



**Land and Environment  
Court**  
of New South Wales

Level 4 225 Macquarie Street SYDNEY NSW 2000  
Level 4 GPO Box 3565 SYDNEY NSW 2001  
DX 264, Sydney

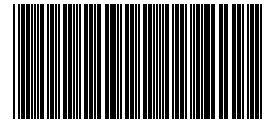
Telephone: 02 9113 8200  
Facsimile: 02 9113 8222  
02 91138208

Email: [lecourt@justice.nsw.gov.au](mailto:lecourt@justice.nsw.gov.au)  
Website: <http://www.lec.justice.nsw.gov.au>

ABN: 52 659 114 436

CHRISTINE LYNETTE COVINGTON  
[christine.covington@corrs.com.au](mailto:christine.covington@corrs.com.au)

Your Ref:



D0000ZD1T6

12 April 2018

### NOTICE OF ORDERS MADE

Case number 2017/00169771  
Case title ALH Group Pty Ltd v Northern Beaches Council

---

On 12 April 2018 the following orders (and/or directions) were made:

The Court orders that:

(1) The appeal is upheld.

(2) Development application no. 2015/0901 (as amended) for demolition works, alterations and additions to the existing pub, construction of hotel or motel accommodation and retail liquor store at Lot X DP 405206, 39 Frenchs Forest Road East, Frenchs Forest is approved, subject to the conditions set out in Annexure "A".

(3) No order as to costs.

For the Registrar

## Annexure A

**ALH Group Pty Ltd v Northern Beaches Council**

## Conditions of Consent

**CONDITIONS OF APPROVAL****1. Approved Plans and Supporting Documentation**

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

## a) Approved Plans

| <b>Architectural Plans</b>                 |              |                      |
|--------------------------------------------|--------------|----------------------|
| <b>Drawing No.</b>                         | <b>Dated</b> | <b>Prepared By</b>   |
| DA002 SITE PLAN REV B                      | 28.01.16     | BERGSTROM ARCHITECTS |
| DA003 SITE PLAN REV B                      | 28.01.16     | BERGSTROM ARCHITECTS |
| DA100 DAN MURPHY'S GROUND FLOOR PLAN REV B | 28.01.16     | BERGSTROM ARCHITECTS |
| DA101 DAN MURPHY'S ROOF PLAN REV B         | 28.01.16     | BERGSTROM ARCHITECTS |
| DA105 DAN MURPHY'S ELEVATIONS REV B        | 28.01.16     | BERGSTROM ARCHITECTS |
| DA106 DAN MURPHY'S SECTION REV B           | 28.01.16     | BERGSTROM ARCHITECTS |
| DA110 TAVERN DEMOLITION REV B              | 28.01.16     | BERGSTROM ARCHITECTS |
| DA111 TAVERN - GROUND FLOOR PLAN REV B     | 28.01.16     | BERGSTROM ARCHITECTS |
| DA112 TAVERN - ROOF PLAN REV B             | 28.01.16     | BERGSTROM ARCHITECTS |
| DA113 TAVERN - FURNITURE PLAN REV B        | 28.01.16     | BERGSTROM ARCHITECTS |
| DA115 TAVERN - ELEVATIONS REV B            | 28.01.16     | BERGSTROM ARCHITECTS |
| DA116 TAVERN - SECTIONS REV B              | 28.01.16     | BERGSTROM ARCHITECTS |
| DA117 SITE/TAVERN/DAN MURPHY SIGNAGE REV B | 28.01.16     | BERGSTROM ARCHITECTS |
| DA004 BASEMENT LEVEL CAR PARK REV B        | 28.01.16     | BERGSTROM ARCHITECTS |
| DA120 HOTEL - GROUND FLOOR PLAN REV B      | 27.01.16     | BERGSTROM ARCHITECTS |
| DA121 HOTEL - LEVEL 1 PLAN REV B           | 28.01.16     | BERGSTROM ARCHITECTS |
| DA122 HOTEL - LEVEL 2 PLAN REV B           | 28.01.16     | BERGSTROM ARCHITECTS |
| DA123 HOTEL - LEVEL 3 PLAN REV B           | 28.01.16     | BERGSTROM ARCHITECTS |

