

**Date:** 8 September 2015  
**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) and demolition of existing structures  
**Land Area:** 2966m<sup>2</sup>  
**Existing Use:** XXXX

## PROPOSED CONDITIONS

### 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
Site Plan	N01	C	19.08.15	Project Works Design
Site Plan	DA03	I	25.08.15	Project Works Design
Ground Floor Plan	DA06	G	25.08.15	Project Works Design
Level 1 Plan	DA07	G	15.08.15	Project Works Design
Level 2 Plan	DA08	G	25.08.15	Project Works Design
Streetscape Elevation	DA09	G	25.08.15	Project Works Design
Elevations Sheet 1	DA10	G	25.08.15	Project Works Design
Elevations Sheet 2	DA11	G	25.08.15	Project Works Design
Section	DA12	G	25.08.15	Project Works Design
Landscape Concept Plan	LDA01	F	08.09.15	Conus Landscape Architects

### 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, 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.
- 6 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.

## **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**

- 7 Prior to the issue of any Construction Certificate, the payment to Council of developer contributions as calculated in the formula below and contained in the attached schedule:

Developer contribution = \$250,251.20 X Current CPI ÷ Base CPI

where "**Current CPI**" is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the time of payment of developer contributions pursuant to this condition, and "**Base CPI**" is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the date of this consent.

This condition is imposed pursuant to Section 94 of the *Environmental Planning and Assessment Act 1979*.

### **Ecology/Tree Requirements**

- 8 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.

### **Reflectivity of Materials.**

- 9 All 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**

- 10 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**

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

- Vehicle access crossing (no fines concrete).
- 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 development flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average recurrence 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. The plan shall incorporate details of at least the following:
- Suspended section of carpark and bin enclosure area over the watercourse traversing the western boundary.
  - Amendment of current cross-sectional area of the channel to provide an increased capacity with a rectangular profile / section. This requirement is to provide additional flooding conveyance and access for maintenance / flushing purposes.
  - Demonstration that the structural loadings associated with the western wing of the building are adequate in being transferred through the proposed piers. No additional piercing (other than currently shown) is permitted through the channel.
  - Access for Council maintenance / flushing purposes provided through the driveway slab.
  - The flow regime associated with any pipe blockage maintained with development works.
  - The cross-sectional area of Chainage Section 33 increased approximately to match Chainages 16 & 23 in order to provide additional drainage capacity in the event of blockage and ensure suitable freeboard is provided.
  - No fencing is to be placed through the drainage channel.

- Certification from a suitably qualified and experienced structural engineer demonstrating that the proposed driveway section over the channel has adequate capacity to cater for the intended vehicular loadings (including the waste management vehicle).

The plans shall be generally in accordance (with required amendments) with the submitted revised Flooding and Drainage Study by RGH Consulting (Report No. 20140097 R01 Rev03, dated 14 August 2015) and associated plan by RGH Consulting (refer Job No. 20140097, Sheet DA04, Revision E, dated 24/8/2015). All other stormwater management works must be approved by the Accredited Certifier.

### **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 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.
  - 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.

### Tree Requirements

- 19 Prior to works associated with the development commencing and for the duration of construction works, the following protocols are to be implemented to ensure tree and vegetation protection upon the development site:
  - The three Tallwood trees are to be protected by the erection of 2.0 metre-high chain wire interlocking fencing as per the engaged Arborist and/or Ecologist's direction, AS/NZS 4970-2009 - *Protection of Trees on Development Sites* and Council's *Civil Works Design Guidelines*.
  - All fenced tree protection areas are to be clearly marked as "No Go Area" on the fencing itself.
  - No clearing of vegetation or storage of vehicles or machinery, waste, fill or materials or unauthorised access is to occur within the fenced tree protection areas.

- The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.
  - The Ecologist and Arborist are to induct each civil contractor and sub-contractor in relation to the importance of these tree protocols as part of their site induction program prior to commencement of works. Certification of this induction must be provided to Council prior to commencement of works.
- 20 Prior to the commencement of works the recommendations contained in the Arboricultural Impact Assessment by Advanced Treescape Consulting (Amendment 2) dated 25/08/2015 are to be implemented with the exception of the recommendations for Tree 1 which is to be retained.
- 21 The Camellias located on the subject site are to be retained and protected appropriately in accordance with the recommendations contained in the Arboricultural Impact Assessment by Advanced Treescape Consulting (Amendment 2) dated 25/08/2015.

#### **Erosion and Sediment Control Requirements**

- 22 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.
- 23 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 1997*

#### **Protection of Adjoining Property Requirements**

- 24 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.

- 25 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**

- 26 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.
- 27 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**

- 28 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.
- 29 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.
- 30 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.
- 31 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.

