

Annexure A

MODIFICATION OF DEVELOPMENT CONSENT NO: N0183/15

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF DETERMINATION

OF A DEVELOPMENT APPLICATION

Applicant's Name and Address:

**BOSTON BLYTH FLEMING PTY LTD
1/9 NARABANG WAY
BELROSE NSW 2085**

Being the applicant in respect of S96 Modification Application No N0183/15/S96/2

Pursuant to section 81 of the Act, notice is hereby given of the determination by Northern Beaches Council, as the consent authority, of this Development Application for: -

Modification of consent N0183/15 for alterations and additions and general refurbishment of the existing hotel

At:-

Lot 1 DP 652476

**2 PARK STREET
MONA VALE NSW 2103**

Decision:

The Development Application has been determined by the granting of deferred commencement consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

- Architectural drawings,
 - DA-A.XX.001, Issue F, Site Plan & Roof Plan
 - DA-A.00.001, Issue 8, Ground Floor- Existing/Demolition Plan
 - DA-A.01.001, Issue 8, First Floor- Existing/Demolition Plan
 - DA-D.00.011, Issue E, Ground Floor-General Arrangement Plan 01
 - DA-D.00.012, Issue F, Ground Floor-General Arrangement Plan 02
 - DA-D.01.011, Issue E, First Floor-General Arrangement Plan
 - DA-E.XX.001, Issue F, Overall Building- External Elevation 01
 - DA-E.XX.002, Issue D, Overall Building- External Elevation 02
 - DA-E.XX.003, Issue C, Overall Building - External Elevation 03
 - DA-E.XX.004, Issue A, Overall Building-External Elevation 04, dated 13 October 2015
 - DA-F.XX.001, Issue D, Overall Building- Sections AA & BB
 - DA-F.XX.002, Issue D, Overall Building-Section CC

All dated 9 October 2015, prepared by Alexander & Co.

- Landscape Plan and Statement, DA-01 through to DA-06, prepared by Aspect Studios, dated May 2015.
- Fencing detail drawings, undated, unauthored
 - SK-G.00.001
 - SK-G.00.002

- SK-G.00.003
- SK-G.00.004
- Schedule of colours and finishes, dated 11 2015, prepared by Alexander & Co.
- Transport Impact Assessment report, dated 25 May 2015, and Supplementary Traffic Statement, dated 1 September 2015, both prepared by GTA Consultants;
- Arboricultural Impact Assessment report, dated 21 May 2015, prepared by Glenyss Laws Consulting Arborist;
- Flooding Issues and Design Summary report, dated 15 September 2015, prepared by Henry & Hymas;
- BCA Compliance Letter, dated 18 May 2015, prepared by Steve Watson & Partners;
- Acid Sulphate Soils report, dated 25 May 2015, prepared by Coffey;
- Geotechnical Investigation report, dated 20 May 2015, prepared by Coffey;
- Crime Prevention through Environmental Design Assessment report, dated May 2015, prepared by Barker Ryan Stewart;
- Plan of Management, dated August 2015, subject to the amendments required to the satisfaction of Council by condition 1 in Part 1 of the conditions of consent;

As further modified by:

- **Architectural drawings prepared by Alexander & Co. as follows:**
 - S96 A.XX.001 Site Analysis and Roof Plan dated 25.10.2016 Issue B;
 - S96 A.00.011 Ground Floor – Existing and Demolition Plan dated 25.10.2016 Issue B;
 - S96 A.01.011 First Floor- Existing and Demolition Plan dated 25.10.2016 Issue B;
 - S96 D.00.011 Ground Floor General Arrangement Plan dated 25.10.2016 Issue B;
 - S96 D.01.011 First Floor General Arrangement Plan dated 25.10.2016 Issue B;
 - S96 E.XX.001 Overall Building – External Elevation 01 dated 25.10.2016 Issue B;
 - S96 E.XX.002 Overall Building – External Elevation 02 dated 13.10.2016 Issue A;
 - S96 F.XX.001 Overall Building Sections AA & BB dated 13.10.2016 Issue A;
 - S96 W.00.101 Proposed Works – Materials Palette dated 25.10.2016 Issue A;

As further modified by:

