigation undertaken.
5. Reporting may need to be prepared regarding the find and approved management strategies.
6. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW.

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the Department of Planning, Housing and Infrastructure.

Reason: Aboriginal Heritage Protection.

70. **Off-site Disposal of Contaminated Soil - Chain of Custody**

'Chain of Custody' documentation shall be kept and submitted for the transport of the validated fill material from premises to a lawful waste facility.

Details demonstrating compliance are to be submitted to the Principal Certifier and Council within seven (7) days of transport.

Reason: For protection of environment.

71. **Construction Access**

All construction access to/from the property is to be gained from Myoora Road.

Reason: Transport for NSW requirement.

72. Road Occupancy Licence

A Road Occupancy Licence (ROL) shall be obtained from the Transport Management Centre for any works that may impact on traffic flows on Mona Vale Road during construction activities (e.g. works to remove the existing driveways on Mona Vale Road). A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

Reason: Transport for NSW requirement.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

73. Installation and certification of solid/fuel burning heater

All solid fuel heaters installed must be certified to comply with Australian Standards 4012 and 4013.

Provide to the Principal Certifier certification that all solid fuel heaters and associated flue equipment have been installed by an appropriately experienced and qualified person, in accordance with the relevant provisions of AS2918 – Domestic Solid Fuel Burning Appliances – Installation.

Reason: To ensure the installation is completed in a legislatively compliant manner.

74. Registration of food Business

The food business must be registered with the appropriate regulatory authority, prior to the Occupation Certificate being issued.

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

75. Landscape Completion

Landscape works are to be implemented in accordance with the approved Landscape Plan(s) (drawings DA02, DA03, DA04, DA05, DA06 by Dangar Barin Smith dated 13/05/25 revision H), and inclusive of the following conditions:

- i) landscape works are to be contained within the legal property boundaries,
- ii) planting shall be installed as indicated on the approved Landscape Plan(s) unless otherwise imposed by any conditions,
- iii) substitute all *Cupaniopsis anacardioides* with a suitable native tree alternative, and substitute all *Pennisetum 'Nafray'* with a suitable alternative,
- iv) all tree planting shall be a minimum pre-ordered planting size of 75 litres or as otherwise scheduled if greater in size; meet the requirements of AS2303 – Tree Stock for Landscape Use; planted into a prepared planting hole 1m x 1m x 600mm depth generally, backfilled with a sandy loam mix or approved similar, mulched to 75mm depth minimum and maintained, and watered until established; and shall be located at least 1.5 metres from common boundaries; and located either within garden bed or within a prepared bed within lawn,
- v) mass planting shall be installed in a garden bed prepared with a suitable free draining soil mix and minimum 75mm depth of mulch,
- vi) where the property is certified Bush Fire Prone Land, any new planting may be managed in accordance with Planning for Bushfire Protection 2019.

Prior to the issue of an Occupation Certificate, details (from a landscape architect, landscape designer or qualified horticulturalist) shall be submitted to the Principal Certifier, certifying that

the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.

76. Condition of Retained Vegetation

Prior to the issue of an Occupation Certificate, a report prepared by an Arborist/Project Arborist with minimum AQF Level 5 in arboriculture shall be submitted to the Principal Certifier, assessing the health and impact on all existing trees required to be retained on the approved Plans or as listed in the Arboricultural Impact Assessment, including the following information:

- i) compliance to any Arborist recommendations for tree protection generally and during excavation works,
- ii) extent of damage sustained by vegetation as a result of the construction works,
- iii) any subsequent remedial works required to ensure the long term retention of the vegetation.

Reason: Tree and vegetation protection.

77. Compliance with Ecologist's Recommendations – Post Construction

All impact mitigation measures specified in the approved Ecological Assessment Report (Anderson Environment & Planning, 2024) are to be implemented at the appropriate stage of development.

Written and photographic evidence of compliance is to be prepared by the Project Ecologist and provided to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To confirm compliance with wildlife and habitat protection/replacement measures.

