

## ATTACHMENT 1

### Proposed Conditions of Consent

#### 1. PARAMETERS OF THIS CONSENT

##### 1.1. Approved Plans and Supporting Documents

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

##### Plans (ECM Document No. 25887107)

Drawing	Description	Sheets	Issue	Date
DA000	Cover Page	1	A	10/10/2017
DA001	Site Analysis	2	A	10/10/2017
DA002	Cut and Fill Plan	3	A	10/10/2017
DA100	Basement Lower Plan	4	B	20/12/2017
DA101	Basement Upper Plan	5	B	20/12/2017
DA102	Ground Floor- Site Plan	6	B	19/03/2018
DA103	Level 1 Plan	7	A	10/10/2017
DA104	Level 2 Plan	8	A	10/10/2017
DA105	Level 3 Plan	9	A	10/10/2017
DA106	Level 4 Plan	10	A	10/10/2017
DA106	Level 5 Plan	11	A	10/10/2017
DA108	Level 6 Plan	12	A	10/10/2017
DA108	Level 7 Plan	13	A	10/10/2017
DA110	Level 8 Plan	14	A	10/10/2017
DA111	Roof Plan	15	A	10/10/2017
DA200	West Elevation	16	A	10/10/2017
DA201	North Elevation	17	A	10/10/2017
DA202	East Elevation	18	B	09/05/2018
DA203	South Elevation	19	A	10/10/2017
DA204	North Easement Elevation	20	A	10/10/2017
DA204	South Elevation Building B	21	A	10/10/2017
DA300	Section A-A	22	A	10/10/2017
DA301	Section B-B	23	B	20/12/2017
DA302	Section C-C	24	A	10/10/2017
DA303	Section D-D	25	A	10/10/2017
DA304	Sections E-E	26	B	20/12/2017

## Supporting Documentation

ECM Document No.	Title	Date
25716437	Traffic and Parking Impact Assessment	5 April 2018
25133139	SEPP 65 Design Verification Statement	October 2017
25133142	Design Excellence Report	13 October 2017
25133138	Peer Review	13 October 2107
22422263	Quantity Surveyors Report	3 March 2016
22422205	Noise and Vibration Intrusion Assessment	17 December 2015
22422201	Environmental Noise Assessment	17 December 2015
25422012	Stormwater Drawings	20/11/215 06/12/2016
25133136	Landscape Plans	10/10/2017
22422271	Access Report	March 2016
22614986	Erosion and Sediment Control Plans	20/11/15
25135963	BASIX Certificate	16/10/2017
25422009	Water Cycle Management Plan	14/12/2017
22684288	Waste Management Plan	20 May 2016
22422211	Arboricultural Assessment	13 November 2015
25906234	Clause 4.6 of GLEP 2014(Exceptions to Development Standards) Variation (Height of Buildings)	June 2018
25887183	Shadow Diagrams, 3D View, Compliance Plans, Photomontage	10/10/2017

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with all commitments listed in the BASIX Certificate for the development as required under clause 97A of the *Environmental Planning and Assessment Regulation 2000*.

## 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

All conditions under this section must be met prior to the issue of any Construction Certificate

- 2.1. No activity is to be carried out on site until any Construction Certificate has been issued, other than:
  - a. Site investigation for the preparation of the construction, and / or
  - b. Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

- 2.2. Submit engineering details prepared and certified by a practising structural engineer to the Council (Water Authority) for development constructed near or over the sewer main and / or adjacent to Council's water mains. The engineering details must comply with Council's guidelines for "Building Over or Near Council Sewer and Water Mains" and must be approved by Council. A fee for engineering plan assessment must be paid when submitting the engineering details.

Additional fees for the submission of contractor's documentation and sewer inspection fees apply for the adjustment or encasement of Councils sewer main. Subject to approval of the engineering plans, and payment of the prescribed fees, the developer must contact Council's Water and Sewer Quality Inspector on mobile phone 0419 412 725 a minimum of one week prior to commencement of any work involving building over and / or adjacent to sewer mains.

- 2.3. Apply for and obtain from Council (Water Authority) a Section 307 Certificate of Compliance under the *Water Management Act 2000*. Conditions and contributions may apply to the Section 307 Certificate.