|                                            |          |                      |
|--------------------------------------------|----------|----------------------|
| DA124 HOTEL - LEVEL 4 PLAN REV B           | 28.01.16 | BERGSTROM ARCHITECTS |
| DA125 HOTEL - LEVEL 5 PLAN REV B           | 28.01.16 | BERGSTROM ARCHITECTS |
| DA126 HOTEL - ROOF PLAN REV B              | 28.01.16 | BERGSTROM ARCHITECTS |
| DA127 HOTEL - ELEVATIONS REV B             | 28.01.16 | BERGSTROM ARCHITECTS |
| DA128 HOTEL - ELEVATIONS REV B             | 28.01.16 | BERGSTROM ARCHITECTS |
| DA129 HOTEL - ELEVATIONS REV B             | 28.01.16 | BERGSTROM ARCHITECTS |
| DA130 HOTEL - SECTION A & B REV B          | 28.01.16 | BERGSTROM ARCHITECTS |
| DA140 HOTEL - ROOM TYPES REV B             | 28.01.16 | BERGSTROM ARCHITECTS |
| DA600 HOTEL - ARCHITECTURAL FINISHES REV B | 28.01.16 | BERGSTROM ARCHITECTS |
| DA610 HOTEL - SIGNAGE REV B                | 28.01.16 | BERGSTROM ARCHITECTS |

| <b>Reports / Documentation – All recommendations and requirements contained within:</b>                          |                 |                                                        |
|------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------------------------------------|
| <b>Report No. / Page No. / Section No.</b>                                                                       | <b>Dated</b>    | <b>Prepared By</b>                                     |
| Accessibility Report (ADR257V1.2)                                                                                | 27 January 2016 | ABE Consulting                                         |
| Arboricultural Assessment (Rev C)                                                                                | 28.01.16        | Elke Haeye Landscape Architect and Consulting Arborist |
| BCA Assessment Report to accompany DA Submission (Rev 1.2)                                                       | 28 January 2016 | Steve Watson & Partners                                |
| Traffic and Parking Report                                                                                       | 11 January 2016 | Colston Budd Rogers & Kafes                            |
| Noise Impact Assessment (Recommendations: Recommended management conditions and Recommended acoustic treatments) | 9/09/2015       | Acoustic Logic                                         |

- b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.
- c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.
- d) The development is to be undertaken generally in accordance with the following:

| <b>Landscape Plans</b>  |              |                                                        |
|-------------------------|--------------|--------------------------------------------------------|
| <b>Drawing No.</b>      | <b>Dated</b> | <b>Prepared By</b>                                     |
| L_101 D (Issue D)       | 27.01.16     | Elke Haeye Landscape Architect and Consulting Arborist |
| L_102 D (Issue D)       | 27.01.16     | Elke Haeye Landscape Architect and Consulting Arborist |
| L_301 A (Issue A)       | 28.01.16     | Elke Haeye Landscape Architect and Consulting Arborist |
| Arb_601 + 602 (Issue C) | 28.01.16     | Elke Haeye Landscape Architect and Consulting Arborist |

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

## 2. Compliance with Other Department, Authority or Service Requirements

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

| Other Department, Authority or Service | eServices Reference          | Dated                           |
|----------------------------------------|------------------------------|---------------------------------|
| Ausgrid                                | Response Ausgrid Referral    | 22 October 2015                 |
| Roads and Maritime Services (RMS)      | Response RMS Referral        | 17 November 2015 & 3 March 2016 |
| NSW Police                             | Response NSW Police Referral | 03/11/2015                      |

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

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

## 3. Occupancy

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a Pub, Shop and Hotel or motel accommodation.

