

DRAFT CONDITIONS AMENDED BY APPLICANT AS INDICATED IN RED

DA/875/2014 - Section 83B Staged development application comprising a concept proposal (retail/commercial/residential development) and stage 1 - 6 storey commercial/retail development and demolition of the existing buildings on Lots 1-5 Sec 1 DP 3136 No's 15-23 Hely Street WYONG

PROPOSED CONDITIONS

APPROVED CONCEPT PROPOSAL 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 Survey	S-000	B	30.09.14	CKDS Architecture
General Masterplan	A-011	B	30.09.14	CKDS Architecture
General Masterplan Massing	A-012	B	30.09.14	CKDS Architecture
General Site Analysis	A-021	B	30.09.14	CKDS Architecture
General Site Plan	A-022	B	30.09.14	CKDS Architecture
General Arrangements Basement Level	A-101	B	30.09.14	CKDS Architecture
General Arrangements Ground Floor Level	A-102	B	30.09.14	CKDS Architecture
General Arrangements Levels 01 & 02	A-103	B	30.09.14	CKDS Architecture
General Arrangements Levels 03 & 04	A-104	B	30.09.14	CKDS Architecture
General Arrangements Level 05	A-107	B	30.09.14	CKDS Architecture
General Arrangements Level 06	A-108	B	30.09.14	CKDS Architecture
Elevations North and South	A-201	B	30.09.14	CKDS Architecture
Elevations East and West	A-202	B	30.09.14	CKDS Architecture
Sections	A-301	B	30.09.14	CKDS Architecture
Landscape Plans	Job Number SS12- 2549, Drawing No's 000, 101,111 & 501	A	29.09.2014	Site Image Landscape Architects

- 2 This consent does not authorise the carrying out of development for State 2 other than the demolition of the existing structures and the Stage 1 building and associated works as

indicated on the approved plans. A further development consent is required for the carrying out of Stage 2 of the concept proposal the subject of this consent.

- 3 This development consent authorises the carrying out of Stage 1 of the approved concept proposal being the demolition of the existing structures, the Stage 1 building and associated works.

Certificates – Application and Approval

- 4 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.
- 5 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.

NEW CONDITION

- 6 An application for a Subdivision Certificate must be submitted to and approved by the Council/Certifying Authority prior to endorsement of the plan of subdivision.

Subdivision is a new element to this application and has not been considered as part of the assessment of the application. The two (2) proposed lots reflect the two (2) proposed stages. However, as part of Stage 1, a temporary car park is to be provided on the northern side of the development site, which will now be part of the Stage 2 lot. If supported, an easement will need to be created to enable this temporary car park until such time as the building for Stage 2 is approved and construction commences.

(Due to the inclusion of condition 6, the conditions below have been renumbered)

- 7 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.

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

- 8 Prior to the issue of any Construction Certificate, the payment to Council of developer contributions as calculated in the formula below:

$$\text{Developer contribution} = \$192,000 \times \text{Current CPI} \div \text{Base CPI}$$

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 94A of the *Environmental Planning and Assessment Act 1979*.

Food Act Requirements

- 9 Prior to the issue of a Construction Certificate, detailed plans and specifications for the food handling areas are to be submitted to and approved by Council's Environmental Health Officer - Food.

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: -
- The minimum floor level of the internal ground floor areas within the building must be 0.5m above the 1% AEP flood level of 6.21 metres Australian Height Datum (AHD).
 - The provision of certification from a practising structural engineer that all sections of the approved structure which are subject to the force of water or debris due to a 1% AEP flood, have been designed to resist the stresses thereby induced. An appropriate factor of safety is to be applied to the forces exerted by the 1% AEP flood before it is used in any structural calculations.
 - All building materials used or located below the 1% AEP flood level must be flood compatible and the internal areas of lower basement level appropriately waterproofed. Plans and specifications detailing the building materials are to be submitted to the Principal Certifying Authority.
 - All ventilation openings located along the subfloor of the building below the 1 % AEP flood level adjacent to Hely Street and Hardware Lane shall be sealed to prevent the ingress of flood waters.
 - The storage of all toxic or pollutant substances or other products which may be hazardous or pollute flood waters at a minimum level of RL 6.71 metres above AHD being 500mm above the 1% AEP flood level. Alternatively these materials must be placed within an area protected by bunds constructed to a height such that no flood waters can enter the bunded area if the flood level rose to 500mm above the 1% AEP flood level.

