

Attachment 2

Proposed Conditions of Consent (changes from original conditions shown in red)

Approved Plans

- 1 The development is to be undertaken in accordance with the approved development plans listed below, specifications and accompanying documentation except as modified by any conditions of consent:

Title	Drawing No.	Revision	Date	Prepared By
Architectural Plans - Affordable Housing	Job No 2011-13 Sheets DA01 and DA03 to DA11	E	June 2012	Australian Consultant Architects
Landscape Plan	Project No 2945c Sheet L-01	C	27/6/12	Ray Fuggle Associates Landscape Architects
Stormwater Plans	89022886-000 89022886-001 89022886-002	1 4 4	22/8/11 28/6/12 28/6/12	Cardno
Bushfire Assessment Report	Report No 2011/171B	2	February 2012	Bushfire Safety Solutions
Access Report	-	-	Amended 26/6/12	Accessibility Solutions (NSW) Pty Ltd
Acoustic Report	Report Number 5405-R1	0	30/3/11	SLR global Environmental Solutions
Social Impact Assessment	Project No:A268	-	January 2012	Creative Planning Solutions
Acid Sulphate Soil Assessment	-	0	December 2011	Aargus Pty Ltd

Certificates – Application and Approval

- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.

- 4 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Application for Civil Works and Subdivision Works must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

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.

Bush Fire Requirements

- 5 The proposed development has been assessed against the provisions of *Planning for Bushfire Protection 2006 (NSW)* and has been determined as having a Bushfire Attack Level (BAL) of 12.5 for the western buildings adjacent to the foreshore reserve. Prior to the issue of a Construction Certificate, construction details demonstrating compliance with AS3959-2009 – *Construction in Bushfire Prone Areas* and section A3.7 Addendum Appendix 3 of *Planning for Bushfire Protection 2006 (NSW)* for the nominated BAL must be provided for the approval of the Accredited Certifier.

Contribution Payment Requirements

- 6 Prior to the issue of a Construction Certificate, the payment to Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Section 94 and Section 94A Contribution Plan. Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment.

Controlled Activity Approval

- 7 Prior to the issue of a Construction Certificate, a Controlled Activity Approval must be issued by the NSW Office of Water in accordance with the General Terms of Approval dated 7 September 2011 and as attached to the development consent.

Dust Control Requirements

- 8 Prior to the issue of a Construction Certificate, suitable details must be provided for the approval of the Accredited Certifier of an appropriate system to control dust emissions from the site during construction works. The approved method of controlling dust emissions from the site is to be implemented and be maintained for the duration of construction works on the site.

Erosion and Sediment Control – Design Requirements

- 9 Prior to the issue of a Construction Certificate, design drawings for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways must be provided for the approval of the Accredited Certifier. Required design drawings must include all major stages of construction and sequences of work together with treatments necessary at each of these stages. The design drawings must be prepared in accordance with the Landcom publication '*Soils and Construction – Managing Urban Stormwater*' (*Blue Book*).

Flooding Design Requirements

- 10 Prior to the issue of a Construction Certificate, design drawings must be provided for the approval of the Accredited Certifier detailing the following requirements: -
- A minimum floor level of RL 3.6 metres Australian Height Datum (AHD) for all habitable rooms, as defined within the Building Code of Australia.
 - A minimum floor level of RL 1.9 metres AHD for all non habitable rooms with plumbing and drainage fixtures.
 - The required surcharge gully is to have a minimum RL of 1.75 metres AHD.
- 11 Prior to the issue of a Construction Certificate, detailed design drawings must be prepared for the approval of the Accredited Certifier by a suitably qualified Structural Engineer in accordance with the requirements of the Hawkesbury-Nepean Floodplain Management Steering Committee publication *Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas*, for the following flooding characteristics applicable to the development:
- 1% AEP flood level of RL 3.1 metres AHD.
 - Average flood velocity of 0.5 metres per second.
- An appropriate factor of safety must be applied to the forces exerted by the 1% AEP flood before it is used in any structural calculations.
- 12 Prior to the issue of a Construction Certificate, design drawings and specifications must be submitted for the approval of the Accredited Certifier for the following flooding characteristics applicable to the development:
- The storage of all toxic or pollutant substances at least 500mm above the 1% AEP flood level. Alternatively these materials may be placed within an area protected by bunds constructed 500mm above the 1% AEP flood level.