- A **Pub** means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

*Note. Pubs are a type of food and drink premises—see the definition of that term in this Dictionary.*

*(development is defined by the Warringah Local Environment Plan 2011 (as amended) Dictionary)"*

- A **Shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises."

*Note. Shops are a type of retail premises—see the definition of that term in this Dictionary".*

- **Hotel or motel accommodation** means a hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term

*accommodation on a commercial basis and that:*

- a) *comprises rooms or self-contained suites, and*
- b) *may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.*

*Note. Hotel or motel accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary."*

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

Reason: To ensure compliance with the terms of this consent. (DACPLB03)

#### **4. Prescribed Conditions**

- a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal 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.

- d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - (a) the name and licence number of the principal contractor, and
    - (b) the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:

- (a) the name of the owner-builder, and
- (b) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - i. protect and support the adjoining premises from possible damage from the excavation, and
  - ii. where necessary, underpin the adjoining premises to prevent any such damage.
  - iii. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - iv. the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

**5. Prescribed conditions (Demolition):**

- a) 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 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
  - (ii) 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.

- b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

A. the name of the owner-builder, and

B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- c) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

(i) protect and support the adjoining premises from possible damage from the excavation, and

(ii) where necessary, underpin the adjoining premises to prevent any such damage.

(iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Reason: Legislative Requirement (DACPLB09)

## 6. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission 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.

- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) 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.
- (e) 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.
- (f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed 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.
- (l) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development



site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au)

- (n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
    - (ii) Swimming Pools Amendment Act 2009
    - (iii) Swimming Pools Regulation 2008
    - (iv) Australian Standard AS1926 Swimming Pool Safety
    - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
    - (v) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewerred areas or managed on-site in unsewerred areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.

- (4) Swimming pools and spas must be registered with the Division of Local Government.

- (o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
  - (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

Reason: To ensure that works do not interfere with reasonable amenity expectations of

residents and the community. (DACPLB10)

**7. General requirements (Demolition):**

(a) Unless authorised by Council:

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission a Notice of Commencement to Council, a copy of the Development Consent is to remain onsite at all times until completion of demolition works. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) 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.
- (e) The applicant shall bear the cost of all works that occur on Council's property.
- (f) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (g) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (h) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed 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)

## FEES / CHARGES / CONTRIBUTIONS

### 8. Policy Controls

Warringah Section 94A Development Contribution Plan

The proposal is subject to the application of Council's Section 94A Development Contributions Plan.

The following monetary contributions are applicable:

| Warringah Section 94 Development Contributions Plan                       |           |               |
|---------------------------------------------------------------------------|-----------|---------------|
| Contribution based on a total development cost of <b>\$ 44,979,000.00</b> |           |               |
| Contributions                                                             | Levy Rate | Payable       |
| Total Section 94A Levy                                                    | 0.95%     | \$ 427,300.50 |
| Section 94A Planning and Administration                                   | 0.05%     | \$ 22,489.50  |
| Total                                                                     | 1%        | \$ 449,790.00 |

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Warringah's Development Contributions Plan.

### 9. Security Bond

A bond (determined from cost of works) of \$10,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

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

## 10. Works Bonds

(a) Construction, Excavation and Associated Works Bond (footpath)

A Bond of \$25,000.00 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.

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

The developer/applicant must lodge with Council a Maintenance Bond of \$2000.00 for the construction of Footpath. The Maintenance Bond will only be refunded on completion of the Maintenance Period, if work has been completed in accordance with the approved plans 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.)

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection)

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

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.warringah.nsw.gov.au/your-council/forms](http://www.warringah.nsw.gov.au/your-council/forms)).

