

Date: 1 August 2014
Responsible Officer: Julie Garratley
Location: 2-6 Glen Road, OURIMBAH NSW 2258
Lot 18 DP 20723, Lot 19 DP 20723, Lot 20 DP 20723
UBD Reference:
Owner: Mr K J Gregory and Mrs P E Gregory
Applicant: Mr K J Gregory and Mrs P E Gregory
Date Of Application: 10 December 2013
Application No: DA/1034/2013
Proposed Development: Boarding House (SEPP Affordable Housing)
Land Area: 2966m²
Existing Use: XXXX

PROPOSED CONDITIONS

In accordance with Section 80(3) of the Act this consent will not operate until the applicant has provided information to the satisfaction of the Consent Authority to address the matters specified in the conditions of Schedule A. Upon receipt of written information from the applicant in relation to the conditions in Schedule A, the Consent Authority will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

In accordance with Clause 95(3) of the Regulation, a twelve (12) month period is given from the determination date of the 'deferred commencement' notice to lodge plans and information that satisfactorily address the required Schedule A conditions, otherwise the 'deferred commencement' will lapse.

Schedule A

1. A Plan of Management is to be prepared and adopted for the boarding house development. The Plan of Management is to address as a minimum the following matters:
 - a) Criteria and process for selecting residents. The accommodation of people with additional needs is not permitted due to the lack of support staff and services required to assist such persons. Should the applicant want to vary this condition and provide accommodation for people with additional needs, an application to modify this consent is required.
 - b) House Rules (Compulsory) – Resident behaviour, Visitors, Restrictions/Policies on smoking and consumption of alcohol and illicit drugs on the premises, Noise control, use/hours for shared facilities/areas, use of parking areas, incident register, keeping of shared facilities clean and tidy.
 - c) Emergency management and evacuation plan detailing evacuation procedures in the event of an emergency, provision of a resident log book, identifying assembly point and detailing how residents are to be made aware of the procedures in the plan. Copy be given to manager and all residents and available for viewing.

- d) Safety and security, signs and notices – emergency contacts (fire, ambulance and police, emergency repairs), office hours, caretaker location and contact details, house rules, fire safety schedule and egress routes. Accommodation register.
 - e) Waste Management and recycling – Arrangements, location of waste facilities
 - f) A schedule detailing minimum furnishings for boarding rooms, provision of appliances and utensils for kitchens, bathrooms and laundries.
 - g) Maximum occupancy for each room.
 - h) Cleaning and maintenance – regular, professional cleaning and vermin control for at minimum the shared facilities (kitchens, bathrooms etc.), proposed staffing arrangements.
2. The submission of a Community Engagement Plan prepared by a qualified Social Planner detailing the involvement of the community in the preparation of operational policy and decision making for the development.
 3. The submission of a Community Safety Plan detailing the objectives of a safe and secure development without fear or hindrance from crime and disorder.
 4. The submission of a Category 3 Landscape Plan detailing the provision of retaining walls and mature native species tree plantings along the western boundary.
 5. The submission of amended plans demonstrating a minimum rear building line setback of 5.00 metres from the rear of the building to the northern boundary.
 6. The submission of amended plans demonstrating the relocation of the garbage bins to car spaces 2 and 3 and the provision of a hardstand turning area adjacent to the building. Car spaces 2 and 3 are to be located where the bins were proposed.
 7. The submission of amended plans demonstrating the inclusion of privacy measures for units on the western façade of the building in order to minimize the impact to the amenity of neighbouring properties.
 8. The submission of details demonstrating the extent of cut and fill and retaining walls adjacent to the northern and rear section of western boundary.
 9. The submission of amended plans detailing the inclusion of natural light and cross ventilation measures.

All details are to be provided to the satisfaction of Council for approval prior to the consent becoming operational and compliance with this condition is to be achieved within twelve (12) months from the date of determination.