The 'Application for 307 Certificate under Section 305 *Water Management Act 2000*' form can be found on Council's website [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au). Early application is recommended.

- 2.4. Submit an application to Council under Section 138 of the *Roads Act, 1993*, for the approval of required works to be carried out within the road reserve.

Submit to Council Engineering plans for the required works within a public road that have been designed by a suitably qualified professional in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control. The Engineering plans must be included with the Roads Act application for approval by Council.

Design the required works as follows:

- a. Footway formation graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in Hills Street. Provide retaining within the

footway at the northern and southern ends of the development's frontage. Handrails shall be provided atop the retaining walls where the change in level creates a trip hazard.

- b. 1.5m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath located behind the kerb and gutter across the full frontage of the site in Hills Street.
- c. Retaining walls. Retaining walls must be designed by a practising Civil / Structural engineer and must not conflict with services.
- d. Tapered heavy-duty vehicle crossing servicing building A that has a minimum width of 8.5m at the boundary and 11.5m behind the heavy-duty layback and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom. The vehicle crossing is to have the splay placed on the northern side.
- e. Heavy-duty vehicle crossing that has a minimum width of 5.5m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- f. Heavy-duty laybacks to suit the widths of the heavy-duty vehicle crossings.
- g. All redundant dish crossings and / or damaged kerb and gutter must be removed and replaced with new kerb and gutter.
- h. All redundant vehicular crossings are to be removed and footway formation reinstated.
- i. Tie-in works.
- j. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

A fee for the approval of engineering plans under the *Roads Act 1993* applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 2.5. Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 2.6. Pay a security deposit of \$100,000 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be

refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.

- 2.7. Submit an application to Council, under Section 68 of the Local Government Act, for the approval of required drainage works associated with public stormwater / watercourse works.

Engineering plans for the works must be prepared and designed by a suitably qualified professional in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control, and submitted to Council for approval with the Local Government Act application.

The required works to be designed are as follows:

- a. Connection of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system located in the drainage easement.

The Local Government Act application must be approved by Council.

A fee for the approval of engineering plans under the Local Government Act applies. The amount of this fee can be obtained by contacting Council's Customer Services on (02) 4325 8222.

- 2.8. Submit design details of the following engineering works within private property:
  - a. Driveways / ramps and car parking areas must be designed according to the requirements of AS2890: *Parking Facilities* for the geometric designs, and industry Standards for pavement designs.
  - b. The driveways located on each side of the secondary flow path shall have a minimum crest level of RL 27.01m AHD (i.e., 500mm above the 1% AEP flood level in the secondary flow path).
  - c. A stormwater detention system must be designed in accordance with the Gosford DCP 2013 Chapter 6.7 - Water Cycle Management and Council's Civil Works Specification. The stormwater detention system must limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1% AEP storm event. A runoff routing method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and/or secondary flowpaths.
  - d. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - Water Cycle Management. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.

- e. On-site stormwater retention measures must be designed in accordance with Council's DCP Chapter 6.7 - *Water Cycle Management*. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design.
- f. The secondary stormwater flow path as shown on the approved plans must be capable of conveying 1% AEP flood flow based on a 50% blockage factor of the piped system and must be designed in accordance with Civil Works Specification. The secondary flow shall be designed to ensure the provision of 500mm of freeboard above the 1% AEP flood level to any adjoining habitable floor areas, and 300mm freeboard above the 1% AEP flood level to any adjoining non-habitable floor areas.
- g. Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system located in the drainage easement.
- h. Open type fences within the secondary flow path that are of a height and type as not to restrict the flow of water or cause an accumulation of debris.
- i. The bottom section of the boundary fence at the western end of the secondary flow path shall be of a type that does not restrict the flow of water or cause an accumulation of debris, for at least 6.4m wide and 600mm in height.
- j. Pool safety fencing around the above ground on-site detention facilities.

These design details and any associated reports must be included in the construction certificate.