- **Architectural drawings prepared by Alexander & Co. as follows:**
 - *Drawing DA02-A.XX.001 (Site Analysis Plan & Roof Plan), Issue A, dated 18 July 2017;*
 - *Drawing DA02-E.XX.001 (South Western Elevation at Boundary – Park Street, North Western Elevation at Boundary), Issue A, dated 18 July 2017;*
 - *Drawing DA02-E.XX.002 (South Eastern Elevation at Boundary – Barrenjoey Road), Issue B, dated 23 November 2017.*
- Signage DA Graphic Package (in reference to Signs 1, 2, 3A, 3B, 4, 5A, 5B, 6, 7, 8, 9A, 9B, 10 and 11), Issue B, dated 23 November 2017.***

as amended in red (shown clouded) or as modified by any conditions of this consent

The reason for the imposition of these conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act, pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

Note: For ease of reference, all of the previous conditions have been re-listed. Those conditions amended or deleted have been highlighted.

Endorsement of date of consent 6/10/2016, **Modified 6 March 2017, Modified 1 December 2017**

Mark Ferguson
INTERIM GENERAL MANAGER

Per:

PART 1

DEFERRED COMMENCEMENT CONSENT

1. The Plan of Management shall be amended to the satisfaction of Council:

- (a) to identify in Part 1(1) the correct site details, being 2 Park Street, Mona Vale, Lot 1 DP 652476;
- (b) so that Part 4(15) reads:

The Hotel may operate during the following hours (subject to any area-specific restrictions elsewhere in this plan of management or the development consent conditions):

- 5am - 3am : Monday to Saturday
- 10am- 10pm : Sunday

- (c) so that Part 5(16) reads:

The maximum number of persons permitted within the Hotel at any one time is to be in accordance with any development consent.

The maximum hotel lunchtime (between 11.00am and 2.00pm) patronage shall be restricted to:

- Monday to Thursday- 400 patrons Friday - 300 patrons
- Saturday 800 patrons Sunday 1450 patrons

At all other times the maximum hotel patronage shall be restricted to 2260 patrons.

- (d) to delete Part 15(75) "Amendment to Plan of Management" and so that the document does not purport to enable the plan to be modified without modification to this consent (whether unilaterally or otherwise);
- (e) to delete Part 16(76) (that paragraph only) "Loading Area Management Plan" and set out instead a Loading Management Plan prepared by a suitably qualified professional detailing the operation of the bottle shop drive-through and loading area. The plan should also ensure that public access through this area is not affected when loading or unloading is occurring and must provide that there are to be no deliveries to the loading area after 10am;
- (f) to be consistent with the conditions in Part 2 of these conditions of consent; and
- (g) to detail management measures/procedures and staffing arrangements that ensure compliance with the patron numbers required by Part 2 of these conditions of consent,

Upon receipt of evidence within 12 months from the date of this consent satisfying the above, the consent will become operative, subject to the conditions listed in Part 2 below.

The consent will lapse if evidence satisfying the above condition is not received within the prescribed time period.

PART2

Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. A sign must be erected in a prominent position onsite only showing:
 1. the name, address and telephone number of the Principal Certifying Authority for the work, and
 2. the name of the principal contractor or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 3. that unauthorised entry to the work site is prohibited.

The sign must 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.

4. This approval/consent relates only to the new work nominated on the approved consent plans and does not approve or regularise any existing buildings or structures within the property boundaries or within Council's road reserve.

Any building work in relation to the development consent is to be carried out in accordance with the requirements of the Building Code of Australia.

B. Matters to be incorporated into the development and maintained over the life of the development:

1. The maximum hotel lunchtime (between 11.00am and 2.00pm) patronage shall be restricted to:
 - (a) Monday to Thursday- 400 patrons
 - (b) Friday- 300 patrons
 - (c) Saturday 800 patrons
 - (d) Sunday 1450 patrons

