

APPENDIX A

PROPOSED CONDITIONS

Approved Plans

- 1 The development is to be undertaken in accordance with the approved development plans and specifications, reference number BG1HK, drawing numbers A200 Rev G, A210 Rev F, A220 Rev F, A300 Rev G, A400 Rev D, A410 Rev D, A420 Rev D, A430 Rev E, A500 Rev F, A510 Rev E, except as modified by any conditions of consent.

Certificates/Engineering Details

- 2 Prior to Construction, the applicant must apply under Section 305 of the Water Management Act 2000 to Council as the Water Supply Authority for any works and contributions required for the obtaining of a Section 307 Certificate of Compliance. Note for a single dwelling the payment of the required plumbing and drainage inspection fees satisfies the requirements of the Water Management Act.

Prior to Release of Construction Certificate:

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

No Conditions

Prior to Commencement of Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

Acid Sulphate Soils

- 3 Submission to Housing NSW of an Acid Sulphate Soil Management Plan, prepared by a suitably qualified person, for any excavation of a depth of 6 metres or greater.

Approved Plans

- 4 A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either Housing NSW or an officer of the Council.

Certificates/Engineering Details

- 5 All proposed load bearing retaining walls and structures (including reuse tanks) are to be designed by a practising Civil/Structural engineer in accordance with AS4678, AS3600, AS1170 and other relevant codes and standards

Construction

- 6 Any excavation below the level of footings of buildings on adjoining allotments requires the preservation and protection of the buildings from damage, and if necessary, underpinning and support of the building in a manner certified by a Practising Structural Engineer. In circumstances where the excavation could result in damage to the adjoining property, underpinning works shall be undertaken immediately after excavation works are completed. Alternatively, the approved retaining walls shall be constructed. The owner of the adjoining property must be given written notice of the intention to excavate and provided with details of the proposed work at least seven (7) days prior to excavation.

Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.

Dilapidation

- 7 A dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and improvements is to be prepared prior to commencement of work. The report must be submitted to the Council and will be made available by the Council in any private dispute between the neighbours regarding damage arising from site and construction works.
- 8 A dilapidation report must be submitted to Council as the Roads Authority prior to the commencement of any works. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development.

Ecology/Trees

- 9 Tree numbers 7 and 8 on the Landscape plan and any other trees not specifically indicated for removal on the approved plans, are to be retained and not felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed. All efforts are to be made to retain tree number 9 (Watergum). If retention is not possible, the tree is to be replaced by a similar size and species approved by the Landscape Architect.
- 10 Tree protection measures must be installed in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development prior to commencement of work. Documentary evidence from a qualified Arborist / Horticulturist that suitable tree protection measures have been installed may be submitted to Housing NSW, or alternatively Council must be notified to undertake an inspection of the works.

Erosion and Sediment Control – Building Sites

- 11 Prior to the commencement of works, the submission to the Housing NSW of design plans for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites or "Soils and Construction – Managing Urban Stormwater" (Blue Book). The design plans must be approved by Housing NSW prior to the commencement of work.

- 12 The provision of soil erosion and silt controls on the site in accordance with Council's Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and/or Construction - Managing Urban Stormwater (Blue book) and the approved development plans prior to any works commencing on the site. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 13 Sand and other materials that could potentially be washed off the site during rain periods are to be stored behind the silt control barrier. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 14 The provision of a metal groyne/s or kerb inlet trap/s to the downstream drainage pit/s of the street drainage system to prevent any silt that may have left the site from entering the drainage system. The build up of silt and debris must be removed from the site on a daily basis. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 15 The display of an appropriate sign to promote the awareness of the importance of the maintenance of sediment control techniques on the most prominent sediment fence or erosion control device, for the duration of the project. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**

External Materials

- 16 Prior to the commencement of work, design plans are to be prepared, which incorporate fixed and sliding privacy screens for all balconies facing side and rear boundaries.
- 17 Prior to the commencement of work, design plans are to be prepared, which incorporate weather protection over all windows.