78. Replacement of Canopy Trees

At least 12 locally native canopy trees are to be planted on the site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the Native Planting Guide available on Council's website.

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of consent by a qualified landscape architect, and details submitted to the Principal Certifier prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

79. No Weeds Imported On To The Site

No Priority or environmental weeds (as specified in the Northern Beaches Local Weed Management Plan) are to be imported on to the site prior to or during construction works.

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

Reason: To reduce the risk of site works contributing to spread of Priority and environmental weeds.

80. Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has

membership to Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction Certificate plans. Works as Executed data certified by a registered surveyor in relation to boundaries and/or relevant easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data for Council Assets' in an approved format shall be submitted to the Principal Certifier for approval prior to the issue of the Occupation Certificate.

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

81. Certification for the Installation of Stormwater Treatment Measures

A certificate from a Civil Engineer, who has membership to Engineers Australia and the National Engineers Register must be provided, stating that the stormwater treatment measures have been installed in accordance with the approved construction certificate plans. The certificate must confirm that stormwater treatment measures are completed, online, in good condition and are not impacted by sediment. The certificate shall be submitted to the Principal Certifier prior to the release of an Occupation Certificate.

Reason: Protection of the receiving environment.

82. Positive Covenant, Restriction as to User and Registration of Encumbrances for Stormwater Treatment Measures

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

A restriction as to user shall be created on the title over the stormwater treatment measures, restricting any alteration to the measures.

The terms of the positive covenant and restriction as to user 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. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant.

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user is to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To identify encumbrances on land, ensure ongoing maintenance, and ensure modification to the stormwater treatment measures is not carried out without Council's approval.

83. Stormwater Treatment Measures Operation and Maintenance Plan

An Operation and Maintenance Plan is to be prepared to ensure the proposed stormwater treatment measures remain effective.

The Plan must be attached to the Positive Covenant (and the community or strata management statement if applicable) and contain the following:

1. Detail on the stormwater treatment measures:
 - a) Work as executed drawings
 - b) Intent of the stormwater treatment measures including modelled pollutant removal rates
 - c) Site detail showing catchment for each device
 - d) Vegetation species list associated with each type of vegetated stormwater treatment measure
 - e) Impervious area restrictions to maintain the water balance for the site
 - f) Funding arrangements for the maintenance of all stormwater treatment measures
 - g) Identification of maintenance and management responsibilities
 - h) Maintenance and emergency contact information

2. Maintenance schedule and procedure - establishment period of one year following commissioning of the stormwater treatment measure:
 - a) Activity description, and duration and frequency of visits

Additionally for vegetated devices:

 - b) Monitoring and assessment to achieve an 80 percent survival rate for plantings
 - c) Management of weeds, pests and erosion, with weed and sediment cover limited to a maximum of 5 percent of the total area of the stormwater treatment measure

3. Maintenance schedule and procedure - ongoing
 - a) Activity description, and duration and frequency of visits
 - b) Routine maintenance requirements
 - c) Work Health and Safety requirements
 - d) Waste management and disposal
 - e) Traffic control (if required)
 - f) Renewal, decommissioning and replacement timelines and activities of all stormwater treatment measures (please note that a DA may be required if an alternative stormwater treatment measure is proposed)
 - g) Requirements for inspection and maintenance records, noting that these records are required to be maintained and made available to Council upon request.

Details demonstrating compliance shall be submitted to the Principal Certifier prior to the release of the Occupation Certificate.

Reason: Protection of the receiving environment.

84. **Works as Executed Drawings - Stormwater Treatment Measures**

Works as Executed Drawings for the stormwater treatment measures 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 Certifier prior to the release of the Occupation

Certificate.

Reason: Protection of the receiving environment.

85. **Disabled Parking Spaces**

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

86. **Shared Zone Bollard**

A bollard is to be provided at the shared zone between disabled spaces in accordance to Australian Standards AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

87. **Geotechnical Certification Prior to Occupation Certificate**

A Geotechnical Engineer or Engineering Geologist is to provide written confirmation that they have inspected the site during construction or reviewed information relating to the construction and that they are satisfied that development referred to in the development consent has been constructed in accordance with the intent of the Geotechnical Report referenced in the condition titled 'Approved Plans and Supporting Documentation' of this consent. Written certification is to be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure geotechnical risk is mitigated appropriately.