2. Except as specified in condition B1, the maximum hotel patronage shall be restricted to 2260 patrons.
3. The hotel building must not be modified in any way that reduces the number of persons the hotel is capable of accommodating under the Building Code of Australia below the number of persons specified in condition B2.
4. The hours of operation are restricted to between:
 - **5am - 3am : Monday to Saturday**
 - **10am-10pm: Sunday**
5. For the avoidance of doubt:
 - (a) where these conditions of consent, or the Plan of Management, provide for more limited hours of operation in a particular area of the hotel than those specified in condition 84, those more limited hours of operation apply to those areas of the hotel; and
 - (b) where particular areas within the hotel cannot be operated at particular times without breaching the noise limits set out in condition 810, the noise limits prevail and must be complied with notwithstanding any potential operating hours for that particular part of the hotel prescribed in the Plan of Management.
6. The person having the benefit of this consent from time to time must monitor the number of patrons in the hotel at any time and must notify Council within 48 hours of any breach of condition 81 and 82 of this consent.
7. Signage is to be attached immediately inside the main door of the premises fronting Mona Vale road setting out:
 - (a) the maximum capacity the premises at the times specified in conditions B1 and 82;
 - (b) the hours of operation of the hotel, including the general operating hours in condition 84 and the specific hours of operation of each area of the hotel specified in the plan of management or elsewhere in this consent; and
 - (c) the contact details of the manager of the hotel from time to time.
8. The development shall be operated in accordance with the Crime Prevention through Environmental Design Assessment report, prepared by Barker Ryan Stewart, at all times.
9. The development shall at all times be operated in accordance with the Plan of Management listed as an approved document under this consent, in the form in which Council was satisfied that condition 1 in Part 1 of these conditions of consent were met. Unless otherwise specified in these conditions, in the event of any inconsistency between the Plan of Management and these conditions of consent, these conditions are to prevail.
10. For the life of the development, there must be maintained (and not surrendered or otherwise dealt with) for the benefit of the subject property the easement for car parking variable width (C) created by DP1070761, comprising a non- exclusive right to park up to 280 cars on the area designated (C) on that deposited plan within Lot 10 DP 818304, currently known as Pittwater Place Shopping Centre.
11. The development shall be constructed and operated in accordance with:
 - (a) the acoustic criteria set out in Annexure A to these conditions; and
 - (b) the recommendations and requirements set out in the reports of Steven Cooper, The Acoustic Group, dated 9 April 2016 entitled "Position paper Boston Blythe Fleming v Pittwater Council" and 19 July 2016 entitled "MONA VALE HOTEL, MONA VALE", except where operation in accordance with those recommendations or requirements

would breach, or otherwise be contrary to, any requirement in Annexure A.

12. The person having the benefit of the consent, at its expense, is required to engage an independent consultant to undertake noise monitoring over a period of 6 hours from 9.00pm to 3.00am on 3 separate occasions, excluding the colder months (May to September inclusive), to assess compliance with the acoustic criteria in condition 1O(a) during the first 12 months of operation in reliance on this consent and to submit a report to Council undertaking such an assessment no later than 14 months after operation commences.

13. The external doors to the Lounge and deck area at the north-east of the development are to remain closed after midnight, except for when patrons are moving in and out of the deck/terrace area.

14. DELETED.

15. No odour nuisance shall be created by the operation of any plant or equipment or any procedure carried out at the premises.

16. Without limiting the obligation to comply with any other conditions in these conditions of consent, noise levels shall comply with the requirements of the *Protection of the Environment Operations Act 1997*.

17. The construction, fit out and finishing of the kitchen and food handling and storage areas must comply with:

1. Pittwater Councils Code for the Construction & Fit Out of Food Premises, and
2. The Food Safety Standard 3.2.3 (as part of the Food Standards Code) required by the *Food Regulation 2004*.

18. There are to be no deliveries to the loading area of the subject site after 10 am.

19. Compliance of the mechanical exhaust ventilation systems with AS 1668 must be certified by a practicing mechanical engineer.

20. Under the *NSW Food Act 2003*, all food handling businesses in NSW are required to "notify" their details to the NSW Food Authority. The food premises must be notified with NSW Food Authority. Notification may be done either online at www.foodnotify.nsw.gov.au or by lodging a completed NSW Health Food Notification form to NSW Food Authority or Council. It is the responsibility of all food businesses in NSW to also ensure they comply with the relevant parts of the national Food Standards Code.

Note: A fee applies when lodging notification forms with Council.