Filling and Haulage

- 18 Prior to construction, the submission to and approval by the Council of details for the disposal of any spoil gained from the site and / or details of the source of fill, heavy construction materials and proposed routes to and from the site.
- 19 All fill is to be placed on site in such a manner that surface water will not be diverted to adjoining land and so that natural drainage from adjoining land will not be obstructed or affected.
- 20 Retaining wall construction including footings shall be entirely contained within the applicant's property. Incorporated subsoil drainage shall not be directed onto neighbouring properties.

General

- 21 The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage, Council services and other services for the purposes of the development.

Landscaping

22 The Landscape Plan reference number L-01/2 and L-02/2 are to be modified as follows:

- The landscape plan is to be amended to include *Waterhousia floribunda* as street trees instead of *Cupaniopsis anacardiodes*.
- Landscaping within the front setback is to be modified to relocate the *Melaleuca quinquinervia* (M) toward the middle of the setback area to allow for greater root movement of the tree. All trees including the code B, M, W (*Waterhousia floribunda*) and U are to be a minimum pot size of 75 litres. All other pot size as per the landscape plan.
- The front boundary planting is to be altered to substitute the currently proposed shrubs for trees, lower shrubs or ground cover species, as the current design will create a barrier of shrubs which will prevent views into the site and create a potential public safety issue.
- 1.8 metre high boundary fencing along the side and rear boundaries is to incorporate wire runners to train plants to grow at the top of the fencing panels. Suitable climbing species are to be specified on the modified landscape plan.
- Bench seating is to be provided within the area of communal open space.

Other Authorities

23 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:

- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
- AGL Sydney Limited for any change or alteration to gas line infrastructure;
- Energy Australia for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
- Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Plumbing and Drainage

24 Council as the water supply authority, or in unsewered areas where an onsite sewage management facility is to be installed, Council is to be notified to undertake inspections of the internal drainage, (prior to the pouring of the concrete slab), and external drainage prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's customer services section on 4350 5555 a minimum of 24 hours prior to the required time for the inspection. **Note: All drainage inspection fees are to be paid to Council prior to these inspections being undertaken.**

Roads

25 The provision at no cost to Council of concrete paving for the full street frontage of the development in Kitchener Road. The footpath design is to be 1.2 metres wide for the full frontage of the development. All details are to be in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering

Requirements for Development and AS1428. The design plans must be approved by the Roads Authority prior to construction.

- 26 The provision at no cost to Council of concrete paving from the proposed development to the nearest bus stops in Toowoon Bay Road and Watkins Street. The footpath design is to be 1.2 metres wide for full length of the proposed footpaving works. All details are to be in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and AS1428. The design plans must be approved by the Roads Authority prior to commencement of Construction and shall include:-
- a. The design of the road and kerb and gutter, for the full length of the proposed footpaving adjacent to roadway that is not formalised with kerb and guttering, to ensure the correct level for the footpaving is achievable.
 - b. Pram ramps adjacent and opposite the proposed development.
 - c. The construction of a **pedestrian refuge** in Toowoon Bay Road and pram ramps for both sides on Toowoon Bay Road in accordance with DCP 2005 Chapter 67.
 - d. Existing pram ramp openings in the kerb returns in Toowoon Bay Road shall be restored to existing kerb and gutter formation.
 - e. **A formalised bus shelter and concrete apron shall be installed at the Watkins Street bus stop site.**
 - f. A concrete apron from the bus shelter to the kerb shall be installed in the bus stop in Toowoon Bay Road
 - g. Adjustment of services as required by the relevant service authorities.
 - h. Where the footpath crosses existing vehicle footpath and gutter crossings it shall be designed and constructed in accordance with Council's footpath and gutter crossing requirements as identified in DCP 2005 Chapter 67. Transitions 1m either side of the footpath and gutter crossing shall also be required.
 - i. Tree removal or lopping as may be necessary to facilitate the footpaving construction are to be approved by Council's Tree Preservation Officer prior to any works commencing.
 - j. The splay on the north east corner of Toowoon Bay Road and Kitchener Road shall be identified and considered as part of the design.
- 27 The provision at no cost to Council of kerb and guttering, half road construction and associated stormwater systems for the full street frontage of the development in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. The design plans must be approved by the Roads Authority prior to commencement of Construction.
- 28 The provision of a vehicular access crossing in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. The design plans must be approved by the Roads Authority prior to commencement of Construction and shall include:-
- a. The footpath and gutter crossing is to be a minimum of 5.5m wide to allow for simultaneous entry and exit of vehicles at the development.
- 29 The submission of a plan of management to Council for approval under the Roads Act/Local Government Act for any works for the development that