- All electrical outlets and fixtures below the 1% AEP flood level protected by a residual current device (safety switch).
 - Flood compatible materials must be used for all building materials used or placed below the 1% AEP flood level.
 - The basement carpark shall be tanked to prevent the ingress of groundwater flows.
- 13 The preparation of a Flood Emergency Management Plan (FEMP) to mitigate the risk to life and property by a suitably qualified and experienced consultant. The plan must include, but not limited to, the following;
- Source and severity of flooding.
 - A site specific evacuation plan prepared in consultation with the State Emergency Service, including commentary of the 'last chance' opportunity for self sufficient low hazard evacuation.
 - Methods of accessing real time flood data and warnings
 - Recommendations and contingencies for occupants during and after a flood event in relation to communications, supplies, services and any other elements identified by the flooding consultant.
 - Methods of disseminating the contents of the FEMP to current and future occupants.
 - Revision frequency for the FEMP, and requirement to provide a copy of any revision to Wyong Shire Council.
 - Recommendations for amendments/additions to the development plans to facilitate ease of evacuation. **Any recommendations made must be shown on the development plans approved with the Construction Certificate.**
 - Recommendations for actions prior to the occupation of the development

The plan must be ~~certified and~~ submitted to the Accredited Certifier prior to the issue of the Construction Certificate. A copy of the FEMP must be supplied to Wyong Shire Council and the registered proprietor of the land.

Landscaping Design Requirements

- 14 Prior to the issue of a Construction Certificate, the landscape design drawings, prepared by Ray Fuggle Associates Landscape Architects dated **27/6/12** is to be amended to incorporate the following changes:
- An additional eight (8) trees (*Waterhousia floribunda* or similar) within the front setback area with a minimum 100 litre pot size.
 - Placement of *Carpobrotus glaucescens* closest to the foreshore and the replacement of *Waterhousia floribunda* at the back of the property with *Casuarina glauca* or *Glochiodon ferdinandi* (or similar species that have high salt tolerance)
 - Replacement of *Pennisetum* sp. with *Carpobrotus glaucescens* (or similar).
 - Replacement of *Dianella* sp. with *Dianella caerulea* or *Dianella congesta*.
 - Replacement of Callistemon 'Hanna ray' and Callistemon 'Captain cook' with *Pittosporum revolutum*, *Melaleuca nodosa* or *Callistemon linearifolius*.
 - All trees are to be a minimum 100 litre in pot size. All shrubs 2-4 metres high are to be a minimum 25 litre pot size and all shrubs (1-2 m high) and

accent plants are to be a minimum 5 litre pots. Groundcovers are to be tube stock or greater.

- A 26 week maintenance schedule.

The landscape plan must be provided for the approval of the Accredited Certifier. Such landscape design plans must be prepared in accordance with Council's Landscape Policy L1 for a Category 3 development.

- 15 Design plans for the enclosure of the communal waste storage area are to be submitted to the Accredited Certifier for approval prior to the issue of the Construction Certificate. The design plans are to be in accordance with the requirements of Wyong Development Control Plan 2005 Chapter 69 – Controls for Site Waste Management and the accompanying Waste Control Guidelines and must include suitable landscaping to screen the enclosure.

Noise Control Requirements

- 16 Prior to the issue of a Construction Certificate, the recommendations of the Road Traffic Noise Assessment prepared by SLR Global Environmental Solutions, Report Number 5405-R1 dated 30 March 2011 and revised letter dated 5 June 2012 must be implemented.

Roadworks - Design Requirements

- 17 Where conditions of this consent require approval from Council as the Roads Authority with the concurrence of the RMS, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Fees and charges calculated in accordance with Council's Management Plan and must be paid prior to the issue of any consent under the Roads Act 1993. Prior to approval, the developer will be required to enter into a Works Authorisation Deed (WAD) with the RMS for any works and traffic control on State roads.
- 18 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:
- Kerb and guttering for the full street frontage of the development.
 - Street stormwater drainage systems.
 - Street lighting in accordance with AS/NZS 1158.
 - Pavement marking and signage.
 - Street trees at a maximum of 15.0 metre spacing.
 - Vehicle access crossing(s).
 - Kerb ramp for waste collection.
 - The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation.

- Any associated works to ensure satisfactory transitions to existing infrastructure.
- Basic auxiliary right (BAR) hand turn treatment in Wilfred Barrett Drive at the proposed vehicle access location.
- Formation of a minimum 2.5 metre wide road shoulder adjacent proposed kerb and gutter.