21. Sanitary facilities shall be provided in accordance with Part 2 of the Building Code of Australia.

22. The recommendations of the Crime Prevention through Environmental Design Assessment prepared by Barker Stewart Ryan dated May 2015 shall be adhered to for the life of the development.

23. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.

24.

- a. All structural elements below the Flood Planning level (7.46m AHD) shall be of flood

compatible materials.

b. All structures must be designed and constructed to achieve low risk of damage and instability due to flood hazard.

25. The minimum floor level shall be at least 300mm above the 1% AEP peak flood water level.
26. All building material below 7.46m AHD shall be made of flood compatible materials.
27. All fencing on the property must be flood compatible.
28. The storage of all stock (including chemical, toxic and hazardous material) shall be at or above 7.46m AHD.
29. No electrical equipment or electrical motors within the proposed additions are to be located below the Minimum Floor Level Requirement (7.46m AHD).
30. All electrical equipment, power points, wiring, fuel lines or any other service pipes and connections associated with the proposed additions must be waterproofed or raised to 7.46m AHD.
31. Electrical wiring/data cabling associated with the proposed additions needs to be made suitable for submergence during a flood event to IPX7 standard (or a higher standard) where installed at or below a depth of 7.46m AHD.
32. A current (and regularly updated) version of the SES Business Flood Safe Tool Kit available from <http://floodsafe.ses.org.au/floodsafe/businessstoolkit/> is to be compiled and printed for each tenant and kept on the premises at all times. All employees are to be made aware of the Flood Safe Toolkit.
33. The 'Flooding Issues and design summary report by Henry & Hymas dated 15 September' or its subsequent update shall apply for the life of the development.
34. A 129m³ underground depressed storage area is to be constructed and maintained for the life of the development, to ensure no loss of flood storage on the site in the 1% AEP event.
35. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for noxious/environmental weed lists.
36. No environmental weeds are to be planted on the site. Refer to Pittwater Council website http://www.pittwater.nsw.gov.au/environment/noxious_weeds for environmental weed lists.
37. In accordance with Pittwater Councils DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.
38. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of

bushland, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.

39. Any vegetation planted onsite outside approved landscape zones is to be consistent with locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Pittwater Council website http://www.pittwater.nsw.gov.au/environment/species_lists
40. At least eight (8) locally native canopy trees which will mature at a height of no less than 8.5 metres are to be planted onsite to replace trees approved for removal. Canopy tree species are to be selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and the Native Gardening link on Council's website http://www.pittwater.nsw.gov.au/environment/species_lists. All native trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.
41. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
42. All garbage enclosures/stores shall be constructed and fitted out and maintained over the life of the development in accordance with the following:
 1. A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
 2. The area used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete, concrete blocks, structural fibrous cement or other similar homogeneous material) so as to prevent the formation of cavities which become possible harbourages for insects and vermin. Framing in timber is not permitted.
 3. The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
 4. The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
 5. Stormwaters shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
 6. The garbage and recycling enclosure shall be made vermin proof.
 7. Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
 8. Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Council's satisfaction.
43. Without limiting the obligation to comply with any other conditions in these conditions of consent, noise from the operation of any plant or equipment at the premises shall not exceed either the intrusive or amenity criteria listed in the NSW Industrial Noise Policy January 2000.
44. No odour nuisance to the public or any adjoining premises shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
45. All utility services including overhead power supply and communication cables located in

the adjacent road verge & those to service the development are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.

