

Minutes of Application Determination Panel Meeting on 16 May 2012

3.1	145 Old Pittwater Road, Brookvale (Warringah Mall Shopping Centre) - Construction of Stormwater augmentation works, bank stabilisation works and deletion of conditions 24 and 26 of DA1996/137(Development Consent No.96/335)
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Panel Member

Malcolm Ryan, Chairperson, Deputy General Manager, Environment Division

Peter Robinson, Group Manager Development and Compliance Services

David Kerr, Group Manager Strategic Planning

DA2008/1742

Proceedings in Brief

The Panel noted the detailed submissions made by representatives of AMP (and their consultants) after a review of the draft conditions of consent.

Upon review of the application in its entirety including all documentation submitted, submissions made, the site and its surrounds, the assessment report and proposed conditions, the Panel concluded to agree with the report of the Development Assessment Manager and the proposed conditions with the exception of the following:

- 1) Condition 24 relating to the provision of a Environmental Management Plan is to be amended to require the preparation of documentation for the entire length of the Creek between the Warringah Mall boundary and Old Pittwater Road, however the works to be undertaken shall be in accordance with that detailed on Plan 4548-6-008 Rev C prepared by Cardno as the works are beyond the scope of that proposed under the Development Application.
- 2) Delete Condition No 26 and 72 which were proposed for Litter Management as the proposed program is not considered to be relevant to the works as proposed.
- 3) Delete Condition 60 which related to the creation of a restriction to user to prevent any alteration to the Trunk Drainage Network and Flood Barrier Systems – in this regard, the panel considered the condition to be irrelevant as any variation to the system would be subject to future approval requirements (ie requirement to lodge a further DA or Modification application) under the provisions of the EPA Act 1979.
- 4) Amend the wording of Condition 67 to delete the word “...as required by the original 1996 Development Consent DA96/335 and original 1998 Development Consent DA98/229...” as this is a double up requirement to that stipulated in the Deferred Commencement Condition 1 and the requirements for compliance with the submitted documentation stipulated in Condition 3.

The Panel further notes that the conditions relating to bonds are not considered to be unreasonable and can be appropriately applied through Section 80A (6) of the EPA Act 1979.

With regard to the applicants request for the deletion of the s94A Development Contributions Plan payments, the Panel does not agree to the conditions deletion at this point. It is noted, that any deletion of these requirements would need to go through a separate process which may include the entering into of a Voluntary Planning Agreement.

Pertaining to the imposition of covenants upon land, the Panel considered it appropriate to maintain the remainder of the conditions to ensure the responsible persons to undertake monitoring and / or maintenance works in accordance with the time periods detailed within the conditions. The proposed conditions are not considered to be unreasonable and can be appropriately applied through Section 80A of the EPA Act 1979

The Panel concluded that the proposal is consistent with the requirements, aims and objectives of the Environmental Planning and Assessment Act 1979 and is reasonable in the circumstances of the case and on its merits and that the works would be an improvement on the current situation.

NOTE: The Panel noted a typographical error on page 48 of the report, (a) should read “and where there are more than 2 relevant objections with the exception of:”

DECISION OF APPLICATION DETERMINATION PANEL

DEFERRED COMMENCEMENT CONDITIONS

This consent does not operate until the requirements stipulated within Deferred Commencement Conditions Nos 1 and 2 of this consent have been completed to the satisfaction of Council; and

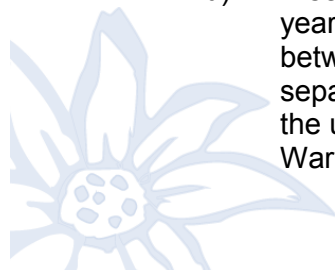
Evidence required to complete the Deferred Commencement Conditions Nos 1 and 2 of this consent must be submitted to the satisfaction of Council within five (5) years of the date the Deferred Commencement Consent was issued, or the consent will lapse in accordance with Section 95 of the *Environmental Planning and Assessment Regulation 2000*.

1. Stormwater Management

Evidence that the stormwater works will meet the objectives and requirements of ‘Stormwater Management’ of the *Warringah Development Control Plan – Part 4G Warringah Mall* (the DCP) is to be submitted to Council for written approval.

The following information is to be submitted as a minimum:

- a) A ground floor plan of Warringah Mall (on land at Lot 100, DP 1015283, No 145 Old Pittwater Road) showing extent of works approved as part of DA1996/137 (Development Consent DA96/335) and DA1998/17 (Development Consent DA98/229). The plan must show critical finished floor levels for DA1996/137 and DA1998/17 and critical peak 100 year ARI flood levels as a result of the augmentation works.
- b) Details demonstrating how the flood protection measures will provide the required minimum 300mm freeboard to the 100 year ARI flood event to the finished floor levels of the development approved under DA1996/137 and DA1998/17.
- c) An update of Table A.5 in the ‘Flood Impact Assessment Addendum Report’ dated January 2010 prepared by Cardno showing the results of the latest flood modelling and as a result of complying with the above points.
- d) A set of figures showing the impact the proposed development will have on peak 100 year ARI flood levels. The figures are to show the difference in peak flood levels between pre- and post developed conditions as a graded set of coloured regions. A separate figure is to be prepared for each of the development scenarios contained in the updated Table A.5. It is anticipated that the figures will be centred mainly on Warringah Mall (on land at Lot 100, DP 1015283, No 145 Old Pittwater Road) since it



is understood that the impact of the proposed development is limited to the site and areas immediately adjacent to it. The figures are to be presented at a scale which renders the information legible to the naked eye. A legend clearly identifying the range of levels comprising the graded set of coloured regions is to be included on each figure.

Reason: To comply with the objectives of the 'Warringah Development Control Plan - Warringah Mall Shopping Centre'.

2. Stormwater Quality Management System Compliance Certification

Civil engineering plans prepared by a suitably qualified engineer detailing the modification of Council's existing water quality management device as shown indicatively on drawing W4548 – 114, Revision A, are to be submitted to Council for written approval.

The design must be in accordance with the Stormwater Management Objectives as detailed in the Northern Beaches Stormwater Management Plan, dated July 1999 and Council's standard requirements for pollution control devices. The consultant is to provide a certificate certifying the pollution control device design complies with the requirements of the Northern Beaches Stormwater Management Plan and Council's standard requirements for pollution control devices.

Details demonstrating compliance are to be submitted to the Council for approval.

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

Upon evidence being provided (to the satisfaction of Council) to complete the Deferred Commencement Conditions Nos 1 and 2 of this consent, and Council confirming in writing that the deferred commencement conditions have been satisfied this consent becomes operative and all other conditions within this consent will apply.