88. **Positive Covenant and Restriction as to User for On-site Stormwater Detention**

The Applicant shall lodge the Legal Documents Authorisation Application with the original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) to Council and a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan by a registered surveyor), and Civil Engineers' certification.

The Applicant shall create on the Title a restriction on the use of land and a positive covenant in respect to the ongoing maintenance and restriction of the on-site stormwater detention within this development consent. The terms of the positive covenant and restriction are to be prepared to Council's standard requirements at the applicant's expense and endorsed by Northern Beaches Council's delegate prior to lodgement with the NSW Land Registry Services. Northern Beaches Council shall be nominated as the party to release, vary or modify such covenant. 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 Certifier prior to the issue of the Occupation Certificate.

Reason: To ensure the on-site stormwater disposal system is maintained to an appropriate

operational standard.

89. Certification of Access Driveway

The Applicant shall submit a certificate from a suitably qualified civil/traffic engineer certifying that the access driveway was constructed in accordance within this development consent and the relevant provisions of Australian/New Zealand Standard AS/NZS 2890.1:2004 parking facilities - Off-street car parking.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: Compliance with this consent.

90. Validation for Remediation

A validation and site monitoring report, including a survey of all sites used for landfill disposal is to be 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.

The plan must identify 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 Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure environmental amenity is maintained.

91. Installation of solid/fuel burning heaters

Installation work must be carried out by an appropriately experienced and qualified person and in accordance with the relevant provisions of AS2918 – Domestic Solid Fuel Burning Appliances – Installation

Reason: To ensure the installation is completed in a legislatively compliant manner.

92. Certification of solid fuel burning heaters

A certificate from an appropriately qualified person indicating the system is compliant with all relevant legislation, Building Code of Australia, Australian Standards, Specifications and manufacturer requirements is to be submitted to Council prior to the operation of the solid fuel heater.

Reason: To ensure the system operates in a legislatively compliant manner.

93. Mechanical Ventilation certification

Where Mechanical ventilation is required to be installed in the food premises it must comply with the following:

- Australian Standard (AS) 1668.2 "The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings"; and
- Any external exhaust discharge must be above the roofline and discharged in a manner that is not likely to cause an amenity impact.

Certification is to be provided to the Principal Certifier prepared by a suitably qualified person to demonstrate that the mechanical ventilation complies with the above requirements.

Reason: To ensure that the installed mechanical ventilation complies with the requirements of the Australian Standard 1668.2 and to prevent amenity impacts.

94. **Waste Disposal Verification Statement**

On completion of demolition work:

- a signed statement must be submitted to the Certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and
- if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the Certifier within 14 days of completion of the demolition work.

Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

95. **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 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 Certifier prior to the issue of an Occupation Certificate.

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

96. **Completed Works**

Prior to the issue of an Occupation Certificate, the following shall be complied with:

- a) Physically close the two existing driveway crossovers on Mona Vale Road by removing the driveways, fencing them and revegetating. No changes are to be made to the existing dish drain on Mona Vale Road.

Details demonstrating compliance with this condition are to be submitted to the satisfaction of the Principal Certifier prior to the issue of the Occupation Certificate.

Reason: Transport for NSW requirement.

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

97. **Acoustic Requirements - On-going**

Compliance with the recommendations within the Acoustic Assessment by Mac Muller Acoustic Consulting dated April 2025, reference number MAC242173-02RP1V2, as amended (if required) by the Acoustic Review required by Condition 6 Acoustic Review, and as amended by any additional requirements at OC review stage.

Reason: To prevent a noise nuisance to any neighbouring residential receiver.