46. The construction, fit out and finishing of the kitchen and food handling and storage areas must comply with; Australian Standard 4674-2004 Design, construction and fit-out of food premises, and The Food Safety Standard 3.2.3 (as part of the Food Standards Code) required by the Food Regulation 2010.
47. Walls in and adjoining food handling areas must be of solid masonry construction (no voids or cavities) and finished as specified in table 3.2 of AS 4674-2004 Design, construction and Fit-out of food premises.
48. Floors with an epoxy resin finish must comply with AS 3554
49. Floors shall be:
 - (a) appropriate for the area;
 - (b) able to be effectively cleaned;
 - (c) laid in accordance with the relevant Standards (see AS 3958.1 for ceramic tiles) so that there is no likelihood of pooling water and harbourage of pests
50. Coving shall be a minimum of 25mm radius at the floor wall joint, this will increase to a minimum of 50mm when splayed at 45 degrees. No "feather edge skirting" is permitted. Where vinyl or similar sheeting is installed and the sheeting is turned up to form a cove, a solid preformed coving fillet shall be used to support the sheeting.
51. Cupboards, cabinets and counter construction must be free of voids, cracks and crevices and designed so they can be easily cleaned and not give harbourage for vermin. They should be fitted a minimum of 150mm above the floor level or situated on a solid plinth a minimum of 75mm in height and meet the same specifications as the floor and be coved.
52. Fixtures, fittings and equipment shall be designed and constructed in accordance with the requirements given in Table 4.3 and 4.4 of AS 4674-2004 Design, construction and fit-out of food premises.
53. The ceiling over all food handling areas (including over the servery and bar) must be non-pervious and finished free of open joints, cracks and crevices. The ceiling shall be finished with a sealant that is of light colour, washable and an impervious material. Drop panel type ceilings are not appropriate for these areas.
54. Hand washbasins must be provided in the food servery/preparation area, preferably installed with hands free taps. A hand wash basin should ideally be located within 5 metres of any food handling and be easily accessible and usable.
55. Hand washbasins must be provided with:
 - (a) an adequate supply of potable warm running water delivered through a single spout;
 - (b) a supply of liquid soap; and
 - (c) single use hand towel
56. The premises shall be provided with equipment for cleaning and sanitizing as specified within Tables 4.1 and 4.2 of AS 4674-2004 Design, construction and fit-out of food premises.

57. Dishwasher and glass washers that are used for sanitizing food contact surfaces and eating and drinking utensils must comply with AS 2945.
58. Grease arrestors and access openings to the sanitary drainage must not be located within any food preparation and/or handling area.
59. All service pipes, conducts and electrical wiring shall be either concealed in floors, walls, ceiling or plinths or be fixed on brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe and the adjacent horizontal surface.
60. All food preparation areas and areas where food is displayed must be suitably protected from the likelihood of contamination.
61. All shelving, cupboards, doors and the like must be impervious and easy to clean on all exposed surfaces and as far as practicable constructed and installed to prevent vermin harbourage.
62. A commercial kitchen must be provided with a kitchen exhaust hood complying with AS/NZS 1668.1:1998 (fire and smoke control in multi- compartment buildings) and AS 1668.2-1991 (mechanical ventilation for acceptance indoor- air quality) where -
- (a) any cooking apparatus has:
 - i. a total maximum electrical power input exceeding 8 kW; or
 - ii. a total gas power input exceeding 29 MJ/h; or
 - (b) the total maximum power input to more than one apparatus exceeds -
 - iii. 0.5 kW electrical power; or
 - iv. 1.8 LJ gas,
- Per m² of floor area of the room or enclosure.
63. No odour nuisance, to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedures carried out at the premises.
64. Sanitary facilities are to comply with the requirements set out within Table F2.3 of the BCA.
65. Provision must be made for storage of garbage containers and recyclable materials in an external area of the premises or in a room specifically for that purpose.
- External garbage areas must be provided with a hose tap connected to the water supply, be paved with an impervious material, be graded and drained to sewer and be designed and constructed so they are easy to clean.
- Roomed garbage areas must have impervious floors that are coved at the floor/wall intersection and be graded and drained to the sewage system. Walls of roomed garbage areas must be smoothed and impervious. The room must be ventilated and proofed against pests and be provided with a hose tap connected to the water supply.
66. Roofs to all structures are to be of dark and earthy or neutral colours only. No white or light coloured roofs are permitted.
67. The indoor fireplace on the first floor level is to be gas heating only. No wood burning heating is permitted. The design, construction, installation and operation of the

commercial gas heating appliance shall be in accordance with the Building Code of Australia, any relevant Australian Standards and manufacturer's instructions.

