

Consolidated Conditions of Modification No 4 (Mod 2010/0178) approved 4 November 2010, Modification No. 3 (Mod2009/0030) approved 18 February 2009 Modification No. 2 (Mod2001/1615/2) approved 29 September 2006 Modification No. 1 (Mod2001/1615/1) approved 16 February 2006 of Development Consent No. 2001/1615 dated 11 May 2004

1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans as highlighted in red and documentation listed below and endorsed with Council's stamp, except where amended by conditions of consent:

Drawing No.	Drawing Title	Revision No.	Dated	Prepared By
D.101			5 February 2002	
D.103			5 February 2002	
D.104			5 February 2002	
D.105			5 February 2002	
D.106			5 February 2002	
DA 1.02			Stamped by Council 13 February 2002	
DA 2.01			29.10.01	
DA 2.10			29.10.01	
DA 2.11			29.10.01	
RM1		B	6.02.02	
RM2		A	6.02.02	
LP-SD-01		B	17.10.01	

As amended by modification 1 of consent by the highlighted sections on plans numbered:

DA.106	Second Floor Level		14/09/05	Billard Leece Partners Pty Ltd
DA.107	Roof Level		14/09/05	Billard Leece Partners Pty Ltd
DA .201	Elevations		14/09/05	Billard Leece Partners Pty Ltd
DA.211	Sections		14/09/05	Billard Leece Partners Pty Ltd

As amended by modification 2 of consent by the highlighted sections on plans numbered:

SK 10.07	Site Plan NTS		July 2006	Billard Leece Partners Pty Ltd
SK 10.08	Plan	A	July 2006	Billard Leece Partners Pty Ltd
SK 10.09	Elevation	A	July 2006	Billard Leece Partners Pty Ltd
SK 10.10	Perspective 01	A	July 2006	Billard Leece Partners Pty Ltd
SK 10.11	Perspective 02	A	July 2006	Billard Leece Partners Pty Ltd

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No. 1 (Mod2001/1615/1) approved 16 February 2006 of Development Consent No.
2001/1615 dated 11 May 2004**

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

Note: Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. **[A1 (1)]**

2. The Garigal Road elevation is to be setback to a minimum of 6.5 metres along the whole length of the site except for the vehicle egress area in the middle of length of the road.
3. A Construction Certificate is required to be approved by either Council or an Accredited Certifier, prior to the commencement of any works on the site. (C165)
4. Compliance with Building Code of Australia
All building work must be carried out in accordance with the provisions of the Building Code of Australia.

This clause does not apply to the extent to which an exemption is in force under Clause 80H or 80I, subject to the terms of any condition or requirement referred to in Clause 80H (6) or 80I (4). (C375)
5. Prior to finalising detailed designs of the proposed development, the applicant should check all existing public service utilities adjacent to the site and ensure that where necessary appropriate arrangements are made for the relocation and/or adjustment of any services at the applicant's expense. (C96)
6. The Footpath in Garigal Place is to be extended to the traffic lights in Forest Way. All works are to be in accordance with Council's Austec specification and completed prior to occupation.
7. Excavations and Backfilling
All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property. (C378)
8. Support for Neighbouring Buildings
If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
must preserve and protect the building from damage, and
if necessary, must underpin and support the building in an approved manner, and
must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - a. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the