- 2.9. Submit engineering details prepared by a practising structural engineer to Council for structures constructed adjacent to a Council stormwater system and/or drainage easement and within the zone of influence. Engineering details must have footings designed in accordance with Council's "Guidelines for Building Adjacent to a Drainage Easement" and be approved and form part of the Construction Certificate.
- 2.10. Submit to Council, the Accredited Certifier and relevant adjoining property owners a dilapidation report, prepared by a practising structural engineer, detailing the structural characteristics of all buildings located on No. 32 Hills Street, North Gosford, and No. 46-48 Hills Street, North Gosford. The report must document and provide photographs that clearly depict any existing damage to the improvements erected upon allotments immediately adjoining the development site and to the road, kerb, footpath, driveways, water supply and sewer infrastructure, street trees and street signs or any other Council asset in the vicinity of the development.

In the event that access to an adjoining property(s) for the purpose of undertaking the dilapidation report is denied, the applicant must demonstrate in writing that all steps were taken to obtain access to the adjoining property(s).

2.11. Submit amendments to the approved plans to the accredited certifier pursuant to Clause 139 of the *Environmental Planning Regulation 2000: Applications for construction certificates* that must detail:

- a. Mail boxes:
  - i. Provide mail boxes for each residential building in one accessible location adjacent to the main entrance to the development;
  - ii. They should be integrated into a wall where possible and be constructed of materials consistent with the appearance of the building;
  - iii. Mail boxes shall be secure and large enough to accommodate articles such as newspapers;
- b. Locate satellite dish and telecommunication antennae, air conditioning units, ventilation stacks and any ancillary structures:
  - i. Away from the street frontage;
  - ii. Integrated into the roof-scape design and in a position where such facilities will not become a skyline feature at the top of any building;
  - iii. Adequately setback from the perimeter wall or roof edge of buildings;
- c. A master antenna must be provided for residential apartment buildings. This antenna shall be sited to minimise its visibility from surrounding public areas;
- d. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%;
- e. A depth of one (1) metre must be provided to all landscape planters located above the carpark podium at the rear of the site;
- f. Storage areas are to be provided in accordance with the following minimum rates:
  - i. 6m<sup>3</sup> for studio and one bedroom units;
  - ii. 8m<sup>3</sup> for two bedroom units;
  - iii. 10m<sup>3</sup> for three plus bedroom units; and

At least 50% of the required storage areas are to be provided within each dwelling.

- g. Eight - eight (88) residential car parking spaces, including twelve (12) accessible car parking spaces must be provided onsite;
  - h. Seventeen (17) residential visitor car parking spaces must be provided on site;
  - i. A minimum of one (1) visitor car parking space must be provided within the development with a drain and water supply for the washing of vehicles. The drain is to be connected to the onsite nutrient control facility; and
  - j. The external colour schedule of the development must be consistent with the photomontage referenced as supporting documentation in Condition 1.1 of this Consent.
  - k. Fifteen percent (15%) or 12 apartments must be capable of being modified to create adaptable units.
- 2.12. Pay to council a contribution amount of **\$1,010,000.00** that may require adjustment at time of payment, in accordance with the Section 94A Development Contribution Plan - Gosford City Centre.

The total amount to be paid must be indexed each quarter in accordance with the Consumer Price Index (All Groups index) for Sydney issued by the Australian Statistician as outlined in the contribution plan.

Contact council's Contributions Planner on Tel 4325 8222 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the accredited certifier with a copy of a receipt issued by council that verifies that the Section 94 contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to council under Clause 104 of the *Environmental Planning and Assessment Regulation 2000*.

A copy of the Contributions Plan may be inspected at the office of Central Coast Council, 49 Mann Street Gosford or on council's website:

[www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan](http://www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan)

- 2.13. The recommendations of the Environmental Noise Assessment and Noise and Vibration Intrusion Assessment, prepared by Day Design Pty Ltd, dated 12 December 2015, must be included in the Construction Certificate.
- 2.14. All conditions under this section must be met prior to the issue of any Construction Certificate.

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS



**All conditions under this section must be met prior to the commencement of any works**

- 3.1. Appoint a Principal Certifying Authority after the construction certificate for the building work has been issued.
  - a. The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
  - b. Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days notice of the intention to commence building or subdivision work. The forms can be found on Council's website [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au)
- 3.2. Keep a copy of the stamped approved plans on site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 3.3. Do not commence site works until the sediment control measures have been installed in accordance with the approved plans / Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation and Control*.
- 3.4. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
  - a. The name, address and telephone number of the principal certifying authority for the work; and
  - b. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
  - c. That unauthorised entry to the work site is prohibited.