GENERAL CONDITIONS

CONDITIONS THAT IDENTIFY APPROVED PLANS

3. Approved Plans and Supporting Documentation

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

Stormwater Plans – Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
W4548-100 Revision D	17/12/2009	Cardo (NSW) Pty Ltd
W4548-101 Revision G	03/02/2010	Cardo (NSW) Pty Ltd
W4548-102 Revision B	23/03/2009	Cardo (NSW) Pty Ltd
W4548-110 Revision D	01/02/2010	Cardo (NSW) Pty Ltd
W4548-111 Revision E	03/02/2010	Cardo (NSW) Pty Ltd
W4548-112 Revision B	23/03/2009	Cardo (NSW) Pty Ltd
W4548-113 Revision B	23/03/2009	Cardo (NSW) Pty Ltd
W4548-114 Revision A	13/12/2008	Cardo (NSW) Pty Ltd
W4548-115 Revision E	07/09/2010	Cardo (NSW) Pty Ltd
W4548-116 Revision C	03/02/2010	Cardo (NSW) Pty Ltd
W4548-117 Revision B	01/02/2010	Cardo (NSW) Pty Ltd
W4548-118 Revision E	03/02/2010	Cardo (NSW) Pty Ltd
W4548-119 Revision A	17/12/2009	Cardo (NSW) Pty Ltd
W4548-120 Revision B	23/03/2009	Cardo (NSW) Pty Ltd

Stormwater Plans – Endorsed with Council’s stamp		
Drawing No.	Dated	Prepared By
W4548-121 Revision A	05/12/2008	Cardo (NSW) Pty Ltd
W4548-130 Revision C	01/02/2010	Cardo (NSW) Pty Ltd
4548-6-002 Revision C	02/05/2011	Cardo (NSW) Pty Ltd
4548-6-003 Revision C	02/05/2011	Cardo (NSW) Pty Ltd
4548-6-004 Revision C	02/05/2011	Cardo (NSW) Pty Ltd
4548-6-005 Revision C	02/05/2011	Cardo (NSW) Pty Ltd
4548-6-006 Revision B	17/02/2011	Cardo (NSW) Pty Ltd
4548-6-007 Revision C	02/05/2011	Cardo (NSW) Pty Ltd
4548-6-008 Revision C	02/05/2011	Cardo (NSW) Pty Ltd
4548-6-009 Revision C	02/05/2011	Cardo (NSW) Pty Ltd
The development is to be undertaken in accordance with the plans and documentation submitted to satisfy the Deferred Commencement Conditions 1 and 2 of this consent as approved in writing by Council.		

The development is to be undertaken generally in accordance with the following (except as amended by any other condition of consent, including the deferred commencement condition):

Landscape Plans - Endorsed with Council’s stamp		
Drawing Number	Dated	Prepared By
la sw 0501 Revision a04	25.06.10	DEM
la sw 0502 Revision a04	25.06.10	DEM
la sw 0503 Revision a04	25.06.10	DEM
la sw 2401 Revision a04	25.06.10	DEM
la sw 2402 Revision a04	25.06.10	DEM
la sw 2403 Revision a01	25.06.10	DEM

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

4. Compliance with External Department, Authority or Service Requirements

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

External Department, Authority or Service name	Dated
The General Terms of Approval issued by the NSW Office of Water (Reference No. 10 ERM2009/0133)	31 January 2012
Aboriginal Heritage Office	6 September 2011
All conditions stipulated within the Energy Australia letter (Reference: G:\Planning\Correspondence\CJP)	21 June 2010
Roads and Traffic Authority (Reference No RDC 08M1748 v2 Stormwater Augmentation Works)	25 March 2009

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

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



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

5. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (c) If the development 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.

Condition 2(c) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: Legislative Requirement. (DACPLB09)

6. General Requirements

- (a) With the exception of works required within the Condamine Street road corridor, unless authorised by Council:
 - (i) Building construction, excavation and delivery of material hours are restricted to:
 - A. No work on Sundays and Public Holidays.
 - B. 7.00 am to 5.00 pm inclusive Monday to Friday
 - C. 8.00 am to 5.00 pm Saturday subject to the following:
 - i. All work (including the operation of cranes) carried out after 1pm on Saturday is not exceed the noise affected Rating Background Level (RBL) plus 5dB, measured in accordance with the *Interim Construction Noise Guideline* dated July 2009 prepared by the NSW Department of Environment and Climate Change.
 - ii. No concrete pumps are to be operated after 1pm.
 - iii. Cranes are only to operate until 3pm.
 - (ii) The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.
 - A. Demolition works are restricted to the hours of 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) Works within the Condamine Street road corridor must be undertaken in accordance with the construction hours specified in the 'Construction Management Plan – Stormwater Augmentation' dated December 2008 prepared by AMP Capital and Westfield Design and Construction.
- (c) All demolition, excavation and construction works are to be carried out in accordance with the *Interim Construction Noise Guideline* dated July 2009 prepared by the NSW Department of Environment, Climate Change and Water and *Australian Standard 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

All work carried out after 5pm on Monday to Friday and 1pm on Saturday is not to exceed the noise affected Rating Background Level (RBL) plus 5dB, measured in accordance with the *Interim Construction Noise Guideline* dated July 2009 prepared by the NSW Department of Environment and Climate Change.
- (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 a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) Where demolition and excavation works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition and excavation works, that area affected by the 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 Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (i) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)



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

7. Geotechnical Report

A Geotechnical Report and certificate shall be prepared by an appropriately qualified Geotechnical Engineer certifying that the existing substrate on the site is capable of withstanding:

- (a) the proposed loads to be imposed;
- (b) the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- (c) protection of adjoining properties;
- (d) the provision of appropriate subsoil drainage during and upon completion of construction works.

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

Reason: To ensure the structural integrity of the subject site and adjoining sites during the excavation process. (Special condition)

8. Section 94A Contributions

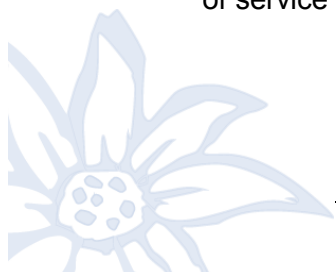
The Section 94A Contributions are required to be paid for this development. This amount has been calculated using the Warringah Section 94A Development Contributions Plan. The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index).

The basis for the contributions is as follows:

Warringah Section 94A Development Contributions Plan		
Contribution based on total development cost of		\$20,058,500.00
Contribution - all parts Warringah	Levy Rate	Contribution Payable
Total S94A Levy	0.95%	\$190,556.00
S94A Planning and Administration	0.05%	\$10,029.00
Total	1.0%	\$200,585.00

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

Reason: To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. (DACPLC01)



9. Bonds

(a) **Security Bond**

A bond (determined from cost of works) of \$40,000 and an inspection fee paid of \$210.00 as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

(b) **Construction, Excavation and Associated Works Bond (Road)**

A Bond of \$70,000 as security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works as part of this consent.

(c) **Construction, Excavation and Associated Works Bond (Crossing / Kerb)**

A Bond of \$70,000 as security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

(d) **Construction, Excavation and Associated Works Bond (Pollution)**

A Bond of \$100,000 as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

(e) **Construction, Excavation and Associated Works Bond (Failure to Remove Waste)**

A bond of \$100,000 as security against damage to Council's road(s) fronting the site caused by the transport and disposal of materials and equipment to and from the site.

(f) **Construction, Excavation and Associated Works Bond (Creek)**

A Bond of \$900,000.00 as security against any damage or failure to complete the construction of any creek works required as part of this consent

(g) **Construction, Excavation and Associated Works Bond (Stormwater Quality Management Device)**

A Bond of \$440,000 as security against any damage or failure to complete the construction of any stormwater quality management device works required as part of this consent

(h) **Construction, Excavation and Associated Works Bond (Maintenance for civil works)**

The developer/applicant must lodge with Council a Maintenance Bond of \$100,000 for the construction of civil works. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans and to the satisfaction of Council.

(NOTE: This bond may be refunded and replaced by the Maintenance Bond upon submission to Council of the final Compliance Certificate or Subdivision Certificate.)

All bonds (in the form of monetary payment to Council or Bank Guarantee) and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure adequate protection of Council infrastructure. (DACENC01)



10. Compliance with Standards

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (c) AS 4970 - 2009 'Protection of trees on development sites'**
- (d) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (e) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (f) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (g) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (h) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (i) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (j) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (k) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**

***Note:** *The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website*

http://www.humanrights.gov.au/disability_rights/buildings/good.htm

****Note:** the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.

11. Dilapidation Survey

A dilapidation survey of adjacent buildings and roads must be conducted prior to any site work. The lateral extent of the survey must cover the likely "zone of influence" of any excavation or construction induced vibration. The survey must be properly documented. The dilapidation report must be submitted to Council for records purposes.