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- allotment of land being excavated or on the adjoining allotment of land.
- b. In this clause, allotment of land includes a public road and any other public place. (C380)
9. Protection of Public Places
- a. If the work involved in the erection or demolition of a building:
- (i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (ii) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d. Any such hoarding, fence or awning is to be removed when the work has been completed. (C381)
10. Your attention is directed to the need to seek advice of your obligations from the Work Cover Authority. (C331)
11. In accordance with Part 7B of the EPA Act the owner of a building is to provide Council with an Annual Fire Safety Statement for the building (Form 15A). (C394)
12. All recommendations contained in Section 4 of the Bush Fire Threat Assessment report, by Conacher Travers dated October 2001, to be implemented in full.
13. Construction of approved kerb laybacks in accordance with the details shown on Warringah Council Plan A4-2276. (C90)
14. Provision of an on-site stormwater detention facility to control the rate of stormwater runoff from the site to be in accordance with the current version of Warringah Council's publication "On-Site Stormwater Detention – Technical Specification". (C68)
15. Dedication as a public road of suitable sites for electricity sub-stations, if required by the relevant electricity supply authority. (C55)
16. All construction and restoration work on Council's road and footpath area are to be carried out in accordance with the approved drawings and Council's Standard Specifications. (C110)
17. The total cost of all construction and restoration works on Council's road and footpath shall be borne by the developer/applicant. (C112)
18. A Consultant Engineer's Certificate is to be supplied to the Principal Certifying Authority on completion of the following stages of works and/or as and when requested by the Principal Certifying Authority.
- a) Silt and sediment control facilities
- b) Laying of stormwater pipes and construction of pits for interallotment drainage
- c) Sub-grade trimmed and compacted **
- d) Base-course laid and compacted **
- e) Kerb and gutter construction
- f) Pavement seal:sprayed bitumen **
- g) asphaltic concrete **

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Landscaping and vegetation Clean-up of site, and of adjoining Council roadway and drainage system. (** To be tested by a recognised N.A.T.A. approved laboratory).
(C115)

19. Adjustment to the Forest Way/Garigal Road intersection generally in accordance with the details provided on Drawing No. RM1 Revision B. The applicant will be required to provide detailed design plans for the proposed roadworks and traffic signal adjustments to the Roads and Traffic Authority for approval prior to commencement of any work.
20. Extension of the left turn northbound "slip" lane in Forest Way on approach to Mona Vale Road generally in accordance with Drawing No. RM1 Revision B. The applicant will be required to submit detailed design plans to the Roads and Traffic Authority for approval prior to commencing work.
21. Provision of a concrete median in Garigal Road adjacent to the truck access point to restrict right turns into the site and construction of a roundabout in the northern cul-de-sac of Niangala Close, these works to be generally in accordance with Drawing No. RM1 Revision B, including the amendment shown in red on Drawing RM2 Revision A and conform to the design requirements in Figure 3.2 in AS 2890.2-2002. This adjustment, in conjunction with the proposed median island, will further assist in restricting right turns from Garigal Road.
22. Construction and signposting of a bus bay and bus shelter shed to Council's requirements, in Garigal Road as detailed on Drawing No. RM2 Revision A.
23. Provision of an on-street car parking restriction signage on the Garigal Road and Niangala Close frontages. The restrictions shall be referred to the Warringah Traffic Committee for their consideration and advice, prior to the erection of the signage. Any approved signage resulting from the Committee's decision shall be at full cost to the applicant.
24. A signposting proposal to be submitted with the construction plans detailing appropriate signposting at all vehicle and pedestrian entry and exit points. The signposting to be in accordance with AS 2890.1 – 1993.
25. The provision of a minimum of 1,030 car spaces, bay dimensions, aisle widths, ramp widths and grades to comply with AS 2890.1 – 1993 and AS 2890.2 – 2002. Provision to be made for combined car/trailer parking.
26. The parking areas to have clearly defined circulation routes through the car park with the Customer pick up area being clearly designated and signposted.
27. All entry/exit driveways in Niangala Close and Garigal Road to be in accordance with Drawing No. RM1 Revision B to the satisfaction of Council with the following amendments:

The vehicle access driveway in Niangala Close to the Level 3 car park should be widened to provide 6.0m wide 'entry' and 'exit' driveways in accordance with Table 3.2 in AS 2890.1-1993

The vehicle access driveway off the cul-de-sac in Niangala Close should be adjusted to provide a 6.0m 'entry', 10.0m 'exit' with a 1.5m separation to conform with the requirements in AS 2890.1-1993 and AS 2890.2-2002.