Public Artwork Design and Approval Requirements

AMENDED CONDITION (previously condition 10)

- 11 Prior to the issue of a Construction Certificate, the final design concept for the development's public artwork must be submitted to and approved by Council to a minimum value **\$50,000**. The proposed public artwork shall be in accordance with the provisions of Development Control Plan 2013, Chapter 2.15 - Public Artwork.

Under Chapter 2.15 – Public Art major development comprising commercial, public administration and retail (shops) with a value of \$5 million or more provide a financial allocation towards public art which comprises 1% of the total cost of development. In this instance the total cost of the proposed development is \$19,271,649 and on the basis of 1% of the total estimated cost of the development, public art to the value of \$192,716 (minimum) is applicable. Council has been consistent in applying 1% of the total cost of development to these types of development.

Roadworks - Design Requirements

- 12 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.
- 13 The submission to Council as road authority of Civil Works design drawings and specifications detailing the following design requirements:
- The reconstruction of the kerb and gutter within Hardware Lane to provide a commercial standard access crossing to accommodate a turning HRV (12.5m service vehicle) when accessing the loading dock from Hardware Lane. The works shall include the provision of a commercial gutter and footpath crossing, removable bollards and adequate signage to delineate the "Loading Zone".
 - The construction of a 5.5 metre wide commercial standard vehicle access crossing to connect to the basement car park ramp.
 - The provision of "No Stopping" signage and other traffic management facilities within Hardware Lane adjacent to the building and driveway accesses. The design plans shall be submitted to Council for approval by the Local Traffic Committee prior to the issue of the Construction Certificate.
 - The provision of concrete full width foot paving across the site frontage of Anzac Avenue and Hely Street in accordance with Council's Civil Works Design Guidelines.
 - The reconstruction of the existing pavement within Hardware Lane adjacent to the development site (Stages 1 and 2) in accordance with Council's *Civil Works Design and Construction Guidelines*.
 - Any associated works to ensure satisfactory transitions to existing infrastructure
 - The submission to Council as the Roads Authority:
 - Street lighting and reticulation design drawings. The design shall be prepared in accordance with AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting, documentation confirming a

minimum of twenty (20) year design life and be approved by the Council as the Roads Authority prior to issue of a Construction Certificate.

- Road Safety Audit for all works within the road carriageway (Anzac Avenue, Hely Street and Hardware Lane) 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.

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.

Stormwater Drainage - Design Requirements

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

- Stormwater disposal to Hardware Lane.
- Suitably sized galvanised box section across the footpath area to connect to the existing kerb and guttering within Hardware Lane.
- Drainage pit at the boundary line.
- 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.
- The stormwater drainage system servicing the building shall include the provision of a Rainwater Re-Use system to collect generated run-off from the roofed areas to service toilet flushing and landscaping within the site. The tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500, shall include first flow diversion devices fixed to all inflows, be provided with a functioning pressure pump, and be plumbed to service all fixtures. The tank must be controlled such that supplemental flows from domestic mains do not take place until the tank is at least 80% empty.

Design plans must be approved by Council prior to issue of the Construction Certificate and 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.

Structural Design Requirements

15 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.

Subdivision– Compliance Requirements

AMENDED CONDITION (previously condition 15)

- 16 The five (5) lots are to be consolidated into two (2) lots, one (1) comprising Part Lot 1 and Lot 2 Sec 1 DP 3136 and a second lot comprising Lots 3, 4 and 5 Sec 1 DP 3136. The subdivision and subsequent consolidation is to be registered prior to the issue of any Construction Certificate. Documentary evidence of the Consolidation Plan registered with the Plan and Property Management Authority must be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

Subdivision is a new element to this application and has not been considered as part of the assessment of the application. The two (2) proposed lots reflect the two (2) proposed stages. However, as part of Stage 1, a temporary car park is to be provided on the northern side of the development site, which will now be part of the Stage 2 lot. If supported, an easement will need to be created to enable this temporary car park until such time as the building for Stage 2 is approved and construction commences.