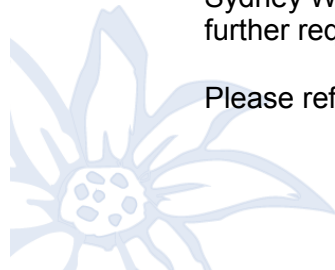
Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate

Reason: Proper management of records. (DACGCds)

12. Sewer / Water Quickcheck

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

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



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

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

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

13. Flood Barrier System

All flood barriers that are proposed to achieve the minimum 300mm freeboard in the 1 in 100 year ARI storm event are to be either a permanent structure engineered to suit the location or a mechanically automated device.

The applicant is to provide written confirmation from a suitably qualified engineer confirming that all proposed flood barrier arrangements shown on drawings by Cardno and as required, provide the required minimum freeboard of 300mm to the extent of works as part of the original 1996 Development Consent DA96/335 and original 1998 Development Consent DA98/229.

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

Reason: To protect the building from flooding in accordance with Council and NSW Government policy.

14. Inlet Grate Adjacent to the Green Street Road Reserve

The 10 metre by 7.2 metre high capacity grate located immediately to the west of the Green Street road reserve, as shown on drawing W4548 -116 by Cardno, is to be designed by a suitably qualified structural engineer to accommodate heavy traffic loads and any anticipated hydraulic loads. The design of the grate system shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified structural engineer.

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

Reason: To ensure the structural integrity of the inlet grate.

15. Shoring of Adjoining Property

Should the proposal require shoring to support an adjoining property or Council land, owner's consent for the encroachment onto the affected property owner shall be provided with the engineering drawings. Council approval is required if temporary rock anchors are to be used within Council land.

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

Reason: To ensure that owners consent is obtained for ancillary works, and to ensure the protection of adjoining properties and Council land. (DACENCO5)



16. Submission of Engineering Plans

Engineering plans prepared by a suitably qualified engineer are to be submitted to the Certifying Authority for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of the trunk drainage network and ancillary works including all proposed flood barrier systems which are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy.

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

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

17. Physical Model Studies

Physical model studies of the two large junction boxes, (B4 and B6 on drawing W4548 – 101 by Cardno) to confirm the hydraulic losses which were assumed in the computer model studies are to be submitted to the Certifying Authority for approval. The studies are to provide advice on how the hydraulic losses in each junction box can be minimised.

The details are to be prepared by a suitably qualified Civil Engineer, who has membership to the Institution of Engineers Australia, National Professional Engineers Register (NPER-3) and is an Accredited Certifier (Category C4).

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

Reason: To confirm parameters assumed in the flood model (Special Condition)

18. Utilities Services

Prior to the issue of the Construction Certificate, the following information is to be submitted to the Certifying Authority;

- (a) Written evidence from the telecommunications service provider confirming satisfactory arrangements have been made for the relocation of underground telecommunications for the approved development (where required); and
- (b) Written evidence from Energy Australia confirming satisfactory arrangements have been made for the relocation of the substation and associated electricity supply for the approved development.
- (c) Provision of Utility Services must be provided in accordance with the following:
Utility and service lines are not to be located within riparian zones, unless they:
 - i) Do not require access tracks for maintenance or other purposes.
 - ii) Do not restrict existing vegetation or rehabilitation.

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

Reason: To ensure that services have been provided as required by this consent. (Special condition)



19. Submission of Engineering Plans for Civil Works in the Public Road Reserve

Engineering plans prepared by a suitably qualified engineer are to be submitted to Council for approval under the provisions of Section 138 of the Roads Act 1993. The submission is to include four (4) copies of Civil Engineering plans for the design of drainage and associated works within Condamine Street which are to be generally in accordance with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Specification.

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

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

Reason: Ensure engineering works are constructed in accordance with relevant standards. (DACENC17)

20. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required.

All retaining walls are to be structurally adequate for the intended purpose, designed and confirmed by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
- (b) comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.

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

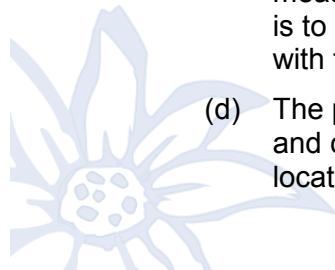
Reason: Safety. (DACENC19)

21. Construction Traffic Management Plan

A detailed Construction Traffic Management Plan (CTMP) is to be prepared by a suitably qualified person prior to the issue of the Construction Certificate. The Traffic Management Plan is to be consistent with the '*Outline Traffic Management Plan for Stormwater Amplification Works Across Condamine Street, Brookvale*' dated December 2008 prepared by Colston Budd Hunt and Kafes.

The CTMP shall include (but not be limited to) the following:

- (a) Measures to minimise the loss of parking during construction;
- (b) Measures to ensure safe pedestrian access to the site during construction.
- (c) Measures to ensure that the construction works will not result in an unreasonable impact on the operation of the existing bus interchange within the site or on the bus stops and bus services on Pittwater Road/Condamine Street. The STA and Forest Coach Lines are to be consulted as part of the process of determining appropriate measures to minimise the impact of the construction works on bus services. The CTMP is to address any issues raised by the bus service providers. Evidence of consultation with the STA and Forest Coach Lines must be included in the CTMP.
- (d) The proposed method of access to and egress from the site for demolition, excavation and construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic



congestion and noise in the area, with no access across public parks or reserves being allowed. No construction trucks are permitted to use Beacon Hill Road, which has a 3 tonne load limit.

- (e) The proposed method of loading and unloading, demolition, 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;
- (f) The location and operation of any cranes.
- (g) Compliance with NSW Roads and Maritime Service (formally the Roads and Traffic Authority) requirements detailed within Roads and Traffic Authority (Reference No RDC 08M1748 v2 Stormwater Augmentation Works) letter dated 25 March 2009*

*Note: In addition to the above the holder of the consents attention is drawn to the Roads and Maritime Services (formally the Roads and Traffic Authority) WADPack RTA administration of DEVELOPER WORKS POLICY – GUIDELINES – ADVICE.

The CTMP is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community. (DACPLC13)

22. Construction Management Plan

The Construction Management Plan (CMP) prepared by AMP Capital and Westfield Design and Construction dated December 2008 is to be further amended to be consistent with the conditions of this consent including the condition related to the hours of construction.

The CMP is also to detail the management of construction works on the Warringah Golf Club site. Specifically, the plan should include (but not be limited to) the following:

Details of how the construction works will be managed so that there will be minimal impact on the current recreational use of the land throughout the construction program. The Warringah Golf Club, as the lessee of Council land is to be consulted in regard to any works on the Warringah Golf Club site. The CMP is to address any issues raised by the Warringah Golf Club. Evidence of consultation with the Warringah Golf Club must be included in the CMP.

- (a) Detailed plans of the proposed access path from the 5th green to the 6th tee. The location of the access path should be generally consistent with that shown in the plan attached to the letter from Urbis to Council dated 7 May 2009, unless otherwise agreed in writing by Warringah Council and the Warringah Golf Club.

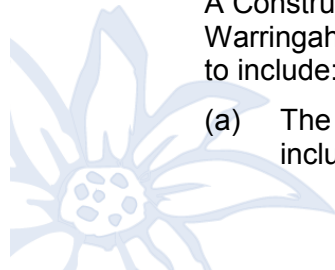
The amended CMP is to be submitted to Council for approval prior to the issue of the Construction Certificate.

Reason: To ensure appropriate measures are implemented in relation to site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.