- 68. The outdoor fireplace and pizza oven on the ground level are to be gas powered only. No wood burning heating is permitted. The design, construction, installation and operation of the commercial gas heating appliance shall be in accordance with the Building Code of Australia, any relevant Australian Standards and manufactures instructions. No emissions causing air pollution shall be created by the operation of the equipment or any procedure carried out at the premise.**
- 69. Any signage which includes lighting is to comply with Australian Standard AS4828-1997 Control of the obtrusive effects of outdoor lighting.**
- 70. Where signage is illuminated, illuminations at frequent intervals or flashing, blinking, revolving, or rotating lights are not permitted.**
- 71. Illuminated signage is not to be illuminated after the close of business (being outside the hours of operation detailed in the Plan of Management).**
- 72. Sign 3B (as identified on architectural drawing DA02-E.XX.001, Issue A, dated 18/07/2017, prepared by Alexander & Co, and on Signage DA Graphic Package, Sign 3B, Issue A, 18/07/2017) is limited to a maximum size of 1.7 metres x 1.2 metres.**
- 73. The illumination of Sign 10 (Pylon Sign as identified on architectural drawing DA02-E.XX.001, Issue A, dated 18/07/2017, prepared by Alexander & Co, and on Signage DA Graphic Package, Sign 10, Issue A, 18/07/2017) is to be limited as to not create a hazardous glare for pedestrians or vehicles either in the public domain or on any private property.**
- 74. Illuminated signage should be appropriate for the location, use and character of the neighbourhood and should not cause any nuisance to pedestrians or vehicles.**
- 75. All signage, with the exception of Sign 4, is to be consistent with the size and style of signs as identified on the approved architectural drawings and graphic package. Wording of the signage can be amended at the discretion of the Applicant.**
- 76. Sign 4 is to be in accordance with architectural drawing DA02.E.XX.001, Issue B, dated 23/11/2017, and the graphics package, dated 23/11/2017. No change to the content or presentation of Sign 4 is permitted under this development consent.**

C. Matters to be satisfied prior to the issue of the Construction Certificate:

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
2. Prior to the issue of a Construction Certificate, the architectural drawings are to be amended as follows:
 - (a) the signage and the outdoor fire pit are to be deleted from the development;

(b) Architectural drawing DA-E.XX.001, Issue D, Overall Building - External Elevation 01 (dated 9 October 2015) is to be amended to reflect the proposed fencing as identified on DA-A.XX.001, Issue E, Site Plan & Roof Plan (dated 9 October 2015), with Fence Type B provided around the corner of Park Street and Barrenjoey Road.

3. Prior to the issue of a Construction Certificate, an amended landscape plan is to be submitted to the Principal Certifying Authority which includes the following:
 - Landscaping along the fence areas (Barrenjoey Road, Park Street and Harkeith Street) should be amended to locally native species, with a minimum maturity height of 1 metre in order to screen the fence as viewed from the public domain.
4. Prior to the issue of a Construction Certificate, certification is to be provided by a suitably qualified professional and submitted to the Principal Certifying Authority that the proposed development, including the existing indoor and outdoor areas of the hotel, can meet the requirements of Condition B11, B16 and B43 with regards to noise emissions from the entire licensed premises.
5. The Principal Certifying Authority must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
6. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the Environmental Planning and Assessment Regulation 2000:
 1. after excavation for, and prior to the placement of, any footings, and
 2. prior to pouring any in-situ reinforced concrete building element, and
 3. prior to covering of the framework for any floor, wall, roof or other building element, and
 4. prior to covering waterproofing in any wet areas, and
 5. prior to covering any stormwater drainage connections, and
 6. after building work has been completed and prior to any occupation certificate being issued in relation to the building.

To allow a Principal Certifying Authority to carry out critical stage inspections, at least 48 hours notice must be given before building work is commenced and prior to further work being undertaken.