Consolidated Conditions of Modification No 4 (Mod 2010/0178) approved 4 November 2010, Modification No. 3 (Mod2009/0030) approved 18 February 2009 Modification No. 2 (Mod2001/1615/2) approved 29 September 2006 Modification No. 1 (Mod2001/1615/1) approved 16 February 2006 of Development Consent No. 2001/1615 dated 11 May 2004

28. Any works required, resulting from the subject proposal would be at no cost to the RTA.
29. The 1.49 hectare bushland area in the north of the block, as identified in the plans submitted with the application is to be conserved, rehabilitated and managed through the use of a Section 88BA Instrument under the Conveyancing Act 1919 in accordance with the recommendations of the Species Impact Statement prepared by Conachers Travers and Vegetation Management Plan, dated February 2002. The instrument is to be written such that it is independent of ownership and is bound to the property title and is managed for the on-going conservation and protection of the remnant of Duffy's Forest Ecological Community. Management of the bushland area is to be in accordance with the Vegetation Management Plan prepared by the applicant for the life of the plan (5 years) and subsequent plans (or reviewed existing plan) prepared by the owner/land manager. This Plan is to be submitted to and approved by the Council.
30. The Vegetation Management Plan prepared by Conacher Travers (February 2002) is to be fully complied with including reporting requirements to the Department of Environment and Conservation Service and Council.

In-situ vegetation rehabilitation/regeneration and off-site soil seedbank translocation as outlined in the Vegetation Management Plan is to be undertaken by or under the supervision of a qualified bush regenerator (or equivalent) with experience in working in endangered ecological communities and soil seedbank translocation. Off-site soil seedbank translocation proposals shall be made to the satisfaction of Council's Bushland Management Team and in consultation with the Department of Environment & Conservation Threatened Species Unit.

The plan is to be amended and resubmitted for Council's approval prior to release of the Construction Certificate by the following:

2.3.1 The Hydrological Environment

This section to be further embellished/clarified.

Table 1 Flora Species Observed on the subject site

This table be amended to notate which species occur in the proposed Reserve.

Appendix 1 Site Rehabilitation Plan

3.3 Surface Revegetation/Translocation of Topsoil

Guidelines recommended in the draft Guidelines for the Management of Duffys Forest Ecological Community remnants: soil seedbank translocation, June 2004 to be incorporated in the Vegetation Management Plan and that the majority of the highly disturbed areas within the Reserve be revegetated using soil translocation.

In addition to maximize opportunities for regeneration to occur from translocated Duffys Forest topsoil, if stockpiling of the topsoil must occur, it should be minimized and placed on the prepared recipient sites as soon as possible after its removal from the donor site. Consideration of planting or direct seeding in the rehabilitation site should be based on the success of soil translocation 6-12 months after it has occurred, as regeneration from the soil seedbank may be great enough to obviate the need for these techniques.

3.5 Use of Herbicides

That the use of herbicide within the Reserve area be kept to an absolute minimum. It should not be the main removal method for the rehabilitation (soil translocation site) or for areas to be regenerated. The guidelines in the report Translocation of biotic material from Duffys Forest Ecological Community (DFEC) November 2001 prepared by Kate Low and Associates and J Harkin should be incorporated into the document to minimise the use of herbicide in the.

Attachment 2 Safety Guidelines for the use of Herbicides

These guidelines should be amended to reflect that the only herbicide to be used should be glyphosate; consequently the third paragraph referring to dust masks, face shields and respirators can be deleted. The reference to rubber gloves should be deleted and the reference to plastic gloves retained. Eye goggles/protective glasses should be included in the list of protective equipment in paragraph 4. The last paragraph should include a statement to the effect that care should be taken to prevent pollution of waterways including stormwater drains and gutters.

Table 2 Action Plan

Pre-Construction Stage

Include an action statement to remove selected noxious weed species from the development area in consultation with Council's noxious weeds officer.

Remove 2nd objective (minimise disturbance to fauna) in its entirety.

Construction Stage

In the second action include a reference to the effect that topsoil removal will refer to guidelines from the report Translocation of biotic material from Duffys Forest Ecological Community (DFEC) November 2001 prepared by Kate Low and Associates and J Harkin Consulting

In the fifth action with the objective "Minimise potential fire threat on the proposed development" include in the Performance Target a reference to the effect that fuel reduction activities within Duffys Forest are to be undertaken in consultation with the Department of Environment and Conservation Service Northern Beaches area manager.