Schedule B

Approved Plans

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

Title	Drawing No.	Revision	Date	Drawn By
Photomontage 1	DA00	-	7.5.14	Project Works Design
Photomontage 2	DA01	-	12.6.2013	Project Works Design
Photomontage 2	DA02	-	12.6.2013	Project Works Design
Site Plan	DA03	-	6.6.14	Project Works Design
Site Analysis Plan	DA04	-	28.7.13	Project Works Design
Ground Floor Plan	DA06	-	6.6.14	Project Works Design
Level 1 Plan	DA07	-	6.6.14	Project Works Design
Level 2 Plan	DA08	-	6.6.14	Project Works Design
Level 3 Plan	DA09	-	6.6.14	Project Works Design
Streetscape Elevation	DA10	-	6.6.14	Project Works Design
Elevations	DA11	-	6.6.14	Project Works Design
Elevations & Sections	DA12	-	6.6.14	Project Works Design
BASIX Commitments	DA15	-	22.4.14	Project Works Design

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 Subdivision Construction Certificate application form 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.
- 5 The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.

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.

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.

Ecology/Tree Requirements

- 7 Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.

Reflectivity of Materials.

- 8 Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.

Structural Design Requirements

- 9 Any excavation below the adjoining land level requires the retaining of that land and the preservation and protection of any improvements or buildings upon that land including public roads and utilities from damage. If necessary, the improvements or buildings are to be supported in a manner designed by a suitably qualified Registered Structural Engineer. Any design proposals prepared in order to comply with this condition are to include geotechnical investigations and are to be submitted for the approval of the Accredited Certifier and in the case where excavation impacts upon public infrastructure, Council, prior to issue of the Construction Certificate.

Roadworks - Design Requirements

- 10 Where conditions of this consent require approval from Council as the Roads Authority, a Subdivision Construction Certificate application 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.

- 11 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:

- Vehicle access crossing(s).
- Removal of the existing Raised pavement marking to provide vehicular access to the development.
- 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.
- Adjustment of services as required.

Required design drawings are to be prepared in accordance with Council's *Civil Works Design Guidelines* and must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

- 12 Prior to the commencement of detailed design works within any public road, contact should be made with the National Community Service "*Dial before you Dig*" on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

Stormwater Drainage - Design Requirements

- 13 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:

- Stormwater disposal to the street.
- Suitably sized galvanised box section across the footpath area to connect to the existing kerb and guttering.
- Drainage pit at the boundary line.
- The provision of an onsite stormwater detention system. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average reoccurrence interval (ARI) design storms.
- 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 Council's stormwater drainage system.
- Discharged water from the development shall not exceed the capacity of the Pacific Highway stormwater drainage system.

The plans must be prepared in accordance with *AS/NZS3500.3:2004* and Council's *Civil Works Design Guidelines*, and be approved by the Accredited Certifier prior to issue of the Construction Certificate.

- 14 Stormwater drainage works (channel widening / upgrade) requires approval from Council under Section 68 of the Local Government Act 1993. Detailed design drawings prepared in accordance with Council's *Civil Works Design Guidelines* 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. Proposed Chainage Sections 33 shall be increased to the width of Chainages 16 & 23 in order to provide additional drainage capacity in the event of blockages. No fences shall be established within the front setback which will impact upon the flooding regime through the site.

Vehicle Access and Parking - Design Requirements

- 15 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
- Pavement marking, appropriate signage and physical traffic controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loading.
 - Permeable paving should be in the driveway to reduce the impact on existing trees.
 - Wheel stops for parking spaces.
 - Guardrails / barriers provided.
 - Certification from a suitably qualified and experienced hydraulic engineer that the proposed driveway and slab soffit levels are consistent with the Flooding and Drainage Study by RGH Consulting (refer Report No. 20140097 R01, Revision 2, dated 8/5/2014).

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.

Water and Sewer Services - Design Requirements

- 16 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

- 17 Prior to the demolition of nominated structures on site, all existing site services are to be disconnected, sealed and made safe. With regard to any 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 as the Water and Sewer Authority. Romondis Customer Service Centre are also to be contacted on telephone number 1300 126 278 to arrange for the collection of the garbage bins.
 - Any demolition work carried out is to be carried out in accordance with the requirements of AS 2601-2001 – The Demolition of Structures.
- 18 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. Upon completion of these works, the Council is to be supplied with disposal receipts within seven (7) days to verify that this requirement has been complied with.