Reason: To ensure adequate protection of Council's infrastructure. (DACENZ01)

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

## 11. On-site Stormwater Detention Compliance Certification

Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Warringah Council's "On-site Stormwater Detention Technical Specification" and the concept drawing by herry&hymas, drawing number 15874\_DA C101 Rev 02 dated Aug 2015, 15874\_DA C102 Rev 02 dated Aug 2015, 15874\_DA C110 Rev01 dated Jan 2015, 15874\_DA C200 Rev02 dated Aug 2015, 15874\_DA\_C201 Rev02 dated Aug 2015, 15874\_DA\_C202 Rev 02 Dated August 2015, 15874\_DA\_C251 Rev 02 Aug 2015 and 15874\_DA\_C252 Rev02 Dated Aug 2015.

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

Reason: To ensure appropriate provision for the disposal of stormwater and stormwater management arising from the development. (DACENC03)

## 12. Pump-Out System Design for Stormwater Disposal

The design of the pump-out system for stormwater disposal will be permitted for drainage of basement areas only, and must be designed in accordance with Council's Stormwater Drainage Policy. Engineering details demonstrating compliance with this requirement and certified by an appropriately qualified and practising hydraulic engineer.

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

Reason: To ensure adequate provision is made for the discharge of stormwater from the excavated parts of the site. (DACENC04)

**13. Submission of an Application for Engineering Plans under the provisions of S138 and S139 of the Road Act 1993.**

Engineering plans are to be submitted to Council for the incorporation within the broader documentation package relating to the Frenchs Forest Road upgrade to be carried out by the Road and Maritime Services. The submission is to include four (4) copies of Civil Engineering plans for the design of concrete footpath and cycle way, vehicular crossings 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 and to the requirements and approval of RMS.

The design must in accordance with the following:

- A shared bike and footpath 2.5 metres wide in plain concrete shall be constructed for the full frontage of the development site to Frenchs Forest Road.
- Vehicular crossings are to be designed to the requirements of Road and Maritime Services.
- The proposed vehicular crossing located on the west side of the subject lot shall be designed for 19.0 metres Articulated Vehicle Turning path template. The vehicles crossing and driveway for left in/left out must be designed to ensure that the Articulated vehicle is contained within the inner kerb side lane. For vehicle access right in/right out a review will be required.
- The existing vehicular crossing located on the eastern side where necessary to be adjusted or widened shall be reconstructed.
- Submission of a traffic control management plan for the required civil works.

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

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

**14. Soil & Water Management Program**

A Soil and Water Management Plan prepared in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and implemented on site until the works are completed.

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

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

development sites. (DACHPC02)

## 15. Waste Management Plan

A waste management plan that addresses Clauses C8 and C9 in the Warringah DCP must be prepared for this development.

Details of the method of transportation and location of the waste/recycling centres are to be included in the plan

Details demonstrating compliance must be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.(DACHPC03)

## 16. Plan of Management - Licensed Premises

A Plan of Management is to be provided to Council prior to the issue of a Construction Certificate. The Plan of Management is to cover (but is not limited to) the following issues:

- Ensure compliance with the relevant conditions of approval;
- Minimise the potential impact of the operation of the premises on nearby residents;
- Effectively minimise and manage anti-social behaviour;
- Minimise noise emissions and associated nuisances;
- Effectively manage and respond to resident complaints;
- Ensure responsible service of alcohol and harm minimisation; and
- Patron conductivity and security.

### a) Security Management

The plan must specify security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site.

No signage visible from the public domain is to be installed that advertises directly or indirectly, the gaming machines on site.

### b) Patron Management

Patrons must be prevented from removing glass, opened cans, bottles or alcohol from the premises (except from any approved bottle shop).

Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving to do so quickly and quietly, having regard to the amenity of the area.

A sign detailing the maximum number of persons permitted in the premises, in letters not less than 25mm, must be displayed at the main front entrance of the premises within the building.

The management/licensee is responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the

management/licensee is to employ private security staff to ensure that this condition is complied with.