23. Construction Traffic Management Plan and Construction Management Plan – Brookvale Creek bank stabilisation Works

A Construction and Traffic Management Plan for the bank stabilisation works upstream of Warringah Mall (on land at Lot 100, DP 1015283, No 145 Old Pittwater Road). The plans is to include:

- (a) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council



area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area. Access across public parks and open space reserves is prohibited.

- (b) The proposed phases of construction works on the site, and the expected duration of each construction phase;
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. On site cranaage is a requirement of this consent. Mobile cranes if used shall be located wholly within the site or only utilised during the demolition and excavation phase, and in association with the establishment and removal of a site crane, removal of excavation equipment and the like;
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- (g) 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;
- (h) 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 practicing Structural Engineer and shall not involve any permanent or temporary encroachment onto Councils property;
- (i) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of hoardings over footpaths and laneways;
- (j) The location and operation of any on site crane; and
- (k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
- (l) The location of equipment and materials etc. cannot be located in an area which would impact upon the flood regime or in a location which in the event of flood event could cause a blockage to the stormwater management system on Lot 100, DP 1015283, No 145 Old Pittwater Road.

The Construction Management Plan (CMP) is to be prepared by a suitably qualified Engineer who is eligible for Membership to Engineers Australia as being adequate and consistent with the requirements of this condition.

The plan is to be submitted to Certifying Authority for approval prior to the issue of the Construction Certificate. The Plan is to be consistent with the approved plans and conditions of this consent.

Reason: To ensure appropriate measures are implemented in relation to site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community.



24. Environmental Management Plan

An Environmental Management Plan (EMP) is to be prepared by a suitably qualified environmental consultant. The EMP is to detail the environmental management measures to be implemented during construction and the ongoing environmental management measures required as a result of the approved works.

The EMP is to include the following:

- (a) The 'Targeted Phase 2 Contamination Assessment' (including all recommendations contained within the report) dated November 2009 prepared by Douglas Partners Pty Ltd.
- (b) The recommendations of the 'Ecological Assessment – Proposed Drain Augmentation – Warringah Mall, Brookvale' dated August 2009 prepared by Eco Logical Australia Pty Ltd (including those actions to be carried out over a 3 year period).
- (c) The recommendations of the 'Brookvale Creek Ecological Assessment and Management - 'Harrison Reach' dated 5 January 2011 prepared by Eco Logical Australia Pty Ltd.

The Environmental Management Plan shall include the following additional management plans:

a) Biodiversity Management Plan

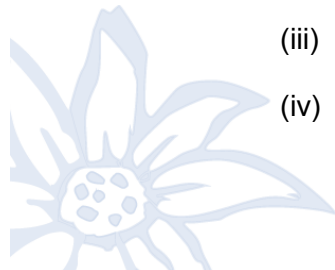
A Biodiversity Management Plan is to be prepared in accordance with Council's Biodiversity Management Plan Guidelines (available at www.warringah.nsw.gov.au).

The Biodiversity Management Plan is to be prepared for the entire section of Brookvale creek between Warringah Mall (on land at Lot 100, DP 1015283, No 145 Old Pittwater Road) and Old Pittwater Road and implemented in accordance with the Plan No 4548-6-008 Rev C prepared by Cardno. The Plan is to include the recommendations of the 'Brookvale Creek Ecological Assessment and Management - 'Harrison Reach' dated 5 January 2011 prepared by Eco Logical Australia Pty Ltd.

The Biodiversity Management Plan is to also include a detailed Microbat Management Plan. The plan will cover all threatened bat species and shall include all recommendations and mitigation strategies addressed in the Ecological Assessment – Proposed Drain Augmentation – Warringah Mall, Brookvale (Eco Logical Australia Pty Ltd dated August 2009) and the Review of an Ecological Assessment prepared by Eco Logical Australia Pty Ltd – Proposed Drain Augmentation Warringah Mall, Brookvale, New South Wales (Fly By Night Bat Surveys Pty Ltd dated October 2009).

The plan is to also include but not be limited to:

- (i) Detailed findings of twelve, consecutive monthly microbat surveys.
- (ii) Detailed measures to minimize impacts on any threatened bats utilizing the existing drains and trees designated for removal. Measures must include dust exclusion and suppression methods such as temporary placement of hessian material over culvert entrances during daylight construction periods only.
- (iii) Methods for detecting the presence of bats prior to commencement of any works.
- (iv) Provide options and/or measures for altering construction methods and staging should threatened bats be found to be roosting in the drains and culverts prior to the commencement of any works.



- (v) If possible, allow for altering the construction methods or timing if bats are roosting within the drains during the construction period.

The management plan should be informed by the 12 consecutive monthly surveys undertaken at the site.

b) Vegetation Management Plan

A Vegetation Management Plan must be prepared in accordance with the NSW Office of Waters General Terms of Approval issued on 31 January 2012 and shall address the creek banks, from Warringah Mall (on land at Lot 100, DP 1015283, No 145 Old Pittwater Road) boundary, upstream to Old Pittwater Road.

The Plan is to include the recommendations of the 'Brookvale Creek Ecological Assessment and Management - 'Harrison Reach' dated 5 January 2011 prepared by Eco Logical Australia Pty Ltd.

Site rehabilitation must:

- (i) Unless otherwise approved by any other consent, protect any remnant local native riparian vegetation at the site, and,
- (ii) restore any riparian zones, including the area within protected waters, that are disturbed or otherwise affected by the development to a state that is reasonably representative of the natural ecosystem of the protected waters and their environment.
- (iii) The riparian zones so restored are to consist of a diverse range of native plant species local to the area and are to be fully structured (i.e. trees, shrubs and groundcovers). All plants used in the landscaping for this development must be grown from local provenance seed and cuttings as per the species list for Coastal Swamp Forest and other associated vegetation consisting of Swamp Mahogany Forest, and Bangalay Alluvial Forest. Planting densities must be in accordance with the NSW Office of Water Guidelines for Vegetation Management Plans.
- (iv) The riparian zones may be rehabilitated using a combination of methods, such as natural bush regeneration, brush matting, hydro-seeding, direct seeding or tubestock planting, provided the required densities and clear evidence of the plants' ability to survive are achieved by the end of the maintenance period.
- (v) Bush regeneration, for weed control and to promote natural regeneration, is to be undertaken for a minimum distance of 10 metres beyond any disturbed areas in the riparian zones. Revegetation, in accordance with the standards required by these conditions, is to be undertaken in this 10 metre wide area if it is significantly degraded or is likely to give rise to weed invasion due to lack of native vegetation cover before or after weed control.

No exotic plant species, other than temporary sterile cover crops, are to be planted within, or within 10 metres of, the riparian zones on the site.

Only certified weed free and contaminant free mulch is to be used on the site. This is because mulch products imported onto the site may contain weed seeds and viable vegetative matter and other contaminants, which could impact adversely on the vegetation, soil, water quality or ecology of the site.

No noxious or environmental weeds, as listed on Warringah Councils website are to be imported on to the site. Any noxious weeds or environmental weeds on the site are to



be managed continuously, in accordance with the Noxious Weeds Act 1993 and the Biodiversity Management Plan and/or Vegetation Management for this development.

c) Soil and Water Management Plan

The Applicant must submit a Soil and Water Management Plan (SWMP) indicating how the works at the Site will achieve the outcome required in the previous condition. The SWMP must cover all works on protected land and in protected waters, and staging and maintenance requirements. The SWMP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The SWMP is to be cross-referenced to other "plans" required by these conditions, where appropriate. The SWMP is also to meet any Office of Environment and Heritage / Environmental Protection Authority licence requirements.

All works and activities at the Site are to satisfy all requirements of Council in relation to water pollution issues. Oils and greases, or any other contaminants, must not be permitted to pass to protected waters.