7. Construction works approved by this consent must not commence until:
 1. Construction Certificate has been issued by a Principal Certifying Authority
 2. a Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment, and
 3. at least 2 days notice, in writing has been given to Council of the intention to commence work.
8. In accordance with section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant must pay a long service levy at the prescribed rate of 0.0035 of the total cost of the work to either the Long Service Payment Corporation or Council for any work costing \$25,000 or more.
9. A Schedule of Works prepared by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the

related field is to be submitted to the Accredited Certifier or Council in respect of the following items:

1. The details and location of all intercept drains, provided uphill of the excavation, to control runoff through the cut area.
 2. The proposed method of disposal of collected surface waters is to be clearly detailed
 3. Procedures for excavation and retention of cuts, to ensure the site stability is maintained during earthworks.
10. Drainage plans including specification and details showing the site stormwater management are to be submitted to the Principal Certifying Authority. The drainage plans must be designed and implemented in accordance with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage.
11. A certificate (from a suitably qualified access advisor) that design details and specifications meet the Disability (Access to Premises - Buildings) Standards and BCA must be submitted to the Principal Certifying Authority with the Construction Certificate application.
12. A report from an Acoustic Consultant shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate. The report shall list any noise generating plant to be installed (e.g. air-conditioners, kitchen exhaust fans or similar) and demonstrate that noise levels will not exceed the 'Intrusive noise criteria' set out in the NSW EPA's 'Industrial Noise Policy'.
13. The finished surface materials, including colours and texture of any building, shall be in accordance with the photo montage emailed to Council on 20 July 2015. Colours and materials shall be non-glare and of low reflectivity. A satisfactory specification which achieves this shall be submitted to the Accredited Certifier or Council with the Construction Certificate application in the form of a *Schedule of Finishes*. The proposed roof plant, equipment and lift over-run is to be finished in the same manner as the external roof in order to blend the plant with the roof. Any roof plant or equipment shall not be visually prominent as viewed from the public domain.

D. Matters to be satisfied prior to the commencement of works and maintained during the works:

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

Note: This condition does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the States building laws.

2. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 The Demolition of Structures.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

1. Protection of site workers and the general public.
2. Erection of hoardings where appropriate.
3. Asbestos handling and disposal where applicable.
4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

3. A stamped copy of the approved plans is to be kept on the site at all times, during construction.
4. The following facilities must be provided on the site:
 1. toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 2. a garbage receptacle for food scraps and papers, with a tight fitting lid.

Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.

5. As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Glenyss Law, dated 21 May 2015 are required to be complied with before and throughout the development period, particularly with regard to the following:
 1. Works, erection/demolition of structures, excavation or changes to soil levels within 5 metres of existing trees are not permitted unless part of the development as approved, and the storage of spoil, building materials, soil or the driving and parking of any vehicle or machinery within 5 metres of the trunk of a tree to be retained is not permitted;
 2. Where specified, tree guards are to be provided to all trees as indicated in the report, and are to be installed prior to the commencement of any work on the site. Tree guard materials and dimensions are specified in the arborist report;
 3. All works within 5 metres of existing trees including demolition, excavation, civil works, fencing and the like must be carried out by hand and under the supervision of an experienced and suitably qualified arborist. In the event that major structural or feeder roots are encountered, the arborist is to advise the builder to carry out appropriate action to ensure the retention of the tree.
 4. Signage is to be erected advising all contractors and visitors to the site that no works or storage are to take place within the dripline of existing trees.
 5. Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.
6. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
7. Sedimentation and erosion controls are to be effectively maintained at all times during the

course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

8. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
9. Personnel with appropriate training, or demonstrated knowledge and experience in erosion and sediment control shall be responsible for supervising the installation and maintenance of approved erosion and sediment control measures - during and after construction and until the site has been restored to the satisfaction of council.
10. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised wastefacility.

All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

11. The site must be fenced throughout construction and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
12. No works are to be carried out in Council's Road Reserve without the written approval of the Council.

Note: Separate approval is required for access driveways, paths, connections to underground services (stormwater, gas, sewer, electricity.etc:), and landscaping works within Council's Road Reserve.

13. No skip bins or materials are to be stored on Council's Road Reserve.
14. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
 1. The builder's name, builder's telephone contact number both during work hours and after hours.
 2. That no works are to be carried out in Council's Road Reserve without prior application and approval of a Road Opening Permit from Council.
 3. That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
 4. That no skip bins or materials are to be stored on Council's Road Reserve.
 5. That the contact number for Pittwater Council for permits is 9970 1111.
15. Construction access to the property is to be via the approved driveway only.
16. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:

1. Quantity of material to be transported
2. Proposed truck movements per day
3. Proposed hours of operation
4. Proposed traffic routes, noting that 3 tonne load limits apply to some roads within Pittwater
5. Location of on/off site parking for construction workers during the construction period.