Remove the sign when the work has been completed.

- 3.5. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au).

Contact Council prior to submitting these forms to confirm the relevant fees.

- 3.6. Provide toilet facilities at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- a. Be a standard flushing toilet connected to a public sewer, or
  - b. Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - c. Be a temporary closet approved under the *Local Government Act 1993*
- 3.7. Prevent public access to the construction site as required by Clause 298 of the *Work Health and Safety Regulation 2011* when building work is not in progress or the site is unoccupied. Site fencing specifications are outlined under Australian Standard AS1725.1-2010 - *Chain-link fabric fencing - Security fencing and gates*. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

A separate application made under the *Roads Act 1993* will need to be lodged with Council If a hoarding or construction site fence must be erected on the road reserve or a public place.

- 3.8. Install a hoarding or construction site fence between the work site and any public place to prevent any materials from or in connection with the work falling onto the public place. The use of barbed wire and/or electric fencing is not to form part of the hoarding or construction site fence.

A separate application made under the *Roads Act 1993* will need to be lodged with council If the hoarding or construction site fence must be erected on the road reserve or a public place.

- 3.9. Disconnect and cap the property's sewer at the inspection shaft.
- 3.10. Undertake demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

The person having the benefit of this consent must ensure that the removal of:

- a. more than 10m<sup>2</sup> of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- b. friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*.

- 3.11. All conditions under this section must be met prior to the commencement of any works.

#### 4. DURING WORKS

All conditions under this section must be met during works

- 4.1. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:

- 7.00am and 5.00pm Monday to Saturday

No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.

- 4.2. Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 4.3. Keep a copy of the stamped approved plans on site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.4. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.5. Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.6. Construct the public stormwater / watercourse works that required approval under the Local Government Act 1993. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control.
- 4.7. Locate all external electrical fixtures and/or gas outlets adjacent to the secondary flow path and on-site detention system at a minimum height of 500mm above the adjacent corresponding 1% AEP flood level within the secondary flow path or on-site detention system.
- 4.8. Compliance with all demolition and construction commitments as detailed in the Waste Management Plan dated 20 May 2016 signed by M. Beraldo.
- 4.9. Ensure no obstructions to the wheel out of the waste bins are permitted including grills, speed humps, barrier kerbs etc.
- 4.10. Ensure a minimum of 4.0m height clearance in all areas accessed by the residential waste vehicle.

- 4.11. Do not carry out construction work or store building materials on the road reserve unless they are associated with a separate approval under the *Roads Act 1993*.
- 4.12. Action the following when an excavation extends below the level of the base of the footings of any building, structure or work on adjoining land:
- a. notify the owner of the adjoining land, and
  - b. protect and support the building, structure or work from possible damage from the excavation, and
  - c. underpin the building, structure or work where necessary, to prevent any such damage.

These actions must be undertaken by the person having the benefit of the development consent at their own expense.

- 4.13. Implement the requirements of the Waste Management Plan listed as supporting documentation in this development consent.
- 4.14. Demolish buildings in a safe and systematic manner in accordance with AS2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.15. No fill other than as shown on the approved plans is permitted.
- 4.16. Submit a report prepared by a registered Surveyor to the Principal Certifying Authority at each floor level of construction of the building (prior to the pouring of concrete) indicating that the finished floor level is in accordance with the approved plans.
- 4.17. Incorporate the following Crime Prevention Through Environmental Design (CPTED) principles and strategies to minimize the opportunity for crime:
- a. Provide adequate lighting to common areas as required under *AS1158: Lighting for roads and public spaces*.
  - b. Paint the ceiling of the car park white.
  - c. Design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity.
  - d. Design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises.
  - e. Provide signage within the development to identify all facilities, entry/exit points and direct movement within the development.
- 4.18. Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.