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

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

Reason: To minimize the impact on threatened species and for aquatic and riparian habitat protection.

25. Project Ecologist

A Project Ecologist is to be employed for the duration of the approved works to ensure all fauna (e.g. microbats), vegetation and riparian protection measures are carried out according to the conditions of consent.

The Project Ecologist will provide confirmation that conditions relating to the Biodiversity Management Plan are carried out. The Project Ecologist will ensure that all conditions relating to the biodiversity management of the property are fully implemented. The Project Ecologist is to be an OEH licensed fauna / vegetation management specialist with a degree in biological science, ecology, natural area management or equivalent with at least 5 years experience.

The Project Ecologist will also ensure that the implementation of the approved Biodiversity Management Plan and/or Vegetation Management Plan and associated methodologies, is to be undertaken by persons suitably experienced in that aspect of the work they are doing, and such persons must be under the direction and supervision of a person with relevant knowledge, qualifications and experience in current best practice in that aspect.

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

Reason: To ensure bushland management (DACNEC07)



26. Submission of Engineering Plans for Construction of the Stormwater Quality Management Device

A stormwater quality management system must be designed and constructed generally in accordance with the approved plans. Engineering plans prepared by a suitably qualified engineer are to be submitted to Council for approval. The submission is to include four (4) copies of Civil Engineering plans for the design of stormwater quality management system located at the intersection of Condamine Street and Pittwater Road as shown W4548-101 by Cardno. The works are to be generally in accordance with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Specification.

The Fee Associated with the assessment and approval of the plans is to be in accordance with Council's Fees and Charges.

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

Reason: Ensure engineering works are constructed in accordance with relevant standards. (Special condition)

27. Flood

In order to provide protection from flood inundation the following is required:

(a) Flood Protection

All flood barrier systems shall be designed to withstand the hydraulic forces of the floodwaters up to a minimum level of 300mm above the 1 in 100 year ARI flood levels as a result of the augmentation works. Buoyancy (particularly in relation to cars in the ground floor car park), flowing water with debris, wave action, the flood compatibility of materials and waterproofing shall be addressed. Structural details for the construction for all elements are to be prepared by a suitably qualified Engineer.

(b) Movement Prevention Devices

- (i) Car storage/parking areas are to provide Movement Prevention Devices (e.g. bollards) adequate for the 1 in 100 year ARI flood levels which can be engaged in a flood event to prevent movement of vehicles downstream and onto roadways.
- (ii) At a minimum Movement Prevention Devices are to be provided:
 - A. On Lot 2 DP 600059 and within 10 metres of the common boundary of Lot 2 DP 600059 and Lot 30 DP 204107
 - B. On Lot 100 DP 1015283 and within 10 metres of the common boundary of Lot 100 DP 1015283 and Pittwater Road
 - C. On Lot 100 DP 1015283 and within 10 metres of the common boundary of Lot 100 DP 1015283 and Old Pittwater Road
- (iii) Structural details for all elements and confirmation of adequacy to prevent vehicle movement downstream and onto roadways is to be prepared by a suitably qualified Engineer with experience in flood design / management who is eligible for Membership to Engineers Australia.



(c) Flood Management Plan

A flood management plan for Lot 100, DP 1015283, No 145 Old Pittwater Road (Warringah Mall) and Lot 2 DP 600059 No. 75 Old Pittwater Road, Brookvale is to be prepared by a suitably qualified Engineer with experience in flood management who is eligible for Membership to the Engineers Australia.

The management plan shall include as a minimum:

- (i) A detailed description of the flood threat. This is to include plans showing the route of the trunk drainage network and areas which will be subject to overland flow. Locations where overland flow will enter the site are to be clearly identified. The characteristics of overland flow through the site are to be described (such as expected depth and velocity of flow, etc). The description is to be aided by a suitable sized set of plans.
- (ii) Details of the advance weather warning system which is to be used to detect the possibility of flood producing rainfall approaching the lands.
- (iii) Details on the water level trigger(s) which are to be incorporated in the Flood Management Plan and the actions associated with each.
- (iv) Details on how land owners/ site management will manage a flood threat. This is to include details on the alerts/warnings/messaging which will be issued to occupants and how land owners/ site management will prevent occupants from accessing the various carparks during a flood threat.
- (v) A plan showing the location(s) where occupants on the lands are to evacuate to during a flood threat.
- (vi) A set of instructions detailing the installation and operation of the flood barrier system. The instructions are to include details showing where the equipment is stored and the location where each flood barrier is to be installed.
- (vii) Details of a regular training programme which is to be implemented by land owners/ site management dealing with the various aspects of the Flood Management Plan. The training programme is to include an awareness session for Centre Management staff highlighting the locations where floodwater will impact the site and the critical doorways which will need to be manned in order to prevent patrons from entering the carparks during a flood threat.
- (viii) Details and locations of appropriate flood warning and evacuation signage.
- (ix) A system 'testing regime'
- (x) The Flood Management Plan is to include provision for the dissemination of flood warnings to the owner/occupiers of the sites to which the plan applies. Flood warnings are to be broadcast audibly and electronically to allow owners and occupiers effective warning time to undertake the appropriate actions. Clear instructions dealing with the dissemination of flood warnings to the upstream land owner/occupiers are to be incorporated in the Flood Management Plan.
- (xi) The Flood Management Plan is to provide review regime (ongoing) of the plan in its entirety. The time period for ongoing plan reviews is to be determined by the Engineer certifying the Flood Management Plan. The review is to be conducted and certified by a suitably qualified Engineer with experience in flood management who is eligible for Membership to Engineers Australia as being appropriate for the management of a flood event, the review is to ensure at a minimum:
 - A. the requirements of the plan are being implemented;
 - B. the requirements of the plan are still adequate and appropriate.



The Flood Management Plan is to be certified by a suitably qualified Engineer with experience in flood management who is eligible for Membership to Engineers Australia as being adequate and appropriate for the management of a flood event.

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

Reason: To provide management in the event of a flood.

28. Energy Australia (Ausgrid)

The relocation of Energy Australia (Ausgrid) substations and associated Energy Australia (Ausgrid) electrical mains (with specific reference to substation and mains located within the vicinity of the onsite HCF tenancy). Works are to be carried out at no cost to Council or Energy Australia (Ausgrid). All work must comply with Energy Australia's (Ausgrid) requirements. The location of the substation shall comply with the setback requirements detailed within the site specific provisions of Warringah Development Control Plan, shall not exceed three (3) metres in height above natural ground level, shall be screened by landscaping to not be visible from the public domain and will not impact upon the flood regime for the site.

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

Reason: To ensure compliance with Energy Australia requirements.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

29. Public Liability Insurance - Works on Public Land

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Warringah Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

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

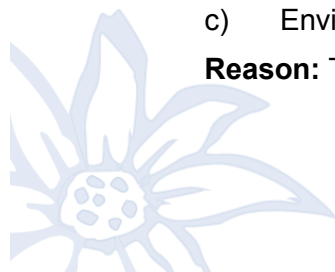
CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION, EXCAVATION AND BUILDING WORK

30. Compliance with Construction Certificate Documentation

The development to be carried out and managed in accordance with the documentation submitted and approved by the Certifying Authority prior to the issue of the Construction Certificate including, but not limited to the:

- a) Construction Management Plan
- b) Construction Traffic Management Plan
- c) Environmental Management Plan

Reason: To ensure the appropriate management of the site during construction.



31. Requirement to Notify About New Acid Sulfate Soils Evidence

Acid Sulfate Soils on the site are to be managed in accordance with the *Construction Management Plan* dated December 2008 prepared by AMP Capital and Westfield Design and Construction submitted with the development application. If the development will result in the disturbance of Acid Sulphate Soils an Acid Sulfate Soils Management Plan is to be prepared by a suitably qualified geotechnical engineer and in accordance with the Acid Sulfate Soils Manual (ASSMAC, 1998) and submitted to Council.