Occupation Stage

In the fourth action with the objective "Improve health and regenerative capacity of degraded bushland include in the Performance Target that topsoil translocation will refer to guidelines from the report Translocation of biotic material from Duffys Forest Ecological Community November 2001 prepared by Kate Low and Associates and J Harkin Consulting. In the Means of Achieving Objective and Performance Targets delete "A triangular piece of land, adjacent to Garigal National Park on the south west corner of the Mona Vale Rd/Forest Way intersection. Amend the last sentence to "Responsibility for management of recipient site falls to Council once Council is satisfied with the soil translocation."

In the seventh action with the objective "To assess the success of the fire fuel reduction works within the excluded area" Include in Means of Achieving Objective and Performance Targets a reference to the effect that fuel reduction activities within

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Duffys Forest are to be undertaken in consultation with the Department of Environment and Conservation Service Northern Beaches area manager.

On-going management of retained DFEC as proposed in the vegetation management Plan to be consistent with the Management guidelines as per "draft Guidelines for the Management of Duffys Forest Ecological Community remnants: ecological restoration & reconstruction, June 2004"

The Final Vegetation Management Plan is to be implemented in full in consultation with Council and in accordance with the positive covenant established under the Section 88BA instrument.

The Site Rehabilitation Plan (Appendix 1 to the Vegetation Management Plan) provides the required details on the procedures and details required to establish and maintain a vegetative growth. This Plan is to be implemented in full in consultation with Council and in accordance with the positive covenant established under the Section 88BA instrument.

31. All plants for rehabilitation of bushland areas must be propagated from material collected on 2-4 Ningala Close as a first preference or from within the Austlink estate as the only alternative. It is strongly recommended that sufficient material is collected while plants are in seed (early in the calendar year). Details of plant propagation must be provided in the Vegetation Management Plan.
32. Permanent interpretive signage about the endangered ecological community, Duffys Forest and adjacent Garigal National Park should be designed by the applicant, approved by Council and placed on site by the applicant in a position designated by the Vegetation Management Plan.
33. Suitable vegetation is to be provided along the Garigal Road and Niangala Close frontages. Such vegetation should be of a type and form which will effectively soften the appearance of the building when viewed from these roads. Screening vegetation up to 10 metres in height is recommended, with suitable species to be approved by Council's Environmental Officer. Full details of this landscaping to be provided to Council for final approval.
34. There is to be additional landscaping of Duffys Forest Vegetation on the corner of Forest Way and Garigal Road to soften and screen the corner of the buildings when viewed from Forest Way. A dense landscaped area (as marked in red on the landscape plan LP-SD-01), with a minimum width of 6.5 metres from the Forest Way frontage, and tapering down to 2 metres width (as constrained by the perimeter road and concrete public footpath) within the Garigal Road frontage, is to be established using semi-mature species.
35. All landscaping provided shall not restrict or hinder visibility of accessways and will allow for casual surveillance over the site.
36. Service areas and access ways are to be either secured or allow casual surveillance.
37. There is to be adequate lighting of entrances and pedestrian areas.
38. A separate development application being submitted to Council for all proposed signage to be erected on the property. It should be noted that the signage proposed in the development application is not approved.

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2001/1615 dated 11 May 2004**

39. The gross floor space of shops and restaurants in the development shall not exceed 2500 square metres for shops and 302 square metres for restaurants.

39A Notwithstanding Condition 41 the following restrictions also apply to the gross floor space of shops:

- a) 1000 square metres of shops may be utilised for general retailing.
- b) 1500 square metres of shops is subject to the following restrictions:
 - i. This consent does not authorise the use of the additional 1500 square metres for shops whose primary purpose is for the retailing of clothing or apparel.
 - ii. This consent does not authorise any individual shop to exceed 400 square metres of gross floor space.