impact on road related areas or areas used by the public any public roads or public land for the construction phase of the development, prior to that section of work commencing. The plan is to include a Traffic Control Plan and/or a Work Method Statement for any works or deliveries that impact the normal travel paths of vehicles, pedestrians or cyclists or where any materials are lifted over public areas. This plan must be certified by an appropriately accredited/qualified person.

Safer by Design

- 30 To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following:
- i. In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to AS1158 is to be provided to all common areas including the basement car park, common open space and any common stair access to these areas and pedestrian routes, particularly including the waste storage areas. Such common lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties.
 - ii. The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site (and adjacent to mailboxes) shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other.
 - iii. Ensure that the development minimises the opportunities for concealment or entrapment spaces.
 - iv. Walls/screens between balconies/courtyards shall be designed to avoid foot holes or natural ladders so as to prevent access between balconies/terraces within the development.
 - v. Ensure the development management adopts an ongoing policy of rapid repair of vandalism and graffiti and ensuring that all lighting is in working order. The use of durable and easily maintained external materials and finishes. The installation of sturdy, non corrosive catches, bolt and locks on doors/windows.
 - vi. Installation of peep holes (or equivalent) to the front door to all units to allow viewing of visitors prior to opening the door.

SEPP 65

- 31 Prior to commencement of work, Housing NSW is to receive a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the Design Quality Principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

Site Requirements

- 32 Construction or demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction or demolition is to be carried out at any time on a Sunday or a public holiday.
- 33 Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
 - a be a standard flushing toilet connected to a public sewer; or
 - b have an on-site effluent disposal system approved under the LGA 1993, or be a temporary chemical closet approved under the LGA 1993 supplied by a licensed contractor.
- 34 In accordance with the requirements of Council's Development Control Plan 2005, Chapter 69 - Controls for Site Waste Management, an on site storage area for reuse, recycling and disposal of materials is to be provided during construction. Concrete, brick, tile and excavation material is to be given first priority for reuse and recycling.
- 35 All building materials, plant and equipment must be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council's recreation reserves and/or road reserves is prohibited. **Note: On the spot fines may be imposed by Council for non-compliance with this condition.**
- 36 The provision of a hoarding or safety fence between the work site and the public place in accordance with Work Cover Authority requirements, for the duration of the project. Details to be submitted to Housing NSW unless the hoarding is required within the footpath area where approval from Council under the Roads Act as the Roads Authority is required.
- 37 The Principal Contractor (or Owner/Builder) is to erect a sign in a prominent position on the site (not attached to any tree) identifying the name, address and telephone number of Housing NSW; the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder); and stating that unauthorised entry to the site is prohibited. The sign must be maintained while the work is being carried out and is to be removed when the work is completed.