No automatic teller machines are permitted to be installed in the same room in single level premises and on the same floor in multi level premises containing gaming machines.

c) Public Entertainment

Details of how public entertainment will be managed to ensure minimal impacts on surrounding properties including acoustic impacts, parking and traffic. Details of sound limiters and/or acoustic provisions including management of patrons, closing of doors and windows etc. Such entertainment must be carried out in accordance with any approved acoustic reports & traffic reports identified within this consent.

d) Noise Management Plan

A Noise Management Plan is to be prepared by a suitably qualified person to comply with NSW EPA Industrial Noise Policy, Protection of the Environment Operations Act 1997 and Noise Impact Assessment prepared by Acoustic Logic (dated 9/09/2015). The plan is to detail how noise impacts will be minimised on adjoining and surrounding residential properties.

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

Reason: To ensure the premises are maintained in an appropriate manner (DACHPCPCC5)

**17. Provisions for mechanical ventilation**

Detailed plans for the installation of adequate mechanical ventilation must be prepared by a suitably qualified person and certified in accordance with the Standard 3.2.3 of the Australian New Zealand Food Standards Code under the Food Act 2003 and Australian Standard AS 1668 - The use of mechanical ventilation, and must be submitted to and approved by Council prior to a Construction Certificate being issued.

Reason: No provisions for the use of mechanical ventilation has been made for areas where food is to be prepared (DACHPCPCC1)

**18. Tree protection and pruning**

a) Existing trees which must be retained

All trees not indicated for removal on Landscape Plans Dwg Nos. L 101 D and L 102 D dated 27.01.16 and Trees Impact Plans Dwg Nos. Arb 601 + 602 C dated 28.01.16 prepared by Elke Haege Landscape Architect, unless exempt or noxious in Warringah

b) Tree protection and pruning

i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.

ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.

- iii) All tree protection to be in accordance with the Arboricultural Assessment Revision C dated 28.01.16 prepared by Elke Haege Consulting Arborist and AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures. .
- iv) All tree protection measures, including fencing, are to be in place prior to commencement of works
- v) Tree pruning within the subject site is approved to enable construction in accordance with the approved plans.
- vi) Tree pruning is not to exceed 15% of any existing tree canopy
- vii) All tree pruning to be in accordance with AS4373-2007 Pruning of amenity trees.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAC01)

## 19. 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) AS4361.2 - Guide to lead paint management - Residential and commercial buildings\*\*
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting\*\*
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) \*\*
- (e) AS 4970 - 2009 'Protection of trees on development sites'\*\*
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking\*\*
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- (l) AS 1428.1 - 2009\* Design for access and mobility - General requirements for access - New building work\*\*
- (m) AS 1428.2 - 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

\*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](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. (DACPLC02)

**20. External Colours and Materials (Shop, Pub and Hotel)**

(a) External Roofing - The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Light colours such as off white, cream, silver or light grey colours are not permitted.

(b) Anti Graffiti Coating - The finishes of the walls (and electricity substation) with frontage to Frenchs Forest Road East and Warringah Road must be finished in heavy duty long life, ultra violet resistant coating with a high resistance to solvents and chemicals as an anti-graffiti coating easily cleaned by solvent wipe.

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

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development. (DACPLC04)

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

**21. 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.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land. (DACEND01)

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**22. 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.

Reason: Public Safety. (DACENE09)

**23. Trees Condition**

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.

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

Reason: Protection of Trees. (DACLA03)

#### **24. Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All measures 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 Principal Certifying Authority.

Reason: To protect the environment from the effects of sedimentation and erosion from development sites. (DACPLE02)

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

#### **25. Fire Safety Upgrade**

The fire upgrading measures and works to upgrade the 'Refurbished Tavern Building' are to be completed so as to bring the building into compliance with the requirements of the Building Code of Australia. At a minimum these works are to upgrade the building to the degree necessary so as to comply with Parts C, D, E, F, G2 and J of the BCA.