Required design drawings are to be prepared in accordance with Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

- 19 The submission to the Council as the Roads Authority of a 'detailed design stage' Road Safety Audit for road intersection works prepared by a Level 3 Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of design drawings.

Stormwater Drainage - Design Requirements

- 20 The submission to the Accredited Certifier of a detailed stormwater management plan generally in accordance with the conceptual stormwater management [plan prepared by Cardno (drawing numbers 89022886-000, 89022886-001 and 89022886-002, and dated 22/8/2011), and featuring:
 - Stormwater disposal to an absorption/level spreader system
 - The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering leaving the development.
 - Full details of the holding tank capacity, pump type and system, discharge rate and the delivery line size for the basement drainage.
 - The basement carpark shall be tanked to prevent the ingress of groundwater flows.

The detailed design plans must be prepared in accordance with AS/NZS3500.3:2004 and Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate.

- 21 Stormwater drainage works external to the site and discharging into a public system or public land requires approval from Council under Section 68 of the Local Government Act 1993. Detailed design drawings prepared in accordance with Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* must be approved by Council prior to the issue of a Construction Certificate. All other stormwater management works must be approved by the Accredited Certifier.

Structural Design Requirements

- 22 Prior to the issue of a Construction Certificate, satisfactory structural plans prepared by a suitably qualified Registered Structural Engineer are to be submitted for the approval of the Accredited Certifier, for the following building elements
- Slabs, piers and footings.
 - Retaining walls
 - Tanking of the basement carpark
 - Structural design of all elements below the design surface level must consider increased salinity levels with predicted sea level rise.

Vehicle Access and Parking - Design Requirements

- 23 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design to the carpark and basement areas able to withstand anticipated vehicle loading and incorporating non-slip (low noise) surface treatments.
 - **Access control to the basement carpark**
 - Mechanical fixing and acoustic isolation of any gates to/from the basement carparking.
 - Amendment to parking spaces numbered 5, 6, 11, 22 and 29 to achieve geometric compliance with the parking for people with disabilities.
 - The placement of clearance signage above the basement entry.

The design drawings shall be prepared in accordance with the requirements of AS/NZS 2890 – Parts 1, 2 and 6, and be approved by the Accredited Certifier prior to the issue of a Construction Certificate.

- 24 The submission to the Accredited Certifier of lighting design drawings for the carpark and public places. The design shall be prepared in accordance with the requirements of AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier prior to issue of a Construction Certificate.

Water and Sewer Services - Design Requirements

- 25 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

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.

Demolition Requirements

- 26 Prior to the demolition of existing structures on site, all existing site services are to be disconnected, sealed and made safe. The sewer and water service is to be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector certifying that the works have been undertaken to the satisfaction of Council as the Water and Sewer Authority. Thiess Service's Customer Service Centre are also to be contacted on telephone number 1300 126 278 to arrange for the collection of the garbage bins.
- 27 Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work, must be undertaken by a person who carries on a business of such removal work in accordance with a licence issued under the provisions of Clause 318 of the *Occupational Health and Safety Regulation 2001*.
- The person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.
 - Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered for disposal.

Ecology/Trees Requirements

- 28 Prior to works associated with the development commencing, all trees nominated for retention at the rear of the property are to be suitably protected by 1.8 metre high interlocking chain wire fencing to be installed at a minimum of 2 metres from the base of each tree on all four sides. All required tree protection measures are to be in place prior to the commencement of works and maintained for the duration of construction works.

Erosion and Sediment Control Requirements

- 29 Prior to works associated with the development commencing, soil erosion and sediment controls measures are to be provided on the development site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development* and the approved development plans.
- 30 Prior to works associated with the development commencing, suitable sediment control kerb inlet trap devices are to be provided downstream of the development site adjoining locations such as kerb inlet drainage pits, in order to prevent any silt that may have left the site from entering the drainage system.

The build up of silt and debris behind the required kerb inlet trap devices is to be removed from the site on a daily basis.

- 31 Prior to works associated with the development commencing, an appropriate sign to promote the awareness and importance of the maintenance of on-site sediment control techniques is to be provided on the most prominent sediment fence or erosion control device within the development site, for the duration of the project.

Home Building Act Requirements

- 32 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:

In the case of work to be done by the holder of a contractor licence under that Act:

- the name and licence number of the contractor; and
- the name of the insurer by whom the work is insured under Part 6 of that Act.