Stormwater

- 38 The provision of a piped street drainage system on the western side of Kitchener Road from the southern side of the proposed development lot to the existing piped drainage system in Archbold Road. The design shall comply with Council's Development Control Plan 2005 Chapter 67 - Engineering Requirements for Development. Design plans and supporting calculations must be submitted to Council prior construction.
- 39 The provision of a stormwater system with water quality control facilities required to treat stormwater runoff from the development generally in

accordance with Design Plans NoS20316-BG1HK-C01 to C04 from Michael Ell Consulting Engineers Pty Ltd. The design shall comply with Council's Development Control Plan 2005 Chapter 67 - Engineering Requirements for Development and AS/NZS3500.3. Design plans and supporting calculations must be submitted to Council prior to construction and shall include:-

- Permissible site discharge is to be restricted to a maximum of 66 litres / second.
- Water quality outcomes in accordance with Australian Runoff Quality.
- Piped drainage system to cater for the 5% AEP storm event.
- Overland flow paths to cater for the 1% AEP storm event.
- Connection to the drainage system in Kitchener Road.
- The propose retention tanks are to be located a minimum of 1.5m clear of the existing 150mm sewer main.
- All stormwater systems / lines discharging from the site shall have a suitable sized pit located at the boundary of development site.
- Suitably sized galvanised box sections are to be used across Council's footpath area.
- Suitable drainage transition works to the southern side of the development to ensure flows within Kitchener Road are maintained. Design plans must be submitted to and approved by Council under Section 68 of the Local Government Act

Vehicle Access and Parking

- 40 The design of the carparking and access road in accordance with AS2890.1 and AS/NZS 2890.6. The design, compliant with AS/NZS2890.1 and AS/NZS 2890.6, is to be submitted to Housing NSW prior to construction and shall include:-
- a. A minimum access width of 5.5m with an additional 300mm either side where kerb higher than 150mm is proposed, to allow for the passing of vehicles.
 - b. Provision for a car wash bay, having minimum dimensions of 5m x 2.7m, directly accessible from the driveway. The car washing area is to be located and designed to drain to a grassed or landscaped area located within a common area and sufficient in size to absorb wastewater from car washing. The car washing space may be provided within an existing carparking space.

Water and Sewer Services/Infrastructure

- 41 All water and sewer works or works impacting on water and sewer assets are to be designed and constructed to the requirements of Wyong Shire Council as the Water Supply Authority under the Water Management Act 2000. The requirements of Section 306 of the Water Management Act, 2000 which apply to this development, are detailed in the Section 306 requirements letter attached to the consent. All works required in the Section 306 letter must be shown on the design plans. The design plans must be submitted to and approved by Council prior to construction.

Prior to Release of Occupation Certificate:

The following conditions must be satisfied prior to the release of an Occupation / Subdivision Certificate.

BASIX

- 42 Pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed in the BASIX Certificate for the development are fulfilled. All work is to be satisfactorily completed prior to occupation.

Building Code of Australia

- 43 Compliance with the relevant provisions and requirements of the Building Code of Australia.

Certificates/Engineering Details

- 44 The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to Occupation. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.
- 45 Certification from a qualified structural/civil engineer shall be submitted prior to occupation that all retaining structures as built have been constructed in accordance with the submitted plans, accepted practice, and that the structure is stable and capable of catering for all anticipated loads.
- 46 The provision of Works as Executed information as identified in Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development prior to Occupation. The information is to be submitted in hard copy and in electronic format in accordance with Council's "CADCHECK" requirements. This information is to be approved by Council prior to occupation.

Dilapidation

- 47 Any damage not shown in the Dilapidation Report will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to Occupation

Disabled Access

- 48 Access to and throughout the buildings shall comply with the Building Code of Australia, AS1428.1-2001 and the objectives of the Disability Discrimination Act 1992 (Commonwealth).

Erosion and Sediment Control

- 49 The downpipes and stormwater drainage being installed and connected to the approved stormwater disposal system immediately after the roof materials are positioned to prevent erosion of the site from roof water. **Note: A Compliance**

Certificate for the frame cannot be issued until the stormwater drainage system is installed.