Ecology/Tree Requirements

- 19 Prior to the commencement of works a tree protection plan prepared by an AQF5 (or equivalent) qualified consulting arborist which details the tree protection measures that will be implemented for retained trees. The tree protection plan is to have regard for the provisions of AS4970-2009, *Protection of Trees on Development Sites*.

Erosion and Sediment Control Requirements

- 20 Prior to the commencement of construction an initial Erosion and Sediment Control Plan (ESCP) prepared in accordance with the latest edition of the Landcom Publication '*Soils and Constructions- Volume 1*' (The Blue Book) shall be provided to the Principal Certifying Authority. This plan shall be modified and updated during construction to reflect any changes due to the on-ground/site conditions. A copy of any modifications or updates to the ESCP shall be provided to the PCA and provided to Council upon request.

Erosion and sediment controls shall be monitored, maintained and adapted in accordance with the most recent ESCP until the site is fully stabilised and landscaped. Failure to comply with this condition may result in fines under the provision of the Protection of the Environment Operations Act

Protection of Adjoining Property Requirements

- 21 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.
- 22 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

- 23 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 Council's *Civil Works Design Guidelines*. 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.
- 24 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

- 25 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.
- 26 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.
- 27 Prior to works associated with the development commencing, a suitable metal waste skip (with self-closing lid or secure covering) or lined mesh steel cage(s) is to be provided upon the development site for the duration of the construction phase of the development in accordance with the requirements of Development Control Plan 2013, Chapter 2.1 – *Dwelling Houses & Ancillary Development*. The required waste receptacle is to be suitably emptied at appropriate times during the construction phase of the development.
- 28 A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
 - could cause damage to adjoining lands by falling objects; or
 - involve the enclosure of a public place or part of a public place.

These works are specified as exempt development within the SEPP (Exempt & Complying Development Codes) 2008 – subdivision 2.110 for which scaffolding, hoardings and temporary construction site fences have the following applicable standards:

- enclose the work area;

- if it is a temporary construction site fence adjoining, or on, a public place—be covered in chain wire mesh that is designed, appropriately fixed and installed in accordance with AS 2423—2002, *Coated steel wire fencing products for terrestrial, aquatic and general use*; and
- be removed immediately after the work in relation to which it was erected has finished if no safety issue will arise from its removal.

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011* contain provisions relating to scaffolds, hoardings and other temporary structures.

During Construction Works:

The following conditions must be satisfied during construction works.

Ecology/Trees - Construction Requirements

- 29 No tree (or other vegetation) other than those specifically notated on the approved plan(s) as “tree to be removed” shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Consent Authority.
- 30 All services, including water and electricity, must be located, designed and installed to minimise or prevent root damage to retained trees. Methods for the installation of services within the tree's canopy perimeter are contained within AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's *Civil Works Construction Specification* and include under boring and excavation by hand.
- 31 Trees containing trunk or branch hollows provide habitat and shelter to native wildlife. Removal of hollow bearing trees is to be done under the advice and supervision of a qualified and experienced Ecologist who holds an appropriate licence to mitigate against any animal welfare issues. The Ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use. Should a threatened species be positively identified, all clearing works are to cease and the advice of Council or the Office of Environment & Heritage must be sought. When fauna are present, the animals are to be removed and suitably relocated by the Ecologist prior to felling or the tree shall be sectionally dismantled under the supervision of the Ecologist before relocating animals. Wildlife must be relocated locally to an area with adequate resources and provided with a nest box or relocated hollow under instruction from the Ecologist.

Services/Utility Requirements

- 32 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.

- 33 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

- 34 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.
- 35 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.
- 36 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.
- 37 During the construction phase of the development, downpipes and the associated stormwater disposal system is to be 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.

Prior to Release of Occupation Certificate:

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

Plan of Management

- 38 Residents within a 200m radius of the site are to be provided with contact details in writing of the on-site manager (including a current mobile telephone number), who be contacted in the event of any noise disturbances arising from the approved development.

If any details of the on-site manager changes (including but not limited to the name of the on-site manager or contact telephone number etc), then arrangements shall be made to re-notify the residents within a 200m radius of such changes in details within 14 days.