In the case of work to be done by the holder of an owner-builder permit under that Act:

- the name and permit number of the owner-builder.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above 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.

Protection of Adjoining Property Requirements

- 33 Prior to works associated with the development commencing, the owner of the adjoining property affected by the proposed excavation and/or structural protective works, must be given written notice of the intention to commence works. The required notice must be accompanied by details of the proposed work at least seven (7) days prior to the commencement of proposed excavation and/or structural protective works.
- 34 Prior to works associated with the development commencing, the applicant must supply the Principal Certifying Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and other improvements. The report must be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works. **Note:** The report is to be made available by the Principal Certifying Authority in any private dispute between neighbours regarding damage arising from construction works upon the development site.

Roads - Preconstruction Requirements

- 35 Prior to commencing any works upon public roads the developer and their contractor will be required to:
- Obtain a copy of the Council approved Civil Works plans and pavement design (if applicable).
 - Obtain a copy of Development Control Plan 2005, Chapter 67 – *Engineering Requirements for Development*. This is Council's Specification for Civil Works and is available on Council's web site.
 - Arrange a meeting on-site with Council's Principal Development Construction Engineer on (02) 4350 5555.
- 36 Prior to works associated with the development commencing, a Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Maritime Services (RMS) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan in accordance with Council's Plan of Management.
- 37 Prior to works associated with development commencing, a dilapidation report must be prepared and submitted to Council as the Roads Authority. The required dilapidation 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. **Note:** The report will be used by Council to determine the extent of damage arising from site and construction works.

Site Requirements

- 38 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, 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 required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.
- 39 Prior to works associated with the development commencing, suitable toilet facilities must be available or be provided upon the development site, with the required toilet facility(s) maintained until development works are completed at a ratio of one (1) toilet plus one (1) additional toilet for every twenty (20) persons employed at the site. Each toilet must:

- be a standard flushing toilet connected to a public sewer system; or
 - have an on-site effluent disposal system approved under the Local Government Act 1993, or be a temporary chemical closet approved under the Local Government Act 1993, supplied by a suitably licensed contractor.
- 40 Prior to works associated with the development commencing, a suitable hoarding or safety fence between the work site and the public place is to be provided in accordance with Work Cover Authority requirements. The required hoarding/fencing is to remain in place during the construction phase of the development. Should the hoarding/fencing be required to be provided within the road reserve area, approval from Council under the Roads Act as the Roads Authority is required to be obtained prior to its erection.
- 41 Prior to works associated with the development commencing, it is the builder's responsibility to confirm the location and depth of the sewer main and connection point in relation to the floor level, to ensure that appropriate connection to the sewer can be achieved.
- 42 Prior to works associated with the development commencing, where any excavation is proposed in proximity to existing gas and/or electricity networks, the developer is advised to notify '*Dial Before You Dig*' of the time and place of work no more than thirty (30) days before the work commences. The developer must satisfy any requirements as set by the network operators in carrying out excavation works.

During Construction Works:

The following conditions must be satisfied during construction works.

Acid Sulphate Soils

- 43 Should acid sulphate soils be encountered during excavation works, work is to stop and an Acid Sulphate Soils Management Plan is to be prepared and submitted for the approval of the Principal Certifying Authority. All works are to proceed in accordance with the recommendations of the Acid Sulphate Soils Management Plan.

Approved Plans

- 44 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 the Principal Certifying Authority or an officer of the Council.

Demolition - Compliance Requirements

- 45 Any demolition work carried out with respect to the development is to be carried out in accordance with the requirements of AS 2601-2001 – *The Demolition of Structures*.
- 46 The disposal of any asbestos materials must be in accordance with the requirements of WorkCover NSW and AS 2601-2001 – *The Demolition of Structures*. The asbestos materials are to be disposed of at an approved waste

management facility in accordance with the procedures the facility has for the disposal of asbestos. Upon completion of these works, the Principal Certifying Authority is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

Dust Control Requirements

- 47 Suitable dust suppression measures shall be implemented and maintained by the developer during demolition, excavation and construction works associated with the development. Such measures are required to minimise the emission of dust and other impurities into the surrounding environment.