External Materials

- 50 The completed development must be in compliance with the external colours and materials submitted with the application and as shown on the materials board.

Landscaping

- 51 The provision and maintenance of landscaping in accordance with Council's Policy Number L1 - Landscape for a Category 3 development in accordance with Plan reference No L-01 and L-02 as amended by condition 23. All landscaping works are to be completed prior to Occupation and a landscape implementation report from the approved landscape consultant is to be submitted to Housing NSW.

Plumbing and Drainage

- 52 The provision of the rainwater tank in the approved location including plumbing to collect rainwater from the roof area as detailed in the BASIX Certificate. The tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500, shall include first flow diversion devices fixed to all inflows, be provided with a functioning pressure pump, and be plumbed to service all fixtures as detailed in the BASIX Certificate. The tank must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.

Roads

- 53 All footpath and gutter crossing works must be in accordance with Development Control Plan Chapter 67 – Engineering Requirements for Development.
- 54 All additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be provided in accordance with Development Control Plan Chapter 67 – Engineering Requirements for Development.
- 55 All works within a public road such as kerb and guttering, road pavement, drainage, footpaths, cycleways and vehicular access crossings must be constructed in accordance with Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development.

Seniors Living

- 56 Prior to commencement of occupation of any part of the development approved pursuant to this consent, the applicant must create a restriction as to user under the Conveyancing Act 1919 restricting the occupation of each dwelling in the subject development to:
- people aged 55 years or over or people with a disability as defined by the provisions of State Environmental Planning Policy (Housing for Seniors or

People with a Disability) 2004;

- people who live with such people as defined in sub-clause above; and
- staff employed to assist in the administration of and provision of services to housing provided in this development.

The instrument creating the restriction as to user shall be prepared by the applicant at its own expense and submitted duly executed by the applicant or the owner of the property to the Council for approval by the Council's solicitors. The applicant will pay the costs of the instrument and proof of registration of the instrument upon the title to the subject property will be provided to the Council by the applicant prior to occupation of the property.

SEPP 65

- 57 Housing NSW must not authorise a person to commence occupation or use of residential flat development unless housing NSW has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications, having regard to the Design Quality Principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

Stormwater

- 58 The construction of the stormwater system, including suitable transitions, within Kitchener Road in accordance with the approved plans and Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development.
- 59 The stormwater system with water quality control facilities to treat stormwater runoff from the development discharging into Council's system or public land must be approved by Council under Section 68 of the Local Government Act prior to Occupation.
- 60 The prevention of any obstruction of surface or sub surface drainage that could result in the disruption of the amenity, drainage or deterioration to any other area of the property. Works are to be satisfactorily completed prior to Occupation.

Vehicle Access and Parking

- 61 The construction of the carparking area and access road in accordance with AS/NZS2890.1 and AS/NZS2890.6 prior to Occupation.

Waste Management

- 62 Prior to Occupation of the development waste bins must be provided to the satisfaction of Council. This development will require the placement of 1x1.5m³ bulk waste bin, 16x240litre recyclable bins and 3x240litre green waste bins. The storage area will be required for the development and shall provide easy access for the bulk bin collection.

Ongoing Operation:

The following conditions must be satisfied during use / occupation of the development.

External Materials

- 63 The external finish must be maintained and any graffiti removed.
- 64 All sun screens, services and other attachments to the exterior of the building are to be carefully detailed to ensure integration with the overall form.
- 65 All privacy screens are to be maintained for the life of the building.

Landscaping

- 66 All landscaping is to be maintained to maturity through the use of mulch and watering and allowed to achieve their natural height to the satisfaction of Housing NSW. Where any approved landscaping dies or is substantially damaged within 5 years of planting, it must be replaced and maintained to maturity.

Stormwater

- 67 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.

Waste Management

- 68 No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare and odour must not be emitted from any such receptacle(s) so as to cause offence to any person(s) outside the subject land (other than for waste collection/removal).