Any new information revealed during excavation works that has the potential to alter previous conclusions about Acid Sulfate Soils shall be immediately notified to the Council and the Principal Certifying Authority prior to further commencement.

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

Reason: To ensure that Acid Sulfate Soils on the site are appropriately managed.

32. Requirement to complete ongoing water and soils testing during construction

- (a) During construction in order to monitor water and soil quality the following is to be implemented:
 - i) Water testing is to be completed in accordance with Section 3 of the NSW RTA's Guideline for Construction Water Quality Monitoring
 - ii) Soil Testing in order to detect contaminates is occur weekly with two (2) samples in accordance with the NSW EPA Contaminated Site Sampling Design Guidelines.
- (b) The requirements of (i) and (ii) above are to be implemented from the commencement of works as follows:
 - i) Fortnightly during excavation works
 - ii) Monthly during building works

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

Reason: To monitor water and soil quality during construction.

33. 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 Council and the Principal Certifying Authority.

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

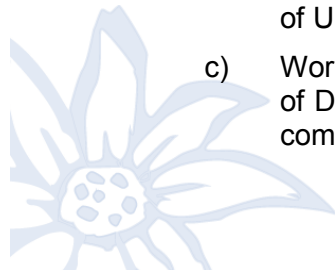
Reason: To protect human health and the environment. (DACHPE01)

34. Removal of Underground Storage Tank

Any underground tanks shall be removed in accordance with all relevant requirements.

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

- b) Australian Institute of Petroleum (AIP) Code of Practice for the Removal and Disposal of Underground Petroleum Storage Tanks (ref. AIP CP22)
- c) WorkCover NSW requirements (this requires writing in advance to the Chief Inspector of Dangerous Goods, WorkCover NSW, locked Bag 10, Clarence St Sydney 2000 and complying with any conditions imposed).



- d) In the event of conflict between the AIP Code of Practice and WorkCover NSW requirements, the latter shall prevail.

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

Reason: To ensure the safe removal of underground storage tanks. **(DACFHErust)**

35. Storage of Potentially Contaminated Soils

All stockpiles of potentially contaminated soil must be stored in a secure area on the site so as not to cause pollution or public health risk.

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

Reason: For protection of environment and human health.

36. Water Quality from Contaminated Sites

Runoff must be drained to an adequately bunded central collection sump and treated, if necessary, to meet NSW Department of Environment and Climate Change (formerly Environment Protection Authority) discharge criteria.

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

Reason: To protect the environment from contaminated sedimentation and erosion from development sites. **(DACHEwqcs)**

37. Disposal of Polluted Water

Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with the relevant Department of Environment and Climate Change (formerly EPA) and ANZECC standards for water quality.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transported for treatment/disposal to an appropriate waste treatment/processing facility.

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

Reason: To prevent pollution of waterways. **(DACHEdpw)**

38. Off-site Disposal of Contaminated Soil

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:

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

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

Reason: For protection of environment and human health and to ensure compliance with the legislation. **(DACHEodcs)**



39. Removal of Hazardous Material

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

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

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

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

Reason: To ensure that the land is suitable for the proposed development and that contaminating material required to be removed from the property is removed in accordance with the prescribed manner. (DACHErhM)

40. Property Boundary Levels

The property boundary levels shall match the existing levels except where modified for the flood barrier system. The applicant shall design and construct having regard for the existing levels.

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

Reason: To maintain the existing profile of the nature strip/road reserve. (Special condition)

41. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with Council's Minor Works Policy and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

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

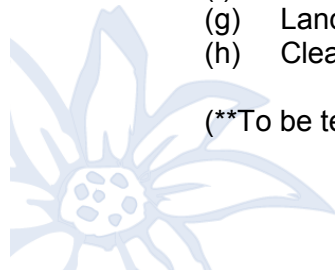
Reason: Public Safety. (DACENE11)

42. Progress Certification (Road & Drainage)

Written certification is to be provided by a suitably qualified engineer upon completion and/or as and when requested by the Certifying Authority for the following stages of works.

- (a) Silt and sediment control facilities
- (b) Laying of stormwater pipes and construction of pits
- (c) Sub-grade trimmed and compacted **
- (d) Base-course laid and compacted **
- (e) Kerb and gutter construction
- (f) Pavement
- (g) Landscaping and vegetation
- (h) Clean-up of site, and of adjoining Council roadway and drainage system.

(**To be tested by a recognised N.A.T.A. approved laboratory).



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

Reason: To ensure compliance of civil works with Council's specification for engineering works (see www.warringah.nsw.gov.au). (Special condition)

43. Stormwater Pipeline Construction

The applicant shall construct the proposed trunk drainage network in accordance with Council's specification for engineering works (see www.warringah.nsw.gov.au) and shall reconstruct all affected kerb and gutter, bitumen reinstatements, adjust all vehicular crossings for paths, grass verges, household stormwater connections to suit the kerb and gutter levels and adjust other utility services affected by the works. All works shall be undertaken at the applicant's cost, and upon completion certified by an appropriately qualified and practicing Civil Engineer.

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

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (Special condition)

44. Civil Works Supervision

All civil works approved in the Construction Certificate are to be supervised by an appropriately qualified and practising Civil Engineer.

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

Reason: To ensure compliance of civil works with Council's specification for engineering works. (DACENE06)

45. Maintenance of Road Reserve

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

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

Reason: Public Safety. (DACENE09)

46. Notification of Inspections

Council's Development Engineer is to be given 48 hours notice when the drainage and associated works in Condamine Street reach the following stages:

- (a) Installation of Silt and Sediment control devices
- (b) Prior to backfilling of pipelines
- (c) Prior to pouring of stormwater gully pits
- (d) Prior to pouring of kerb and gutter
- (e) Subgrade level / basecourse level
- (f) Sealing road pavement

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the work, and do not relieve the developer/applicant from the requirement to provide an engineer's certification. Council approval or acceptance of any stage of the work must be obtained in writing, and will only be issued after completion of the work to the satisfaction of Council and receipt of the required certification. All fees related to the inspections by Council's Development Engineers are to be in accordance with Council's Fees and Charges.

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



Reason: To ensure new Council infrastructure is constructed to Council's requirements. (DACENE10)

47. Applicant's Cost of Work on Council Property

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

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

Reason: To ensure the proper management of public land.

48. Trees Condition

Only those trees nominated for removal in the *Tree Report - Warringah Mall Brookvale Development* dated November 2008 prepared by Treescan, shown on the bank stabilisation works plans and described in the Environmental Management Plan are to be removed.

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

Tree protection measures are to comply with those specified in the *Tree Report - Warringah Mall Brookvale Development* dated November 2008 prepared by Treescan.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

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

Reason: Protection of Trees. (DACLAE03)

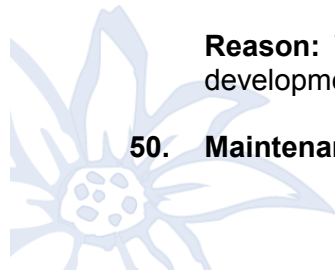
49. Installation and Maintenance of Sediment Control

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Soils and Construction Manual Volume 1 - Managing Urban Stormwater. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

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

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

50. Maintenance of Road Reserve



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

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

Reason: Public Safety.

51. Environment Protection Induction

The requirements of the *Environmental Management Plan (EMP)* must be followed in full to ensure that construction impacts on the environment are minimised. A copy of the EMP must be kept in the site office. It must be read and applied by the project manager and site foreperson and all necessary details passed onto staff.