Vehicle Access and Parking - Design Requirements

- 17 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 basement car park ramp, car parking spaces and circulation roads.
 - The basement car park ramp shall be a minimum of 6.1 metres wide and comply with the queuing lengths, control point and grades in accordance with the requirements of AS/NZS 2890.1:2004.
 - Parking spaces No. 46 & 47 to achieve geometric compliance with the parking for people with disabilities.
 - The loading dock shall be designed and constructed in accordance with AS 2890.2-2002 Part 2: Off-Street Commercial Vehicle Facilities. Note: An RTA Traffic Controller certified staff member from the development is to be present when delivery trucks arrive. The person is to supervise any reversing manoeuvres by the delivery vehicles and place adequate barriers to prevent pedestrians entering the loading dock area.

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.

- 18 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.

Waste Collection

- 19 Prior to the issue of the Construction Certificate, plans are to be submitted to the Private Certifying Authority detailing the location of the temporary garbage and recycling bin storage area located adjacent to the Hardware Lane carriageway to the following requirements:
- The designated bin storage area shall be located within the subject site and be for the temporary storage of bins only during the designated collection period/times.
 - The designated bin storage area shall be suitably paved from the top of kerb within Hardware Lane and extend towards the site for approximately 1.8m.
 - The designated bin storage area shall be approximately 20m long parallel to Hardware Lane carriageway.
 - The designated bin storage area shall be constructed as a footpath in accordance with Council's Civil Construction Specifications.

Waste Management Requirements

- 20 Prior to the issued of the Construction Certificate a waste management plan is to be submitted to Council in accordance with the provisions of Chapter 3.1 – Site Waste Management of the Wyong Development Control Plan 2013.

Water and Sewer Services - Design Requirements

- 21 The submission to Council as the Water Supply Authority of detailed structural design drawings and supporting information for structures within the zone of influence of the sewer main. The design shall indicate the proposed method of protecting the sewer main in accordance with Council's *Requirements for Building Over or Adjacent to Sewer Mains* policy. Design details must be approved by Council as the Water Supply Authority prior to the issue of a 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

- 22 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.

- 23 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.

Erosion and Sediment Control Requirements

- 24 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 1997*

Protection of Adjoining Property Requirements

- 25 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.
- 26 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

- 27 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.
- 28 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 Traffic Authority (RTA) 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.
- 29 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

- 30 Prior to the commencement of building works within the site the programmed Trunk Drainage Works (Concrete Box Culvert) extending from the existing box culvert system within Hely Street across the site connecting to the constructed system within Hardware Lane shall be constructed and operational and the existing redundant pipelines across the site removed.
- 31 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.
- 32 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.

33 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 pursuant to Clause 2.109 of the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* where the development standards prescribed in Clause 2.110 of that instrument:

- 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.

Dust Control Requirements

- 34 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.
- 35 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.
- 36 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.

Flooding - Construction Requirements

- 37 The minimum floor level of the proposed building is to be RL 6.71 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 structure 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

- 38 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.
- 39 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

- 40 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.
- 41 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.
- 42 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.

Waste Management Requirements

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

Prior to Release of Occupation /~~Subdivision~~ Certificate:

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

Subdivision is not part of this section of the consent.

Crime Prevention

- 44 Prior to the issue of the Occupation Certificate, the following design requirements are to be undertaken to minimise crime and social issues: -
- All entry points shall be designed to maximise surveillance opportunities to and from these areas from both inside and outside the building;
 - Ensure that CCTV is correctly installed;
 - Anti-raid bollards shall be installed in front of any glass area of entry points, such that a car would be prevented from breaching the glass walls;
 - A lighting maintenance policy shall be established for the development ensuring that broken lights are repaired within 24 hours;
 - Luminaries (light covers) shall be vandal resistant;
 - The lighting of the building (internally and externally) shall enhance surveillance opportunities during hours of darkness and the safety of staff and customers;
 - The car parking spaces along Hely Street that are currently designated parking for police vehicles shall remain;
 - A graffiti management plan shall be incorporated into the maintenance plan for Stage 1, including quick removal within 48 hours; and
 - The basement car park shall be installed with traffic calming devices on the exit and entry points and within the car park as necessary.