40. That Council choose and engage an independent property analyst to prepare and submit to Council, at the cost of the owner of the complex, an annual audit of floor space usage.

Audits are to be undertaken annually without any notice to the owner or occupants of the complex and the first audit to be carried out prior to the sixth month anniversary of commencement of operations. The audit is to identify for each tenancy the amount of gross floor area used, the range of products displayed for sale and whether the use is bulky goods, shops or restaurants.

41. This consent does not authorise the use of any shop for the purposes of a supermarket or other similar food sales outlet.

41A. Deleted

41B. Deleted

42. The development is to cater to the needs of persons with a disability including:
Access ways are to be continuous, independent and barrier-free and incorporated in the design of the proposed development in accordance with relevant Australian Standards;
Pathways are to be reasonably level with minimal cross-fall and sufficient width, comfortable seating and slip resistant floor surfaces;
Effective signage and illumination is to be provided; and
Tactile ground surface indicators for the orientation of people with visual impairments are to be provided.

43. Specific design features that are intended to discourage the incidence of crime at and in the immediate vicinity of the proposed development including closed circuit television security systems, physical exclusion measures, detection devices and management mechanisms.

44. Illumination of the centre to be designed in a way that will not cause nuisance to surrounding and adjoining uses. Details are to be provided to Council for final approval.

45. Lighting of the rooftop car parking area to be designed and installed in a manner which prevents spillage and glare being experienced by surrounding residents. Details are to be provided to Council for final approval.

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45A. Rooftop Lighting

All rooftop lighting is to be limited to "security level" lighting from 10pm to 6am or 1 hour prior to closing time (whichever is earlier) to ensure no unreasonable glare is emitted from the rooftop area.

Reason: *To ensure no unreasonable glare is emitted from the rooftop area.*

46. Waste and recycling bin enclosures are to be adequate in size, durable, integrated with the building design and site landscaping, suitably screened from public places or streets and located for convenient access for collection.
47. If any Aboriginal site is uncovered or unearthed during the construction phase work must stop immediately and the Metropolitan LALC and Department of Environment and Conservation notified. Any directions or actions that arise from such a stoppage that are reasonably required by the Department of Environment and Conservation must be followed prior to construction re-commencing.
48. Payment of the Long Service Leave Levy is required prior to the release of the Construction Certificate. This payment can be made at Council or to the Long Services Payments Corporation. This payment is not required where the value of the works is less than \$25,000. (C3)
49. The payment of the following developer contributions prior to the approval/release of the construction certificate.
Section 94 Estimation for 1000 increased Sq M Shops
\$ 2930 Total (Account 6924)
Section 94 Estimation for 302 increased Sq M Restaurants
\$ 884.86 Total (Account 6924)
Section 94 Estimation for 37155 increased Sq M Warehouse
\$ 43471.35 Total (Account 6924)
These amounts have been calculated using the Warringah Section 94 Contributions Plan. They are current at the time of issue of this Consent. They will be adjusted at the time of payment according to the quarterly CPI (Sydney – All Groups Index). An updated schedule of Council's contribution rate is issued each quarter and is available at Council's office. Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated. (C7)
50. The payment of an on-site detention checking fee of \$450 to Account WCP 20340 U351, prior to issue of the Construction Certificate. (C512)
51. \$50,000.00 bond against damage to bushland in the dedicated reserve area and the Forest Way frontage is to be lodged with Council prior to release of the Construction Certificate and refunded in part or full to the applicant pending the satisfaction of Council bushland staff prior to the release of the completion certificate.
52. Payment to Warringah Council of a \$ 15000 bond as security against damage to Council's roads caused by the transport and disposal of materials and equipment to and from the site. This amount to be paid prior to the issue of the Construction Certificate and to be verified by the accredited certifier. (C108)
53. The payment of \$117,250 (indexed to the CPI) to Council prior to the release of the Construction Certificate, to be held in trust as compensation strategy for the loss of the endangered ecological community, Duffs Forest Ecological Community. The sum is based on a rate of \$17.50 per square metre of removed or unsustainable area of Duffy's Forest Ecological Community on the site, i.e. 6700m². The contribution to be

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2001/1615 dated 11 May 2004**

held in trust for the regeneration of public bushland or to secure an area of Duffys Forest Ecological Community (DFEC) with high ecological integrity currently not in public ownership in accordance with the documents *Assessment of bushland condition for Duffys Forest Ecological Community (DFEC) remnants owned or managed by Warringah Council, September 2001*, and *Recommendations for bush regeneration and associated works for Duffys Forest Ecological Community (DFEC) remnants in Warringah LGA, October 2001*, prepared by Kate Low & Associates and J. Harkin Consulting..