Site-induction personnel will be:

- (a) Be familiar and aware of the presence of threatened microbats occurring within the drainage culverts and the required mitigation measures.
- (b) Be familiar with the names and contact details of relevant people (e.g. project ecologist) and authorities in the event of any environmental or site management emergency that may arise.
- (c) Be familiar with the presence of the Restricted Development Area (RDA) in close proximity to culvert entrances and its environmental significance
- (d) Be familiar with animal welfare issues and procedures should human-wildlife interactions take place during the construction phase.

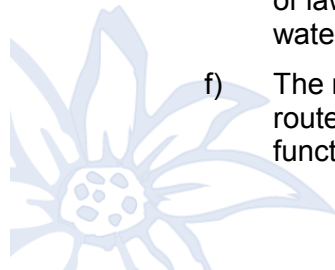
Details demonstrating compliance are to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: Protection of Bushland (DACNEE03)

52. General Watercourse and Riparian Areas Matters

Unless in accordance with the approved works the land owner(s) must ensure that:

- a) No materials or cleared vegetation that may obstruct flow or cause damage to river banks are left on waterfront land.
- b) All drainage works capture and convey runoffs, discharges and flood flow to low flow water level in accordance with the approved plans and do not obstruct flow of water in the river. Drain discharge points are stabilised to prevent erosion and designed to discharge parallel to the bank. Any excavation must not result in diversion of any river, bank instability or damage to native vegetation.
- c) River diversion, realignment or alteration does not result from bank control or protection works and must maintain the existing river hydraulic and geomorphic functions, and bed control structures do not result in river degradation,
- d) The surfaces of river banks are graded to enable the unimpeded flow of water and bank retaining structures result in a stable river bank.
- e) Any vegetation or other material removed from the area of operations shall be disposed of lawfully to an appropriate site where the material cannot be swept into protected waters during a flood. No Burning of the material is permitted.
- f) The riparian zones are to function as ecological systems and as such, all works, access routes, roads, recreational areas, service easements and any other non-ecologically functioning work or activity are to be located beyond the riparian zones.



- g) During demolition, excavation and building work all works are to be undertaken in such a way that they avoid, remedy or mitigate any adverse effects on the aquatic and riparian environments and do not cause erosion, sedimentation, or increase flood levels of protected waters for all affected properties. Works that result in net positive outcomes for aquatic and riparian environments are encouraged.

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

Reason: Environmental Protection, Monitoring and Enhancement (DACNEE10)

53. Reporting Requirements

The land owners(s) must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance.

The suitably qualified person shall provide statement on the progress, stability and condition of any associated stream works to the Principal Certifying Authority at six (6) monthly intervals from the commencement of works and will continue for two (2) years after the completion of works within the area defined as a 'river' or 'waterfront land' by the Water Management Act 2000. The documentations shall provide that conditions relating to the Biodiversity Management Plan and/or *Vegetation Management Plan* have are being carried out.

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

Reason: Environmental Protection, Monitoring and Enhancement (DACNEE11)

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

54. No net loss of car parking spaces

Prior to the issue of the Occupation Certificate details demonstrating 4,368 car parking spaces are to be provided on the Warringah Mall (on land at Lot 100, DP 1015283, No 145 Old Pittwater Road) site in accordance with all relevant Development Consents applying to the site.

Reason: To ensure adequate on site car parking is provided.

55. Required Planting

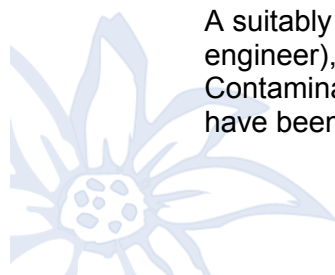
Tree planting is to be implemented as indicated on the approved plans and in the Environmental Management Plan.

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

Reason: To maintain environmental amenity. (DACLAF01)

56. Contamination Report Certification

A suitably qualified person (eg, Environmental Consultant, Geo-technical / Hydro-geological engineer), is to provide written certification that all that the recommendations detailed in the Contamination Reports and relevant to the management of the contamination on the site, have been undertaken and completed.



The written certification shall be submitted to the Principal Certifying Authority and Warringah Council prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect sensitive environment and ensure potentially contaminated land is appropriately managed.

57. Registration of Encumbrances for Trunk drainage network and Flood Barrier System

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction as to user for the trunk drainage network and flood barrier system is to be submitted to Council.

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

Reason: To identify encumbrances on land. (DACENF02)

58. Authorisation of Documentation Required for drainage augmentation works and Flood Barrier System

The original completed request forms (NSW Department of Finances and Services standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works.

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

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

59. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

(Note: The following Standards and Codes applied at the time of determination:

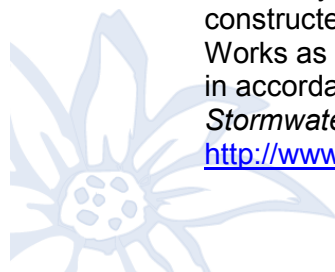
- a) Australian/New Zealand Standard AS/NZS 3500.3:2003 - Plumbing and drainage - Stormwater drainage
- b) Australian/New Zealand Standard AS/NZS 3500.3:2003/Amdt 1:2006 - Plumbing and drainage - Stormwater drainage
- c) National Plumbing and Drainage Code.)

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

60. Certification of Drainage Works and Works as Executed Data

A suitably qualified Civil Engineer shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate plans. Works as Executed data (certified by a registered surveyor as to location) shall be prepared in accordance with Council's '*Guideline for preparing Works as Executed data for Council Stormwater Assets*' shall be submitted to the Council available at

<http://www.warringah.nsw.gov.au>



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

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (Special condition)

61. 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, (NSW Department of Finances and Services standard forms 13PC and/or 13RPA), shall be submitted to Warringah Council for authorisation.

A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been affected by the NSW Department of Finances and Services.

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

Reason: To identify encumbrances on land. (DACENF14)

62. Certification Civil Works – Stormwater Quality Management Device

The Civil Engineer responsible for the supervision of the civil works shall certify that the completed works have been constructed in accordance with this consent and the approved Construction Certificate. A "work as executed" (WAE) plan certified by a registered surveyor and overdrawn in red on a copy of the approved civil works plans are to be provided to Council. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures.

A maintenance manual for the above device must be provided by the applicant to Council.

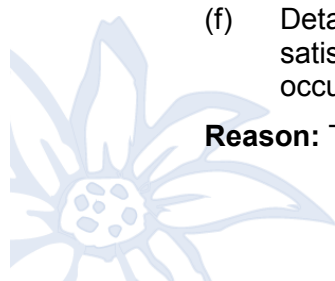
Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure compliance of drainage works with Council's specification for engineering works. (DACENF06)

63. Positive Covenant to allow access for maintenance and rectification

- (a) A positive covenant (under the provisions of Section 88B of the Conveyancing Act) is to be registered on the title of Lot 2 DP 600059 and Lot 30 DP 204107.
- (b) The positive covenant is to permit access to Lots 2 DP 600059 and Lot 30 DP 204107 to allow the owners of Lot 100, DP 1015283, No 145 Old Pittwater Road to meet the obligations of this Development Consent
- (c) The terms of the positive covenant are to be prepared to the satisfaction of Council and the requirements and shall be attached to all land holdings benefiting this consent.
- (d) All costs related to the review and approval of the positive covenant by Council shall be borne by the applicant.
- (e) Warringah Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.
- (f) Details demonstrating compliance with this conditions is to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of any interim / final occupation certificate.

Reason: To ensure, unimpeded access and to ensure the conditions of this consent are met.