Earthworks and Haulage - Construction Requirements

- 48 During construction works, all fill is to be placed on site in such a manner that surface water will not be permanently or temporarily diverted to adjoining land.
- 49 All earthworks are to be limited to the area as indicated within the approved development plans. Any additional earthworks and the construction of associated retaining structures outside of the nominated areas, requires separate approval.
- 50 All materials other than fill imported to the site for civil works, shall have a resource recovery exemption made under the Protection of the Environment Operations (Waste) Regulation 2005.
- 51 All site fill material shall be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines – Part 1: Classifying Waste published by the Department of Environment, Climate Change and Water NSW (now Office of Environment and Heritage). Site fill material shall be certified as VENM or ENM by a practising Geotechnical Engineer prior to haulage to site. Certification documentation shall be provided to the Principal Certifying Authority throughout the construction phase of the works.

Ecology/Trees - Construction Requirements

- 52 The Norfolk Island Pine trees at the rear of the site are to be retained and not felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed.

Erosion and Sediment Control - Construction Requirements

- 53 Sand and other materials associated with the construction of the development that could potentially be washed off the site during rain periods, are to be stored behind a suitable sediment control barrier.
- 54 All sediment and erosion control devices provided with respect to the development are to be periodically cleaned and maintained in an effective state for the duration of works. On the spot fines for non-compliance with this requirement may be issued under the provisions of the *Protection of Environment Operations Act, 2000*.

Flooding - Construction Requirements

- 55 The minimum floor level of all habitable rooms is to be RL 3.6 metres AHD. Certification from a Registered Surveyor confirming that the minimum floor levels have been achieved must be submitted to the Principal Certifying Authority when the dwelling reaches floor level stage. **Note:** Framework associated with the building is not to be erected until such time as the floor level certification is received.

Services/Utility Requirements

- 56 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 57 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;
 - Ausgrid 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.

Site Requirements

- 58 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 59 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 60 During the construction phase of the development, any excavation below the level of footings of buildings upon adjoining allotments requires the preservation and protection of the adjoining buildings from damage resulting from subsidence. Should it be necessary, the excavation is to be supported and the adjoining buildings underpinned in a manner certified by a suitably qualified Structural Engineer.
- 61 During the construction phase of the development, downpipes and the associated stormwater disposal system is to suitably connected to the site

stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run off. The Principal Certifying Authority for the development will not issue a compliance certificate for framing unless connection of the site stormwater (or temporary system) has occurred.

Waste Management Requirements

- 62 During the construction phase of the development, all building materials must be re-used, recycled or disposed of in accordance with the Waste Management Plan submitted with the subject application.

Prior to Release of Occupation Certificate:

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

BASIX Requirements

- 63 Prior to the issue of an Occupation Certificate, pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is mandatory that all the commitments listed in the BASIX Certificate applicable to the development are fulfilled.

Building Code of Australia – Compliance Requirements

- 64 Prior to the issue of the Occupation Certificate, the building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.

Bush Fire – Compliance Requirements

- 65 Prior to the issue of an Occupation Certificate, the western buildings adjacent to the foreshore reserve shall be completed in accordance with the requirements of AS 3959-1999 - *Construction of Buildings in Bushfire Prone Areas*, for a Bushfire Attack Level of 12.5.
- 66 Prior to the issue of the Occupation Certificate, all water, electricity and gas supplies are to comply with the requirements of section 4.1.3 of 'Planning for Bushfire Protection 2006 (NSW)'.
- 67 A Bush Fire Emergency Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service document 'Guide for Developing a Bush Fire Emergency Evacuation Plan'.
- 68 Prior to the issue of the Occupation Certificate, landscaping on the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006 (NSW)' and all fencing is to be non-combustible.

Consolidation

- 69 The consolidation of Lot 1 DP 862588 and Lot 76 DP 227174 into one lot by registered subdivision prior to the issue of an Occupation Certificate. Documentary evidence of the Consolidation Plan registration with the Land and Property Management Authority must be submitted to the Accredited Certifier.

Dilapidation Rectification Requirements

- 70 Prior to the issue of an Occupation Certificate, any damage not shown in the Dilapidation Report submitted to and approved by the Principal Certifying Authority prior to site works commencing, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified at the applicant's expense.

Disabled Access Requirements

- 71 Prior to the issue of an Occupation Certificate, access to and throughout the buildings shall be certified by a suitably qualified consultant that it complies with AS 1428.1-2009 and the objectives of the *Disability Discrimination Act 1992* (Commonwealth).

External Colours/Finishes Requirements

- 72 Prior to the issue of an Occupation Certificate, the completed development must comply with the schedule of external colours and materials submitted with the application and as shown on the materials board/model/photomontage.