98. **Landscape Maintenance**

a) If any landscape materials/components or planting under this consent fails, they are to be replaced with similar materials/components.

b) Trees, shrubs and groundcovers required to be planted under this consent are to be mulched, watered and fertilised as required at the time of planting.

c) 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(s) and any conditions of consent.

d) A maintenance activity schedule for on-going maintenance of planters on slab shall be incorporated to monitor and replenish soil levels as a result of soil shrinkage over time.

e) The approved landscape planted areas, whether containing lawn, gardens or planters shall in perpetuity remain as planting under the development consent, and shall not be replaced with any hard paved surfaces or structures.

Reason: To maintain local environmental amenity.

99. **Maintenance of Stormwater Treatment Measures - Major**

Stormwater treatment measures must be maintained at all times in accordance with the Stormwater Treatment Measure Operation and Maintenance Plan, manufacturer's specifications and as necessary to achieve the required stormwater quality targets for the development.

Where replacement cartridges or other necessary components for the system become unavailable, an alternative system is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. Evidence supporting the replacement must be retained on site and made available to Council as required.

Northern Beaches Council reserves the right to enter the property and carry out appropriate maintenance of the device at the cost of the property owner.

Reason: Protection of the receiving environment.

100. **Delivery/Service Vehicles**

Delivery and servicing vehicles associated with the completed development are not to exceed an 8.8m Medium Rigid Vehicle and all deliveries to and servicing of the site are to occur offstreet within the site.

Reason: offstreet loading and turning areas on the site cannot accommodate larger vehicles.

101. **Landscaping adjoining vehicular access**

The applicant must ensure that the planting chosen for any land immediately adjacent to the driveway and adjacent to any driveway intersections must not exceed a height of 1m

Reason: To maintain unobstructed sight distance for motorists.

102. **Geotechnical Recommendations**

Any ongoing recommendations of the risk assessment required to manage the hazards identified in the Geotechnical Report referenced in the condition titled 'Approved Plans and Supporting Documentation' of this consent are to be maintained and adhered to for the life of the development.

Reason: To ensure geotechnical risk is mitigated appropriately.

103. **Illumination Intensity**

Any lighting on the site shall be maintained so as not to cause a nuisance to other properties in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the relevant Australian Standards.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties.

104. **Deliveries and Waste/Recycling Collection Hours**

Deliveries to or from the site, and waste collection and recycling collection from the site, are to be carried out between 7:00am and 10:00pm only, to minimise noise.

Reason: To minimise noise to residential receivers.

105. **Patron Numbers – Reviewable Condition**

This condition is imposed under s4.17(10B) of the *Environmental Planning and Assessment Act 1979* to enable Council to review the performance of the approved development with respect to patron numbers to achieve the outcome of reduced noise impact.

This review will take place with 14 days' notice following the first 24 months of operations, and again with 14 days' notice following 4 and 6 years of operations if the first and any subsequent review does not result in a change to patron numbers.

The restaurant is limited to a maximum of 594 patrons at any one time.

Reason: To ensure that amenity of the surrounding locality is maintained.

106. **Maintenance of solid fuel heaters**

The owner/occupier shall ensure servicing of the heater is maintained according to the manufacturer's specifications.

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

107. **Compliance with Air Quality Statement**

On an ongoing basis, all solid fuel heaters must be operated in accordance with Air Control Measures as defined by the report - Air Quality Statement by Todorski Air Sciences, reference

Formatted: Font: Italic

number 24071748_40MyooraRoad_TerreyHills_AQ_240905.docx, dated 5 September 2024

Reason: To avoid smoke nuisance and promote public health

108. **Operation of solid fuel burning heaters**

The owner/operator must take all practicable measures to prevent the likelihood of causing smoke and/or odour nuisances. Such measures must include:

- Using dry seasoned hardwood
- Storing wood in a dry well-ventilated place
- Having a hot and well oxygenated fire
- Ensuring that the chimney flue is clean
- Checking the chimney at different stages of the fire to see if there is any smoke
- Maintenance according to the manufacturer's specifications

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

109. **Plan of Management**

Ongoing compliance is required with the Plan of Management entitled "THE FARM BY BOATHOUSE PLAN OF MANAGEMENT" version 2.0 dated 07 April 2025 by Antony Jones, as amended by Condition 27 Amendment to Documents.