Details demonstrating implementation are to be submitted to the Principal Certifying Authority prior to the issue of the Interim Occupation Certificate for the Tavern.

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety. (DACBCF01)

#### **26. Authorisation of Legal Documentation Required for On-site Stormwater Detention**

The original completed request forms (Department of Lands 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 final Occupation Certificate.

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

**27. Registration of Encumbrances for On-site Stormwater Detention**

A copy of the certificate of title demonstrating the creation of the positive covenant and restriction for on-site storm water detention as to user is to be submitted.

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

Reason: To identify encumbrances on land. (DACENF02)

**28. Reinstatement of Kerb**

All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate with all costs borne by the applicant.

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

Reason: To facilitate the preservation of on street parking spaces. (DACENF03)

**29. Restriction as to User for On-site Stormwater Detention**

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

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

Reason: To ensure modification to the on-site stormwater detention structure is not carried without Council's approval. (DACENF04)

**30. On-Site Stormwater Detention Compliance Certification**

Upon completion of the on-site stormwater detention (OSD) system, certification from a consulting engineer and a "work as executed" (WAE) drawing certified by a registered surveyor and overdrawn in red on a copy of the approved OSD system plans are to be provided to Council. Additionally a Compliance Certificate is to be issued by an Accredited Certifier in Civil Works registered with the Institute of Engineers Australia, stating that the works are in accordance with the approved plans.

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

Reason: To ensure stormwater disposal is constructed to Council's satisfaction. (DACENF10)

**31. Positive Covenant for the Maintenance of Stormwater Pump-out Facilities**

A Positive Covenant (under the provisions of Section 88B of the Conveyancing Act 1919) is to be created on the property title to ensure the on-going maintenance of the stormwater pump-out facilities on the property being developed.

Warringah Council shall be nominated in the instrument as the only party authorised to release, vary or modify the instrument. Warringah Council's delegate shall sign these documents prior to the submission to the Land & Property Information Department.

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

Reason: To ensure adequate provision is made for the stormwater pump out system to be maintained to an appropriate operational standard. (DACENF11)

**32. Positive Covenant for On-site Stormwater Detention**

A positive covenant shall be created on the title of the land requiring the proprietor of the land to maintain the on-site stormwater detention structure in accordance with the standard requirements of Council. The terms of the positive covenant are to be prepared to Council's standard requirements, (available from Warringah Council), at the applicant's expense and endorsed by Warringah Council's delegate prior to lodgement with the Department of Lands. Warringah Council shall be nominated as the party to release, vary or modify such covenant.

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

Reason: To ensure ongoing maintenance of the on-site stormwater detention system. (DACENF12)

**33. Creation of Positive Covenant and Restriction as a User**

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

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

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

Reason: To identify encumbrances on land. (DACENF14)

**34. Register with Council**

The kitchen must be registered with Council's Environmental Health unit prior to a Final Occupational Certificate being issued.

Reason: Retail food premises are required to be registered with Council and subject to routine inspections.(DACHPFPOC1)

### 35. Installation of grease trap

A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation, food storage or wet area. The grease trap room must have a piped connection to the boundary so that it can be emptied. Note: Sydney water Authority also have requirements for grease arrestors that you need to comply with.

Reason: To prevent water pollution. (DACHPFPOC2)

### 36. Kitchen Design, construction and fit out of food premises certification

The design, construction, fit-out and finishes of the food premises kitchen or any food preparation, food handling, food storage and wet areas must comply with standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and Australian Standard AS 4674 - Design Construction and fit-out of Food Premises.

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

Reason: To ensure that the kitchen complies with the design requirements. (DACHPFPOC3)

### 37. Mechanical Ventilation certification

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the installer of the mechanical ventilation system that the design, construction and installation of the mechanical ventilation system is compliant with the requirements of AS1668 The use of mechanical ventilation.