54. Prior to release of the Construction Certificate the Principle Certifying Authority is to ensure that concurrence of the NSW Fire Brigade is obtained, if required, for compliance with Clause C2.4 of the Building Code of Australia.
55. Submission at the Construction Certificate stage of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, and such fire safety schedule shall specify the minimum standard of performance for each fire safety measure. (C371)
56. The developer/applicant is to obtain a "Road Opening Permit" from Council and pay all appropriate charges prior to commencement of any work on Council property.
The developer/applicant shall be responsible for all public utilities and services in the area of the work, and as such shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary. (C113)
57. The payment of \$10000 to account Reg 009 - *TF 036 prior to issue of a construction certificate as security to ensure that:
 - a. all silt and sediment control measures are installed and maintained;
 - b. there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems; and
 - c. maintenance of all facilities in accordance with Council's Specification for Erosion Control and Sediment Control. (C42)
58. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator; for details see the Sydney Water web site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.
Following application, a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development. (C58)
59. Provision of 3 vehicle crossings, 15 metres wide in accordance with Warringah Council Drawing No.A4-3330 to approved levels and specifications. An application for street levels is to be made prior to issue of the Construction Certificate. (C89)
60. All works on the site shall be undertaken to prevent erosion and transport of soil and sediment off the site and onto adjoining properties. Measures shall be taken in accordance with the requirements of Warringah Council's Specification for Erosion and Sediment Control. A plan shall be submitted to the council / or certifier prior to

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Modification No. 2 (Mod2001/1615/2) approved 29 September 2006 Modification
No. 1 (Mod2001/1615/1) approved 16 February 2006 of Development Consent No.
2001/1615 dated 11 May 2004**

issue of the Construction Certificate. (C41)

61. Stormwater management is to be in accordance with the Council's draft policy "Drainage Easements and Building over Constructed Public Drainage Systems".
62. The overland flow from the on site detention tank is to be conveyed to Council's existing street drainage system by a suitably designed overland flow path that is compatible with the landscaping plans. The design is to be prepared by a suitably qualified civil engineer and should minimise scour and be stable for pedestrians walking among the footpath area.

Engineering details are to be submitted to the principle certifying authority prior to the issues of the construction certificate.
63. The pollution control device as detailed in the drainage plan by Sparks and Partners (CDA 01) is to be a device manufacturer by CDS Technologies or a CSR "Humes Ceptor". The pollution control device is to be sized/designed to meet the objectives of Council's "Northern Beaches Stormwater Management Plan. Details are to be submitted to Council development engineer prior to the issue of the construction certificate for approval.
64. Adequate on-site provision to be made for construction staff carparking. Prior to issue of the Construction Certificate, the certifier to verify that these carparking spaces are provided to appropriate standards. (C15)
65. At least 2 days prior to work commencing on site Council must be informed, by the submission of Form 7 of the Environmental Planning and Assessment Regulation 1998 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence. (C168)
66. The sediment and erosion control facilities are to be installed, and approved by the Principal Certifying Authority, prior to the commencement of any other works on the site. These facilities are to be maintained in working order during the construction works and up to the completion of the Maintenance Period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site. (C116)
67. Prior to the commencement of any excavation of Council's roadway or reserve, the builder, or his contractor, shall obtain a "Road Opening Permit" and pay all associated restoration charges to Council. A copy of such permit shall be kept on-site during the works.