Registration of Business

- 39 The operator of the business must register the premises with Council's Environmental Health Unit before operations commence and must renew annually.

Building Code of Australia – Compliance Requirements

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

Fencing

- 41 Prior to the issue of an Occupation Certificate, fencing to the site is to be completed.
- The western boundary is to be fenced with a 2.4m lapped and capped timber fence wholly within the boundary.

Dilapidation Rectification Requirements

- 42 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.

Flooding – Compliance Requirements

- 43 Prior to the issue of an Occupation Certificate, the existing Council drainage easement shall be widened to fully contain the proposed watercourse and channel works.

Letterboxes and Street Numbering

- 44 Prior to the issue of an Occupation Certificate, All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to specific numbering.

Other Authorities – Compliance Requirements

- 45 Prior to occupation, the developer must comply with the requirements (including financial costs) of any relevant utility provider (for electricity, water, sewer, drainage, gas, telecommunications, roads, etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 46 Certification of compliance with the general terms of approval of the Rural Fire Services Water as outlined in its correspondence dated 26 February 2014 and the Office of Water as outlined in its correspondence dated 25 March 2014.
- 47 Certification of compliance with the recommendations of the NSW Police Force as follows:
- All entry points should be designed to maximize surveillance opportunities to and from these areas from both inside, as well as outside. All entries should display a height marker in order to identify the height of an apparent offender.
 - Ensure that CCTV is correctly installed.
 - Where ram raid break and enters or access by vehicles into the area, anti-raid bollards can be installed in front of any glass area of entry points, such that a car would be prevented from breaching the glass walls.
 - Adequate and uniform lighting be ensured for the full car park area at the side. This will enhance surveillance opportunities of the CCTV system during hours of darkness and the safety of staff and customer/s.
 - A lighting maintenance policy to be established for the development ensuring that broken lights are repaired within 7 days.
 - Luminaries (light covers) should be vandal resistant.
 - A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within 7 days.
 - To minimise vehicular speed within the car park, the installation of speed calming devices on the exit and entry points within the car park is recommended.

Plumbing and Drainage - Compliance Requirements

- 48 Prior to the issue of an Occupation Certificate, the provision of rainwater tank storage, in accordance with the requirements the National Plumbing and Drainage Code AS/NZS 3500. The rainwater tanks must be located in such a position as to maximise rainwater collection and shall include, but not be limited to, the retention of water on-site incorporating first flow diversion devices fixed to all inflows, provided with a functioning pressure pump, and plumbed to service all toilets and at least one outdoor tap for each stage of the development. 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 – Compliance Requirements

- 49 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.
- 50 All works within the public road must be completed in accordance with the approved Civil Works design drawings and Council's *Civil Works Construction Specification* and be approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.

Security Requirements

- 51 Prior to issue of the Occupation Certificate, the developer must install a system of CCTV of a type and in locations on the site that will provide high-quality images of all public areas within the site.

SEPP 65 – Design Verification Requirements

- 52 Prior to the issue the Occupation Certificate, the Principal Certifying Authority shall receive 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 in respect of which the Construction Certificate was issued, 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.

Statutory Certificate Requirements

- 53 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.

Stormwater – Compliance Requirements

- 54 Prior to the issue of the final Occupation Certificate, a 'Restriction on the Use of Land' shall be created on the title of the land restricting any alteration to the on-site stormwater detention system. The terms of the Restriction are to be prepared to Council's standard requirements. Wyong Shire Council shall be nominated as the party to release, vary or modify the restriction.
- 55 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 on-site stormwater detention structure. 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.
- 56 The original completed request forms (Department of Lands' standard forms 13PC and 13RPA) must be submitted to Council for authorisation. A copy of the work-as-executed plan (details overdrawn on a copy of the approved stormwater management plan) and Civil Engineer's certification must accompany the completed request forms. Documentary evidence of the registration of the Positive Covenant and 'Restriction on the Use of Land' shall be provided to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.
- 57 The upgrade / widening of the existing channel in accordance with the approved Stormwater Management Plan and Council's *Civil Works Construction Specification*. All works must be approved by Council under Section 68 of the Local Government Act 1993 prior to the issue of the Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 58 Prior to the issue of an Occupation Certificate, all water and sewer works for the development must be approved by Council as the Water and Sewer Authority.
- 59 The obtaining of a satisfactory final plumbing & drainage inspection advice or 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.