- 4.19. Erect or install prior to the swimming pool being filled with water all the required swimming pool safety barriers and gates in accordance with the approved plans and specifications and the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulations 2008* and Australian Standard AS 1926.1-2012 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following information:
- "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"
  - "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"
  - "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900mm CLEAR OF THE POOL FENCE AT ALL TIMES" and
  - A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults)
- 4.20. Dispose filter backwash and overflow to the sewer. The sewer connection must be completed prior to the filling of the pool with water and in a manner that will not cause a nuisance, or where sewer is not available, the disposal of filter backwash must be discharged into a rubble absorption trench to the satisfaction of the Principal Certifying Authority.
- 4.21. Do not fill the swimming pool with water until each window which is capable of giving access to the swimming pool enclosure has been protected with suitable security screens complying with the provisions of Clause 2.6 of Australian Standard AS 1926.1-2012. This applies to all windows where the height of the sill of the lowest openable portion of the window is less than 1.8 metres above the adjoining ground surface level, or the sill of the lowest openable portion of the window is less than 1.2 metres above the internal floor surface level.
- 4.22. Do not give to offensive noise as defined in the *Protection of the Environment Operations Act 1997*.
- 4.23. Implement dust control measures to ensure airborne dust particulates are abated and airborne movement of sediment blown from exposed disturbed areas is contained within the site.
- 4.24. Do not give rise to air pollution as defined in the *Protection of the Environment Operations Act 1997*.
- 4.25. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as 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. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the *Roads Act 1993*.

4.26. All conditions under this section must be met during works.

## **5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE**

All conditions under this section must be met prior to the issue of any Occupation Certificate

- 5.1. Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.2. Do not occupy the premises until the Occupation Certificate has been issued.
- 5.3. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.4. Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 5.5. Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.
- 5.6. Complete public stormwater / watercourse works that required approval under the Local Government Act 1993. The works must be completed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - Erosion Sedimentation Control, and documentary evidence for the acceptance of such works must be obtained from Council.
- 5.7. Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.8. Amend the Deposited Plan (DP) to:
  - Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan.
    - a. Create a 'Restriction as to User' over all lots containing an on-site stormwater detention system and/or a nutrient/pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.

- b. Create a 'Restriction as to User' over all land affected by a secondary flow path to ensure:
  - (i) The shape of the flow path is not altered.
  - (ii) No structure is erected within the flow path, excluding fences that are flood compatible.
  - (iii) The minimum floor level of any dwelling is defined by a reduced level related to AHD being 500mm above the 1% AEP flood level.

And,

- Include an instrument under the Conveyancing Act 1919 for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
  - a. To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
    - (i) The facility will remain in place and fully operational.
    - (ii) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
    - (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
    - (iv) Council is indemnified against all claims of compensation caused by the facility.

Submit, to the Principal Certifying Authority, copies of registered title documents showing the restrictive and positive covenants.

- 5.9. Submit certification from a consulting engineer to Council stating that all slabs and / or footings within the zone of influence associated with the Council stormwater system and / or drainage easement have been constructed in accordance with the Construction Certificate.
- 5.10. Amend the deposited plan (DP) to include a Section 88B instrument under the *Conveyancing Act 1919* to indemnify Council against claims for loss or damage to the pavement or other driving surface and against liabilities losses, damages and any other demands arising from any on-site collection service, at the applicant's cost.
- 5.11. Provide certification to the Principal Certifying Authority that the requirements of the BASIX certificate listed as supporting documentation in this development consent have been complied with.
- 5.12. Erect a warning notice in a prominent position in the immediate vicinity of the swimming pool in accordance with the *Swimming Pools Act 1992*. The warning notice

must contain the information prescribed by Clause 10 of the *Swimming Pools Regulation 2008*.