CONDITIONS WHICH MUST BE COMPLIED AFTER THE ISSUE OF OCCUPATION CERTIFICATE

64. Modification of Consent

After the issue of the final occupation certificate Development Consent No. 96/335 is to be modified in accordance with the provisions of Clause 97 of the Environmental Planning and Assessment Regulation 2000 as follows:

- (a) Prior to the issue of the issue of the Occupation Certificate, Condition 24 of Development Consent No. 96/335 for DA1996/137 is to be deleted as the bank stabilisation works satisfy the intent of this condition.

Note: Condition 24 of Development Consent No. 96/335 is as follows:

'Adequate headwalls and stabilisation of the embankments and base of Brookvale Creek shall be undertaken upstream of the section proposed to be piped for this development. Full details, including computations, shall be provided for Council's approval prior to commencement of construction. Where any works are required for this purpose they shall be designed and carried out in a manner that is environmentally compatible, and where possible enhance the unpiPED section upstream. Where necessary, written concurrence from adjoining property owners shall be obtained to undertaken work on their land.'

- (b) Prior to the issue of the Occupation Certificate, Condition 26 of Development Consent No. 96/335 for DA1996/137 is to be deleted as the positive covenant on the title related to the maintenance of the trunk drainage network and flood barrier system means that Council no longer requires the easement to be dedicated to Council.

Condition 26 of Development Consent No. 96/335 is as follows:

'An easement to Drain Water is to be dedicated to Council over the section of Brookvale Creek to be piped. The width of the easement is to be determined in consultation with, and to the satisfaction of Council.'

Reason: To ensure the previous consent is consistent with this approval.

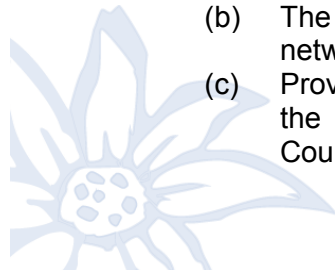
ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

65. Maintenance of the Trunk Drainage Network and Flood Barrier System

The land owners of Lot 100 DP 1015283, are required to maintain the trunk drainage network traversing Lot 100 DP 1015283 and all associated flood barrier systems required to provide a minimum 300mm freeboard to the existing retail floor levels in perpetuity.

The maintenance must include the following:

- (a) A maintenance regime to ensure that the trunk drainage network and flood barrier system are adequately maintained to operate as per the design intent and as detailed in the Warringah Mall Flood Impact Assessment Addendum, prepared by Cardno, dated 25 January 2010.
- (b) The regime must include regular inspections to detect and clear any blockages to the network.
- (c) Provision for a suitably qualified structural engineer to assess the structural integrity of the trunk drainage network traversing the site. A certificate is to be submitted to Council documenting the findings of the assessment. The certificate is to include



recommendations for any rectification works which the structural engineer deems are necessary to maintain the structural integrity of the trunk drainage network. A certificate is to be submitted to Council every five (5) years.

Any rectification works required for the above must be undertaken by the proprietor at no expense to Council. Rectification works are to be carried out within twelve (12) months of the initial assessment, or where there is risk of failure, immediately. A certificate signed by a suitably qualified structural engineer is to be submitted to Council stating that the rectification works have been carried out in accordance with an approved design.

Reason: To ensure ongoing maintenance of the trunk stormwater drainage and flood barrier systems. (DACENH01)

66. Geo-technical and Channel Structure

- A. In order to monitor or rectify any:
- (i) creek or bank instability; and
 - (ii) structural stability and integrity of the channel structure

The persons responsible undertake the requirements of this condition as follows:

- a) the land owner of Lot 100, DP 1015283 to monitor and rectify any creek or bank instability works undertaken under this consent in accordance with (B) as detailed in this condition, for a period of 24 months after the issue date of the Final Occupation Certificate for the entire development
- b) the land owner of Lot 100, DP 1015283 is to monitor the structural integrity of concrete lined channel (and associated upstream development works of Lot 100, DP 1015283, No 145 Old Pittwater Road to Old Pittwater Road as works undertaken under this consent and rectify for a period of 12 months after the issue date of the Final Occupation Certificate for the entire development in accordance with (B) as detailed in this condition,
- c) the land owner of Lot 2 DP 600059 (upon the completion of the 24 month period stipulate in (a) above) is required to undertake the requirements detailed in (B)(I) as detailed in this condition in perpetuity
- d) the land owners of Lot 2 DP 600059 and Lot 30 DP 204107 (upon the completion of the 12 month period stipulate in (b) above) is required to undertake the requirements detailed in (B)(II) as detailed in this condition below in perpetuity

- B. The responsible person must undertake the following:

- I). An annual geo-technical investigation regime to be conducted by an appropriately qualified and practicing geo-technical engineer to review the following:
 - a) Undertake a geotechnical assessment of the creek banks, from Warringah Mall (on land at Lot 100, DP 1015283, No 145 Old Pittwater Road) boundary, upstream to Old Pittwater Road. The assessment is to include (but not be limited to) the following:
 - i) The stability of the creek bank and potential geotechnical hazards present within and surrounding the site,
 - ii) Any impacts of the works on creek bank stability,
 - iii) Current levels of risk to both life and property; and
 - iv) Creek bank remediation risk management measures.
 - b) A copy of the report is to be provided to all land owners and tenancy holders affected and / or adjacent to the creek.

A certificate is to be submitted to Council advising that the requirements of this conditions have been carried out.



- II). Provision for a suitably qualified structural engineer to assess the structural integrity of concrete lined channel (and associated upstream development works of Lot 100, DP 1015283, No 145 Old Pittwater Road to Old Pittwater Road as approved by this consent). A certificate is to be submitted to Council documenting the findings of the assessment. The certificate is to include recommendations for any rectification works which the structural engineer deems are necessary to maintain the structural integrity of the concrete lined channel. A certificate is to be submitted to Council every five (5) years.

Any rectification works required for the above must be undertaken by the persons stipulated within (A) of this condition at no expense to Council. Rectification works are to be carried out within twelve (12) months of the initial assessment, or where there is risk of failure, immediately. A certificate signed by a suitably qualified structural engineer is to be submitted to Council stating that the rectification works have been carried out in accordance with an approved design.

Reason: To ensure ongoing maintenance of the trunk stormwater drainage and flood barrier systems. (DACENH01)

67. Riparian Lands Vegetation

In order to appropriately and adequately manage the riparian zones and revegetated areas of Lot 2 DP 600059 and Lot 30 DP 204107 the lands are to be managed in accordance with the approved Environmental Management Plan (incorporating Biodiversity Management Plan and Vegetation Management Plan) detailed within this consent, the management is to be undertaken by:

- a. the land owner of Lot 100, DP 1015283 to monitor and rectify works undertaken under this consent for a period of 24 months after the issue date of the Final Occupation Certificate for the entire development
- b. the land owner of Lot 2 DP 600059 (upon the completion of the 24 month period stipulate in (a) above) is required to undertake the requirements detailed in this condition in perpetuity.

A certificate signed by a suitably qualified ecologist is to be submitted to Council annually stating that the site monitoring has been undertaken and rectification works (if required) have been undertaken in accordance with the requirements of this condition.

Reason: Management and protection of bushland. (DACNEC05)

68. Fertiliser

Fertilisers are to be spread in accordance with the requirements of the Environmental Management Plan.

Reason: To ensure bushland and riparian zone management. (DACNEG01)

69. Flood Management Plan

The Flood Management Plan required by this consent is to be implemented in perpetuity.

Reason: Flood Management.

70. Rehabilitation and maintenance

The relevant land owners must carry out Rehabilitation and Maintenance in accordance with the NSW Office of Water General Terms of Approval.

Reason: Environmental Protection, Monitoring and Enhancement. (DACNEG02)