Failure to comply with this requirement will result in Council taking action to recover all of its costs in accordance with the provisions under Section 94 of the Roads Act 1993. (C523)
68. Hours of construction being restricted to 7am to 5pm Monday to Friday, Saturday 7am to 1pm if audible at residential premises. No audible construction work to take place outside these hours. (C326)
69. Provision shall be made throughout the period of construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site. (C44)

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Modification No. 2 (Mod2001/1615/2) approved 29 September 2006 Modification
No. 1 (Mod2001/1615/1) approved 16 February 2006 of Development Consent No.
2001/1615 dated 11 May 2004**

70. Dust control measures shall be undertaken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment. (C529)
71. Plant and demolition materials shall not be placed or stored within the public road reserve and shall be stored within the boundaries of the site during demolition works. Failure to comply with this condition may result in Council taking action to remove the offending items from the public reserve, and all costs incurred by Council will be deducted from any deposit moneys held in relation to the subject property. (C522)
72. Adequate protection measures are to be employed to retain excavated areas during the construction process. (C37)
73. 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, to the satisfaction of the Principal Certifying Authority, and in accordance with Council's Standard specifications for engineering works. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works. (C117)
74. Footpath and roadway being kept free of obstruction by building materials and plant. All concrete trucks, pumps and/or agitators being kept wholly within the building site. No concrete or slurry being discharged onto Council's street surfaces, nature strips, drains/gutters, reserves parks etc. (C321)
75. Retaining Walls and Drainage.
If the soil conditions require it:
 - a. retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - b. adequate provision must be made for drainage. (C379)
76. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition. (C88)
77. All materials excavated from the site shall be disposed of to a site suitable for the receipt of such materials. Prior to issue of the Construction Certificate the accredited certifier to verify that appropriate arrangements have been put in place to ensure that such materials are disposed of in an environmentally suitable location and manner. (C109)
78. The building shall not be occupied until an Occupation Certificate has been issued. (C162)
79. To ensure the safety of occupants of the building a "Fire Safety Certificate" which identifies the schedule of "Fire Safety Measures" that have been completed to satisfactory standard shall be provided to Council prior to the issue of an "Occupation Certificate" as required in Part 7B of the "Environmental Planning and Assessment Amendment Act 1997". (C387)
80. The on-site detention system and associated drainage works are to be constructed in accordance with the drainage plan prepared by Sparks and Associates, REF Nos. CDA 01-05. On completion of works a Compliance Certificate is to be issued by an accredited certifier in civil works registered with the Institute of Engineers, stating the

Consolidated Conditions of Modification No 4 (Mod 2010/0178) approved 4 November 2010, Modification No. 3 (Mod2009/0030) approved 18 February 2009 Modification No. 2 (Mod2001/1615/2) approved 29 September 2006 Modification No. 1 (Mod2001/1615/1) approved 16 February 2006 of Development Consent No. 2001/1615 dated 11 May 2004

works are in accordance with the above Council approved plans and Council's on site detention "Technical Specifications".

81. Creation of a Positive Covenant on the title of the land requiring the proprietor of the land to maintain any water quality control and/or stormwater detention structures required by this Consent, in accordance with the standard requirements of Council. The Positive Covenant is to be prepared by the applicant using terms acceptable to, and which are available from Warringah Council. (C51)
82. Street number being affixed to building prior to occupation. (C322)
83. Where any conditions of this Consent require dedication, consolidation, easement or covenant, the number allocated by the Land Titles Office to the documents and/or plans referred to shall be advised in writing to Warringah Council, together with a letter of intent to proceed with the Positive Covenant, prior to Occupation. A certified copy of the documents shall be provided to Warringah Council after final approval and registration has been effected by the Land Titles Office. (C57)
84. Reinstatement of redundant crossings and laybacks prior to issue of the final Compliance Certificate. (C91)
85. Restrictions as to User shall be created over the on-site detention tank, restricting any alteration to the levels and/or any construction on the land. The terms of such restriction to be prepared to Warringah Council's standard requirements at the applicant's expense. Warringah Council shall be nominated as a party to release, vary or modify such restriction. (C53)