Filling and Haulage- Completion Requirements

- 73 All filled areas are to be compacted in accordance with the requirements of AS 3798-1996. The submission of test results and appropriate documentation attesting to this requirement having been achieved is to be provided for the approval of the Accredited Certifier prior to issue of the Occupation Certificate.

Flooding – Compliance Requirements

- 74 Prior to the issue of an Occupation Certificate, all electrical circuits below the 1% AEP flood level are to be provided with a residual current device.
- 75 Prior to the issue of the Occupation Certificate, the surcharge gully for the development must be at a minimum level of 1.75 metres AHD and all plumbing and waste fixtures must be at a minimum level of 1.9 metres AHD. Irrespective of the above a minimum of 150mm must be maintained between the gully and the lowest waste fixture.
- 76 Prior to the issue of an Occupation Certificate, all rainwater storage tanks must be installed with the stormwater inlet and outlets, air gap for mains water top up at a minimum level of 500mm above the 1% AEP flood. Where the stormwater outlet cannot be located 500mm above the flood level it must be fitted with a non return valve to prevent back flow in accordance with Council's rainwater tank installation guidelines.

- 77 All recommendations of the Flood Emergency Management Plan requiring completion prior to occupancy must be completed prior to the issue of any Occupation Certificate.

Landscaping Requirements

- 78 Prior to the issue of an Occupation Certificate, landscaping is to be provided to the development site in accordance with Council's Policy Number L1 for a Category 3 development in accordance with the approved landscape plan. Required landscaping is to be the subject of an appropriate landscape implementation report from the approved landscape consultant submitted to and approved by the Principal Certifying Authority.

Lighting Requirements

- 79 Prior to the issue of an Occupation Certificate, suitable lighting to carpark shall be provided in accordance with the requirements of AS/NZS 1158 and AS/NZS 2890.1.

Noise Control Requirements

- 80 Prior to the issue of an Occupation Certificate, the recommendations of the Road Traffic Noise Assessment prepared by SLR Global Environmental Solutions, Report Number 5405-R1 dated 30 March 2011 **and revised letter dated 5 June 2012** must be implemented.
- 81 Prior to the issue of an Occupation Certificate, the carpark and basement areas are to have non-slip (low noise) surface treatments.
- 82 Mechanical fixing and acoustic isolation of any gates to/from the basement carparking is to be installed prior to the issue of an Occupation Certificate.
- 83 Prior to the issue of an Occupation Certificate, fencing to a minimum height of 1.8 metres, is to be constructed along the full length of the northern boundary to attenuate noise from the basement carpark and driveway.

Other Authorities – Compliance Requirements

- 84 Prior to the issues of an Occupation Certificate, compliance with the Controlled Activity Approval issued by the NSW Office of Water.

Plumbing and Drainage - Compliance Requirements

- 85 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be

controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.

Restriction as to User

- 86 In accordance with the provisions of State Environmental Policy (Affordable Rental Housing) 2009, for 10 years from the date of the issue of the Occupation Certificate:
- (i) the dwellings proposed to be used for the purposes of affordable housing (being 50% of the units within the development) must be used for the purposes of affordable housing, and
 - (ii) all accommodation that is used for affordable housing must be managed by a registered community housing provider, and
 - (iii) A restriction must be registered, before the date of the issue of the Occupation Certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of (i) and (ii) are met.

Roads – Compliance Requirements

- 87 The provision of any additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council as the Roads Authority prior to issue of the Occupation Certificate.
- 88 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.
- 89 Any road works and or traffic control facilities within a state road must be completed in accordance with the approved Civil Works design drawings and RMS Works Authorisation Deed, and be jointly approved by Council as the Roads Authority and the RMS prior to the issue of any Occupation Certificate.
- 90 The submission to the Council as the Roads Authority of certification from an Accredited Service Provider (ASP) that the street lighting installation has been completed in accordance with AS/NZS 1158 and AS 4282-1997, the approved design drawings and will achieve a minimum of twenty (20) year design life. The certification must be received by Council prior to the issue of the Occupation Certificate.
- 91 The submission to the Council as the Roads Authority of a 'pre-opening stage' Road Safety Audit for the road intersection works prepared by a Level 3 Road Safety Auditor recognised on the NSW Register of Road Safety Auditors. Any deficiencies identified within the audit must be resolved in consultation with Council prior to the approval of the works.
- 92 All works are to be carried out at no cost to Council or the RMS.