Dilapidation Rectification Requirements

- 45 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

- 46 Prior to the issue of an Occupation Certificate, an appropriate sign having minimum dimensions of 600mm x 600mm, is to be installed within a prominent location within the basement car park, indicating the expected flood level.

Food Act Requirements

- 47 No food handling, (as defined by the NSW Food Act 2003), is permitted in the food premises prior to the issue of the Occupation Certificate.
- 48 All liquid trade waste is required to pass through a basket arrestor with fixed screens, fitted to all floor wastes and sinks, before being discharged into the sewerage system.

- 49 Compliance with the requirements of the New South Wales Food Act 2003, the Food Regulation 2010, and AS4674–2004 – Design, Construction and Fitout of Food Premises, and AS1668, Part 11 – Mechanical Ventilation, for all food preparation and food storage areas, including liquor areas.
- 50 The installation of hand wash facilities with a minimum dimension of 500mm x 400mm providing warm running water through a common mixing spout with hands-free tap operation (consisting of elbow or wrist operated tap levers, foot or hip operated tap levers, or electronic sensor tap operation).

Landscaping Requirements

- 51 Prior to the issue of a final Occupation Certificate or within 12 months after occupation of the building, all landscaping works are to be 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.

Lighting Requirements

- 52 Prior to the issue of an Occupation Certificate, suitable lighting to the ground floor level and car parking level shall be provided in accordance with the requirements of AS/NZS 1158 and AS/NZS 2890.1.

Public Artwork – Compliance Requirements

- 53 Prior to the issue of a final Occupation Certificate, the public artwork is to be constructed and/or installed in accordance with Council's Development Control Plan 2013 Chapter 2.15 – *Public Art* and this is to include a certificate of completion being signed by the artist and this certificate being submitted to Council.

Roads – Compliance Requirements

- 54 All road signage and pavement marking works must be completed in accordance with the plans approved by the Local Traffic Committee and approved by Council as the Roads Authority prior to the issue of any Occupation Certificate.
- 55 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.
- 56 Prior to the issue of any Occupation Certificate all works within the public roads (Anzac Avenue, Hely Street and Hardware Lane) must be completed in accordance conditions 12 and 20 and the approved Civil Works design drawings and Council's *Civil Works Construction Specification* and be approved by Council as the Roads Authority.

Security Requirements

- 57 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.
- 58 Bollards/approved barriers shall be provide adjacent to glass areas of entry points, egress doors, and paths of travel that are likely to be obstructed by vehicles, plant or equipment associated with the use of the building.

Statutory Certificate Requirements

- 59 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

- 60 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.
- 61 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.

Waste Collection

AMENDED CONDITION (previously condition 61)

- 62 Prior to the issue of an Occupation Certificate, the temporary designated garbage and recycling area adjacent to Hardware Lane shall be constructed and completed to Council's requirements in accordance with **condition 19**.

The correct condition has been referred to, the original condition should of referred to condition 18 not 20.

Water and Sewer Services/Infrastructure – Compliance Requirements

- 63 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.
- 64 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.

Work as Executed Requirements

- 65 Prior to the issue of an Occupation Certificate, Works as Executed information for the development as identified in Council's *Civil Works Construction Specification* 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.

Advertising Sign Requirements

- 66 No advertising sign/s shall be erected on or in conjunction with the use and/or development without prior development consent unless the advertisement is an 'approved sign' under Development Control Plan 2013, Chapter 2.6 - *Signage*.

First Use Retail and Commercial Tenancies

- 67 The first use of the proposed retail and commercial tenancies within Stage 1 are subject to new development applications which shall be lodged with Council for consideration and determination.

Site Appearance, Maintenance and Security Requirements

- 68 The owner/operator(s) of the site must maintain the required CCTV for the life of the development so that at all times the CCTV provides high-quality images of all public areas within the site.
- 69 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.
- 70 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.

SCHEDULE OF CONTRIBUTIONS

Section 94A Levy

\$193,260.76