The operator of the site is to review the Plan of Management at least annually, with any changes necessitated from the review not to be carried out without written approval of Council's Executive Manager, Development Assessment. Council undertakes to not unreasonably withhold its approval and to respond to requests to amend in a timely manner.

Any proposed amendments to the Plan of Management that conflict with any other condition of consent or require the modification of any other condition of consent may require the submission and determination of a further formal application (e.g., complying development certificate application, modification application or development application).

Reason: To ensure the operational measures implemented protect the amenity of the local area, maintain the safety and security of patrons and staff and to facilitate ongoing minor changes to the Plan of Management. ~~Reason: To assist in maintaining the safety and security of patrons and staff, and to maintain the amenity of the surrounding areas~~

110. **Hours of Operation – Reviewable Condition**

This condition is imposed under s4.17(10B) of the *Environmental Planning and Assessment Act 1979* to enable Council to review the performance of the approved development with respect to hours of operation to achieve the outcome of reduced noise impact.

This review will take place with 14 days' notice following the first 24 months of operations, and again with 14 days' notice following 4 and 6 years of operations if the first and any subsequent review does not result in a change to the hours of operation.

The ~~hours of operation~~ trading hours are to be restricted to:

- 7:00am to 12:00am midnight, seven days a week

All patrons on the premises shall be required to leave prior to the expiration of the permitted hours. Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease and no patrons shall be permitted entry ~~and all customers on the premises shall be required to leave within the following 30 minutes.~~

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

Reason: Information to ensure that amenity of the surrounding locality is maintained.

111. **Parking Spaces**

Parking spaces for 211 cars (including 7 accessible spaces), 3 motorcycles, and 10 bicycles are to be maintained on the site for the life of the development.

No parking spaces, or access thereto, shall be constrained or enclosed by any form of structure such as fencing, cages, walls, storage space, or the like, without prior consent from Council.

Reason: To ensure consistency with this consent.

112. **Ongoing Operation**

The restaurant is to operate and be maintained in accordance with the following approved plans and documents (as modified by any conditions of this consent):

- o Plan of Management,
- o Noise Assessments and Addendums,
- o Operational Waste Management Plan, and
- o Approved plans listed at the condition titled 'Approved Plans and Supporting Documentation'.

Reason: To ensure operation in accordance with this consent.

113. **Ongoing Noise Management**

The ongoing management of the restaurant must be in accordance with the *Protection of the Environment Operations Act 1997*.

Reason: To protect the amenity of the surrounding area.

114. **Ongoing Use**

For the life of the completed development, the following requirements shall be complied with:

- a) No vehicular and/or pedestrian access is to be gained directly from Mona Vale Road.
- b) The approved development is not to be used as a 'Function Centre' as defined in the *Warringah Local Environmental Plan 2011*.

Reason: Transport for NSW requirement.

115. **Emergency and Complaints Contact Signage Maintenance**

Signage displaying an up-to-date emergency and complaints contact in accordance with Section 5.6 Complaints and Incident Register of the Plan of Management is to be maintained at the Myoora Road frontage of the site for the life of the development. The signage is to be of a size no smaller than A4 paper and no greater than an A3 paper.

Reason: To ensure appropriate contact in the event of an emergency or complaint.

Formatted: Heading 3, Left, Indent: Left: 0.24 cm, Hanging: 1.23 cm, Right: 0 cm, Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.64 cm + Indent at: 1.47 cm, Tab stops: 1.47 cm, Left

116. **Publication of the Plan of Management**

The approved (as modified by this consent) and most current version of the Plan of Management to be provided to Council and made publicly available prior to commencement of operation of the approved restaurant, with any future amended version to be provided to Council and made publicly available within 14 days of amendment.

Reason: To ensure suitable distribution of the Plan of Management.

Formatted: Heading 3, Left, Indent: Left: 0.24 cm, Hanging: 1.23 cm, Right: 0 cm, Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.64 cm + Indent at: 1.47 cm, Tab stops: 1.47 cm, Left