## During Construction Works:

***The following conditions must be satisfied during construction works.***

### **Trees - Construction Requirements**

- 32 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.
- 33 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.
- 34 During the construction phase of the development the recommendations contained in the Arboricultural Impact Assessment by Advanced Treescape Consulting (Amendment 2) dated 25/08/2015 are to be implemented with the exception of the recommendations for Tree 1 which is to be retained and protected throughout the works.
- 35 During the construction phase the Camellias located on the subject site are to be protected appropriately in accordance with the recommendations contained in the Arboricultural Impact Assessment by Advanced Treescape Consulting (Amendment 2) dated 25/08/2015.

- 36 During the construction phase an AQF5 (or equivalent) qualified consulting arborist is required to be present and supervise and advise upon any earthworks within the tree protection zone (TPZ).

### **Services/Utility Requirements**

- 37 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.
- 38 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**

- 39 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.
- 40 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.
- 41 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.
- 42 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 Certificate.*

### **Registration under Boarding Houses Act**

- 43 Prior to the issue of an Occupation Certificate, the boarding house is to be registered as a General Boarding House in accordance with the requirements of the Boarding Houses Act, 2012.

### **Plan of Management**

- 44 Prior to the issue of an Occupation Certificate, a Plan of Management is to be submitted to Council for approval.
- 45 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 or other complaints 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**

- 46 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**

- 47 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**

- 48 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**

- 49 Prior to the issue of an Occupation Certificate, any damage not shown in the Dilapidation Reports 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**

- 50 Prior to the issue of an Occupation Certificate, the existing Council drainage easement identified on Lot 20 DP 20723 shall be widened to fully contain the proposed watercourse and channel works.

## **Landscaping Requirements**

- 51 Prior to the issue of an Occupation Certificate, to ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

## **Letterboxes and Street Numbering**

- 52 Prior to the issue of an Occupation Certificate, all letterboxes and street 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**

- 53 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.
- 54 Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall certify that the recommendations of the NSW Police Force, as outlined below, have been complied with.
- All entry points should be designed to maximise 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.
  - 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.
  - 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 required.

### **Plumbing and Drainage - Compliance Requirements**

- 55 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**

- 56 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.
- 57 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.

### **Statutory Certificate Requirements**

- 58 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**

- 59 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.

- 60 Prior to the issue of an Occupation Certificate, stormwater generated from roof areas of the building and any overflows from rain water tanks installed in conjunction with the development, is to be disposed of to Council's street gutter drainage system. Where provided, the existing kerb stormwater connection is to be utilised.
- 61 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.
- 62 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.
- 63 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.
- 64 The upgrade / widening of the existing channel in accordance with the approved Stormwater Management Plan and Council's Civil Works Construction Specification. This shall also include certification from a suitably qualified and experienced structural engineer detailing that the section of driveway over the channel has been constructed as originally designed. 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.

### **Subdivision– Compliance Requirements**

- 65 The consolidation of Lots 18, 19 & 20 of DP 20723 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 prior to the issue of the Construction Certificate.

### **Water and Sewer Services/Infrastructure – Compliance Requirements**

- 66 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.

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

### **Waste Management Requirements**

- 68 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.
  - Hot and cold water hose cocks shall be located inside or within close proximity to the waste storage areas to facilitate cleaning.

## **Ongoing Operation:**

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

### **Amenity**

- 69 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.
- 70 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**

- 71 Laundry facilities are to be provided for the maximum number of boarders to be accommodated. These facilities should include as a minimum 5 washing machines, washing tubs, 4 clothes dryers and clothes lines.
- 72 The premises and all fixtures, furnishings and equipment must be maintained in a clean, sanitary condition and kept in good repair at all times.
- 73 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.
- 74 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.
- 75 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.
- 76 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.
- 77 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.
- 78 External open space areas must not be used for social gatherings (BBQs, parties or the like) outside the hours of 9am to 9pm.
- 79 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**

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

### **Restrictions on Use – Ongoing Requirements**

- 81 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**

- 82 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 within 7 days.
- 83 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.
- 84 All security/front/perimeter fencing is to be maintained for the life of the development in its approved location.
- 85 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.
- 86 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 and light replacement within 7 days.

### **Stormwater – Ongoing Maintenance Requirements**

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

### **Waste Management Requirements**

- 88 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 Regional Open Space	\$4,613.50
Shire Wide Cycleway Network	\$9,464.49
Shire Wide Performing Arts Centre & Public Art	\$10,679.46
Shire Wide Administration	\$2,050.33
Ourimbah District Administration	\$18,137.88
Ourimbah District Open Space Works	\$113,041.37
Ourimbah Community Facilities Works	\$94,596.41

The staff responsible for the preparation of the report, recommendation or advice to any person with delegated authority to deal with the application have no pecuniary interest to disclose in respect of the application.

.....	.....
Reporting Officer	Reviewing Officer

The staff authorised to determine the application have no pecuniary interest to disclose in respect of the application. The report is endorsed and the recommendation contained therein.

Approved/Refused:

..... Date \_\_\_\_/\_\_\_\_/\_\_\_\_