



## APPENDIX A – Proposed modification to condition wording for DA2008/1741

### Condition No. 1B

Replace the 'Engineering Plans' under **Condition 1B** (as modified under MOD 2014/0079) with the following plans:

Engineering Plans		
Drawing No	Dated	Prepared By
W4548-300 Revision D	30/07/2014	Cardno (NSW) Pty Ltd
W4548-301 Revision I	10/08/2016	Cardno (NSW) Pty Ltd
W4548-310 Revision F	10/08/2016	Cardno (NSW) Pty Ltd
W4548-311 Revision C	10/08/2016	Cardno (NSW) Pty Ltd
W4548-312 Revision F	10/08/2016	Cardno (NSW) Pty Ltd
W4548-313 Revision J	10/08/2016	Cardno (NSW) Pty Ltd
W4548-314 Revision F	08/08/2014	Cardno (NSW) Pty Ltd
W4548-315 Revision I	10/08/2016	Cardno (NSW) Pty Ltd
W4548-316 Revision E	10/08/2016	Cardno (NSW) Pty Ltd
W4548-317 Revision E	10/08/2016	Cardno (NSW) Pty Ltd
W4548-318 Revision I	10/08/2016	Cardno (NSW) Pty Ltd
W4548-319 Revision C	10/08/2016	Cardno (NSW) Pty Ltd
W4548-320 Revision D	10/08/2016	Cardno (NSW) Pty Ltd
W4548-321 Revision B	10/08/2016	Cardno (NSW) Pty Ltd
W4548-330 Revision E	10/08/2016	Cardno (NSW) Pty Ltd
W4548-331 Revision F	10/08/2016	Cardno (NSW) Pty Ltd
W4548-332 Revision F	10/08/2016	Cardno (NSW) Pty Ltd
W4448-333 Revision C	30/07/2014	Cardno (NSW) Pty Ltd



### Condition no. 53

Modify Condition no. 53 (as modified under MOD 2014/0200) to read as follows:

***“53. Registration of Encumbrances for Flood Wall Barrier System***

*The original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), to create a positive covenant and restriction as to user for the flood barrier system shall be submitted to Council for authorisation prior to issue of the relevant Interim Occupation Certificate.*

*A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the flood wall barrier system is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate.*

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

*Reason: To identify encumbrances on land. (DACENF02)”*

### Condition no. 54

Modify Condition no. 54 (as modified under MOD 2014/0200) to read as follows:

***“54. Restriction as to User for Flood Wall Barrier System***

*A restriction as to user shall be created on the title over the flood wall barrier system, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction are to be prepared to Council’s standard requirements, (available from Warringah Council), at the applicant’s expense and endorsed by Council prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such restriction.*

*The original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), to create the restriction as to user for the Flood Barrier System shall be submitted to Council for authorisation prior to issue of the relevant Interim Occupation Certificate.*

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

*A copy of the certificate of title demonstrating the creation of the restriction as to user for the flood wall barrier system is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate.*

*Reason: To ensure modification of flood wall barrier system is not carried without Council’s approval. (DACENF04)”*



## Condition no. 58

Modify Condition no. 58 (as modified under MOD 2014/0200) to read as follows:

### ***“58. Positive Covenant for Drainage Structure***

*A positive covenant (under the provisions of Section 88B of the Conveyancing Act) is to be created on the title and accompanying 88B instrument, requiring the proprietor of the land to maintain the trunk stormwater drainage system traversing the site and all flood barrier systems required to provide the minimum 500 mm freeboard to the proposed retail development, in accordance with the standard requirement of Council.*

*The terms of the positive covenant are to be prepared to Council’s standard requirements, which are available from Warringah Council. Warringah Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.*

*The original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), to create the positive covenant for the drainage structure shall be submitted to Council for authorisation prior to issue of the relevant Interim Occupation Certificate.*

*A copy of the certificate of title demonstrating the creation of the positive covenant for the drainage structure is to be submitted to the Principal Certifying Authority prior to the issue of the Final Occupation Certificate.*

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

*Reason: to identify encumbrances on land. (DACENF14)”*

## Condition no. 60

Modify Condition no. 60 (as modified under MOD 2014/0200) to read as follows:

### ***“60. Creation of Positive Covenant and Restriction as a User***

*Where any conditions of this Consent require the creation of a positive covenant and/or restriction as a user, the original completed request forms, (Department of Lands standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation **prior to issue of the relevant Interim Occupation Certificate.***

*A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the “Department of Lands”.*

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

*Reason: To identify encumbrances on land. (DACENF14)”*