Waste Management Requirements

- 60 For safety, amenity and maintenance reasons, the waste storage area must be constructed to the following standards prior to the issue of an Occupation Certificate:
- Floors must be constructed of concrete and finished to a smooth even trowelled surface;
 - Walls must be constructed with solid impervious material and shall be cement rendered internally to a smooth even steel trowelled surface;

- The ceiling must have a minimum height of 2.1 metres from floor level and be finished with a smooth faced non-absorbent material capable of being easily cleaned;
- Adequate lighting shall be provided;
- Waste receptacles used shall be compatible with Wyong Council's waste collection service.

Ongoing Operation:

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

Registration under Boarding Houses Act

- 61 The boarding House is to be registered as a General Boarding House in accordance with the requirements of the Boarding Houses Act, 2012 within 1 month of occupation.

Amenity

- 62 The proposed use shall not cause unreasonable noise or interference to adjoining occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from warning sirens, intruder alarms, public address systems, heavy-duty compressors and the like.
- 63 The owner/operator(s) must effectively manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner/operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.

Operational- Boarding House

- 64 Adequate laundry facilities are to be provided for the maximum number of boarders to be accommodated. These facilities should include as minimum washing machines, washing tub, clothes dryers and clothes lines.
- 65 The premises and all fixtures, furnishings and equipment must be maintained in a clean, sanitary condition and kept in good repair at all times.
- 66 Open space areas, including any lawns, gardens or landscaped areas must be regularly maintained and kept in a clean and tidy condition at all times.
- 67 An adequate number of suitable waste containers must be kept on the premises for the storage of all garbage and recycling waste generated between collections. Waste storage areas must be maintained in a clean and tidy condition at all times.
- 68 Management is to be provided on a 24 hour basis. The development is to include a high standard of property maintenance and cleanliness to ensure a safe and healthy environment for occupants.

- 69 Security is to be provided on the premises to reduce potential problems of theft, monitor behaviour and assist in controlling noise levels generated from the development. Additionally, management procedures are to be developed and maintained that will minimise problems associated with the operation of the boarding house. These procedures are to include ongoing communications with adjoining residents to identify and address any potential amenity related concerns associated with the development.
- 70 The development must be operated in accordance with the Plan of Management approved prior to the issue of an Occupation Certificate. The Plan of Management can only be amended with the agreement of Council in writing.
- 71 External open space areas must not be used for social gatherings (BBQs, parties or the like) outside the hours of 9am to 9pm.
- 72 The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

Lighting Spill Requirements

- 73 All external lighting is to be of a type that minimises overspill into adjoining properties.

Restrictions on Use – Ongoing Requirements

- 74 The non-habitable rooms such as garages, storerooms or outbuildings must not be adapted or used for habitable purposes.

Site Appearance, Maintenance and Security Requirements

- 75 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.
- 76 The owner/operator(s) must effectively manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur. The owner/operator(s) must also take appropriate measures after any such incident to reduce the likelihood of such incidences reoccurring on the site.
- 77 All security/front/perimeter fencing is to be maintained for the life of the development in its approved location.
- 78 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.
- 79 All carpark and public place lighting must be maintained in accordance with the approved lighting plan, to ensure continuing energy efficient lighting and the amenity of adjoining properties is preserved.

Stormwater – Ongoing Maintenance Requirements

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

Waste Management Requirements

- 81 All waste generated on the premises shall be stored in a manner so that it does not pollute the environment.
- Recyclable waste bins are to be provided on each level of the boarding house.

SCHEDULE OF CONTRIBUTIONS

Shire Wide Cycleway Network	\$8,871.73
Shire Wide Performing Arts Centre & Public Art	\$10,010.27
Shire Wide Administration	\$1,921.65
Ourimbah District Administration	\$16,919.50
Ourimbah District Open Space Works	\$105,958.38
Ourimbah Community Facilities Works	\$88,669.04
Shire Wide Regional Open Space	\$4,324.62