Details are to be provided to demonstrate that the operation of all mechanical, ventilation, plant equipment and other noise generating machinery will not give rise to an 'offensive noise' as defined by the Environmental Protection Authority's NSW Industrial Noise Policy and any other appropriate legislation.

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

Reason: To ensure that the mechanical ventilation system complies with the design requirements. (DACHPFPOC4)

### 38. Required Planting

The tree/s listed in the following schedule shall be planted in accordance with the following schedule:

| No. of Trees Required. | Species                                                                                                    | Location                           | Minimum Pot Size                   |
|------------------------|------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------|
| All trees              | As indicated on Landscape Plans Dwg Nos. L 101 D and L 102 D dated 27.01.16 Elke Haege Landscape Architect | As indicated on the Landscape Plan | As indicated on the Landscape Plan |

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

Reason: To maintain environmental amenity. (DACLAF01)

**39. Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

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

Reason: To ensure bushland management. (DACPLF01)

**40. Garbage and Recycling Facilities**

All internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

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

Reason: To prevent pollution of the environment and to protect the amenity of the area.(DACPLF03)

**41. Undergrounding of Telecommunications Services**

Arrangements are to be made for the provision of underground telecommunications services to the building.

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

Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services. (DACPLF06)

**42. Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

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

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

#### **43. Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLF08)

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

#### **44. Noise Impact on surrounding areas**

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined by the Environmental Protection Authority's NSW Industrial Noise Policy and any other appropriate legislation.

Reason: To ensure noise created from the property does not create offensive noise to adjoining and surrounding commercial and residential properties. (DACHPGOG5)

#### **45. Hours of Operation**

##### Shop (Dan Murphy's)

The hours of operation are to be restricted to Sunday to Sunday: 9am - 10pm (7 days).

##### Pub (Parkway Tavern)

The hours of operation are to be restricted to the following:

- Monday to Saturday: 10am – 12 midnight;
- Sunday: 10am - 10pm;

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

**46. Illumination Intensity and design**

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Signs must not flash, move or be constructed of neon materials.

Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. (DACPLG12)

**47. Signs/Goods in the Public Way**

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason: To ensure pedestrian safety and to protect the streetscape. (DACPLG15)

**48. Commercial Waste Collection (DACPLG18)**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties. (DACPLG18)

**49. Loading Within Site**

All loading and unloading operations shall be carried out wholly within the confines of the site and within the approved loading areas, at all times.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

**50. Delivery Hours**

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

Reason: To protect ensure the acoustic amenity of surrounding properties. (DACPLG21)

**51. Commercial Waste and Recycling Storage**

Commercial waste and recycling material/storage bins must be stored in a separate area to the residential waste and recycling material/storage bins.

Reason: To ensure that commercial waste and residential waste is not mixed and is properly managed. (DACPLG25)

**52. Access from Frenchs Forest Road**

A review of the right in/right out traffic movements from the vehicle access for the development to be carried out following the operation of the completed development and the traffic signals on Frenchs Forest Road and Romford Road.

The review is to assess the impacts of vehicles turning right in to and out of the development on



traffic flows on Frenchs Forest Road.

The review should be submitted to Council for review by Council's Traffic Engineer and, if required, referred to Roads and Maritime Services and/or the Warringah Local Traffic Committee Traffic Committee.

Reason: To assess that the increased development on the site does not impact adversely on traffic flows and queuing on Frenchs Forest Road. (DACTRGOG1)

### **53. Allocation of parking**

Car parking spaces provided shall be provided, made accessible and maintained at all times. The spaces shall be allocated as follows:

- 34 - Pub (Parkway Tavern)
- 71 - Retail Shop (Dan Murphy's)
- 164 - Hotel Accommodation (Parkway Hotel)

Each car parking space allocated to a particular use shall be line marked and numbered or signposted to indicate the use to which it is allocated.

Reason: To ensure adequate provision of parking for the hotel accommodation (DACTRGOG2)