E. Matters to be satisfied prior to the issue of Occupation Certificate:

Note: Prior to the issue of an Occupation Certificate the principal certifying authority is to ensure that Council's assets, including road, kerb and gutter and drainage facilities adjacent or near to the site have not been damaged as a result of the works. Where such damage has occurred, it is to be repaired to Council's written satisfaction prior to the issue of an Occupation Certificate or suitable arrangements put in place to effect those repairs at a future date to Council's written satisfaction. Should this process not be followed, Council will pursue action against the principal accredited certifier in relation to the recovery of costs to effect such works.

Note: It is an offence to occupy the building or part thereof to which this consent relates prior to the issue of an Occupation Certificate.

1. An Occupation Certificate application stating that the development complies with the Development Consent, the requirements of the Building Code of Australia and that a Construction Certificate has been issued must be obtained before the building is occupied or on completion of the construction work approved by this Development Consent.
2. Prior to the issue of an Occupation Certificate a certificate by a Registered Surveyor stating that floor levels associated with the proposed additions/alterations are at 300mm above the 1% AEP peak flood water level.
3. Completion of the SES Business Flood Safe Tool Kit available from Council or <http://floodsafe.ses.org.au/floodsafe/business toolkit/>.
4. The stormwater drainage system must be constructed and completed in accordance with the approved design, and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards must be provided.

5. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.
6.
 - (a) The Certifying Authority is to submit to Council the completed and signed Food Premises Occupation Certificate Fit-Out Form, this form is available at http://www.pittwater.nsw.gov.au/business/commerce_and_industry/premises/information_for_food_premises.
 - (b) Council's Environmental Health Officer is to be contacted (phone: 9970 1111) to

- make arrangements for an inspection of the premises for verification of compliance with the form. A minimum 48 hours notice is required for inspection.
- (c) Council is to forward written advice of the result of the inspection in order to confirm that there is no objection to the issuing of the Occupation Certificate.
7. Documentation supplied by Sydney Water regarding evidence of the trade waste agreement must be provided to the certifying authority prior to the issue of the Occupation Certificate.
8. Documentation supplied by a practicing mechanical engineer certifying that all mechanical exhaust ventilation systems, as installed, complies with AS/NZS 1668.1:1998 (Fire and smoke control in multi-compartment buildings) and 1668.2:1991 (Mechanical ventilation for acceptable indoor-air quality), must be provided to the certifying authority prior to the issue of the Occupation Certificate.
9. Prior to the issue of any occupation certificate or any interim occupation certificate that enables occupation of any part of the hotel premises:
- (a) the relevant part of the premises is to be constructed in accordance with, and be capable of operating in accordance with, the requirements in condition B10 above; and
- (b) a qualified acoustic engineer is to provide certification and a report to the principal certifying authority confirming compliance with the requirement in paragraph (a) of this condition.

G. Advice:

1. Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act, 1979* (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.
2. Dial before you dig: Prior to excavation the applicant is advised to contact Australia's National Referral Service for Information on Underground Pipes and Cables telephone 1100 or www.1100.com.au
3. It is the Project Managers responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.
4. In accordance with Section 95(1) of the EPA Act 1979, this development consent lapses 5 years after the date from which this consent operates if the development is not commenced.
5. To ascertain the date upon which a consent operates, refer to Section 83 of the *Environmental Planning and Assessment Act, 1979* (as amended).
6. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer

Centre to determine whether the development will affect Sydney Waters sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to the web site

at www.sydneywater.com.au then see Building Developing and Plumbing then Quick Check, or telephone 13 20 92.

7. This approval does not prejudice any action in respect of upgrading the building pursuant to the provisions of the Section 121B of the *Environmental Planning and Assessment (Amendment) Act, 1997*.
8. Portions of the site may be liable to flooding from the 1% AEP and the PMF (Probable Maximum Flood) and effective precautions should be taken by the owner(s) and/or occupier(s) of the building to reduce any potential risk to personal safety and to minimise any property damage to the structure, its fixtures and contents.