Safer by Design

- 93 To minimise the opportunity for crime and in accordance with Crime Prevention Through Environmental Design 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 carpark, open carpark, common open space and any common stair access to these areas and pedestrian routes, 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.
 - vii Access control is to be provided to the basement carpark.

Statutory Certificate Requirements

- 94 Prior to the occupation of the building occurring, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority. Occupation of the development without an Occupation Certificate is an offence under the provisions of the Environmental Planning and Assessment Regulation, 2000.
- 95 Prior to the Issue of an Occupation Certificate, a Final Fire Safety Certificate, as required by Clause 153 of the Environmental Planning and Assessment Regulation, 2000, certifying that all the Fire Safety Measures within the building have been designed and installed in accordance with the relevant standard of performance as nominated by the Fire Safety Schedule issued with the Construction Certificate, is to be supplied for the approval of the Principal Certifying Authority. Such Final Fire Safety Certificate is also to be displayed within a prominent location within the building such as the main entry.

Stormwater – Compliance Requirements

- 96 The construction of the stormwater management system in accordance with the approved Stormwater Management Plan and AS/NZS 3500.3-2004. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 97 The construction of stormwater drainage works external to the site and discharging into a public system or public land in accordance with the approved Stormwater Management Plan and Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development*. All works must be approved by Council under Section 68 of the Local Government Act 1993 prior to issue of the Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.
- 98 Prior to the issue of the final Occupation Certificate, a 'Positive Covenant' shall be created on the title of the land requiring the registered proprietor to ensure the continued maintenance and performance of the stormwater pump-out facilities. The terms of the positive covenant are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the covenant.

Vehicle Access and Parking – Compliance Requirements

- 99 The construction of the carpark and accesses in accordance with AS/NZS 2890 - Parts 1 and 6. Certification of the construction of the carpark and associated accesses by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 100 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 issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

Work as Executed Requirements

- 101 Prior to the issue of an Occupation Certificate, Works as Executed information for the development as identified in Council's Development Control Plan 2005, Chapter 67 - *Engineering Requirements for Development* is to be submitted to and approved by Council. The required Works as Executed information is to be submitted in hard copy and in electronic format in accordance with Council's 'CADCHECK' requirements.

Ongoing Operation:

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

Restrictions on Use Requirements

- 102 The Community Housing Provider must undertake regular assessments of the rental levels for the local area to ensure that the proposed development is affordable for the intended residents.
- 103 The Community Housing Provider is to include as part of the tenancy agreement/contract signed by the residents that only one vehicle is to be allowed per unit (unless otherwise negotiated through the tenancy agreement/contract) and that anti-social behaviour will not be tolerated and would result in a breach of the tenancy agreement/contract.
- 104 The Community Housing Provider is to establish a complaints register to record and address any issues that arise, from tenants or local residents, such as noise, parking and other amenity impacts.

Site Appearance, Maintenance and Security Requirements

- 105 The owner/operator(s) of the site must maintain the external finishes of the building(s), structures, walls and fences for the life of the development and any graffiti must be removed in a timely manner.
- 106 All site landscaping is to be maintained for the life of the development in accordance with the approved landscape plan, as amended by the conditions of this consent, and with the approved maintenance schedule.
- 107 All carpark and public place lighting must be maintained to ensure continuing energy efficient lighting and the amenity of adjoining properties is preserved.

Vehicle Access and Parking – Ongoing Requirements

- 108 The pavement and pavement marking must be maintained in a serviceable condition.
- 109 Garbage/recycling bins must not be permitted to encroach with the carpark or vehicle manoeuvring areas.
- 110 All on-site vehicle parking areas, markings, driveways and manoeuvring areas are to be maintained for the life of the development.

Flooding

- 111 All ongoing actions within the Flood Emergency Management Plan must be completed for the life of the development.

SCHEDULE OF CONTRIBUTIONS

Shire Wide Regional Open Space	\$4,863.90
Shire Wide Performing Arts Centre & Public Art	\$11,259.50
Shire Wide Administration	\$2,160.20
The Entrance/Long Jetty Open Space Land	\$11,208.95
The Entrance/Long Jetty Open Space Works	\$66,435.65
The Entrance Community Facilities Land	\$52,746.35
The Entrance Community Facilities Works	\$68,477.85
The Entrance/Long Jetty Roads	\$214,866.10