- 5.13. Install a swimming pool fence in accordance with the *Swimming Pools Act 1992* and the requirements of AS1926.1-2012: *Swimming pool safety: Safety barriers for swimming pools*.
- 5.14. Dispose the backwash from the pool filter and overflow system to the sewer.
- 5.15. Street tree planting must occur on the road reserve in accordance with *Gosford City Centre Streetscape Design Guidelines, Sept 2011*:
  - a. Provide five (5) advanced specimens (min 75lt pot size) of a small to medium sized exotic tree species such as Crape Myrtle, Tibouchina or Fraxinous griffithii, to be evenly located and adequately staked/protected to prevent vandalism; and
  - b. Do not locate trees within an authority's underground service easement nor be closer than 3m from a driveway.
- 5.16. A roller shutter or similar to be provided at the western end of the waste truck servicing location to screen bulk waste bins from public view.
- 5.17. Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.18. Provide the Principal Certifying Authority with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.
- 5.19. Revegetate and stabilise all areas disturbed by construction activities associated with the development so as to prevent erosion and dust nuisance occurring.
- 5.20. Provide to the Principal Certifying Authority a design verification statement 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*.
- 5.21. Implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies to minimise the opportunity for crime:
  - a) provide adequate lighting to common areas as required under Australian Standard AS 1158: *Lighting for roads and public spaces*
  - b) paint the ceiling of the car park white
  - c) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity



- d) design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises
- e) provide signage within the development to identify all facilities, entry / exit points and direct movement within the development
- f) install a system of Closed Circuit Television of a type and in locations on the site that will record high-quality images of all public areas within the site.

5.22. Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.

## 6. ONGOING OPERATION

- 6.1. Maintain the on-site stormwater detention facility in accordance with the operation and maintenance plan.
- 6.2. Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 6.3. Comply with all on-going use commitments as detailed in the Waste Management Plan by Elephants Foot Recycling Solutions, dated 15 March 2016 signed by E. Saidi.
- 6.4. A bin lifter to be provided within the waste storage enclosure/s to facilitate transfer of recyclables from MGB's into bulk waste bins.
- 6.5. Garden/landscaping waste to be removed off site by the garden/landscaping contractor.
- 6.6. Bulk waste bins from Building B to be transferred to the principal waste storage room in Building A the evening before collection.
- 6.7. Waste vehicle manoeuvring to be in accordance with the Traffic Report by McLaren Traffic Engineering Reference No. 17596.01DA dated 13 October 2017.
- 6.8. Locate the approved waste storage enclosure/area as indicated on Project Number 15128, Drawing No. DA102, revision A, dated 10 October 2017, prepared by Beraldo Design.
- 6.9. Construct and manage the waste storage enclosure in accordance with the provisions of Gosford DCP 2013, Part 7: Chapter 7.2 - *Waste Management, Appendix D and Appendix G*, as applicable.
- 6.10. Construct and manage garbage chutes in accordance with the provisions of Gosford DCP 2013, Part 7: Chapter 7.2 - *Waste Management, Appendix F*.
- 6.11. Insulate and / or isolate the motor, filter, pump and all sound producing equipment or fitting associated with or forming part of the pool filtering system so as not to create an offensive noise to the occupants of the adjoining premises as defined in the *Protection of the Environment Operations Act 1997*.
- 6.12. Do not install cooking facilities or sanitary fittings other than those indicated on the approved plans.
- 6.13. Operate all mechanical plant equipment and machinery (ie. air conditioning unit and/or heat pump) in accordance with the *Protection of the Environment Operation Act 1997*.

- 6.14. Operate and maintain all external lights in accordance with the *AS4282-1997: Control of the obtrusive effects of outdoor lighting*.
- 6.15. Do not store materials, waste matter or products outside the building or the approved waste storage area at any time
- 6.16. Maintain all works associated with the approved Landscape Plans for a period of 12 months from the date of the issue of any Occupation Certificate to ensure the survival and establishment of the landscaping.
- 6.17. Replace all damaged or missing areas of lawn and plantings at the completion of the landscaping maintenance period, including adjoining road reserve areas that are in a state of decline, to a healthy and vigorous condition in accordance with the approved detailed Landscape Plans and Development Consent Conditions.
- 1.18. Waste Servicing requirements are:
- a. Building A – 60 Units:
    - 2 x 1.5m<sup>3</sup>/1 x 0.66m<sup>3</sup> mixed waste bulk bins for twice weekly servicing.
    - 2 x 1.5m<sup>3</sup>/1 x 0.66m<sup>3</sup> recyclable waste bulk bins for twice weekly servicing.
  - b. Building B – 25 Units
    - 1 x 1.5m<sup>3</sup> mixed waste bulk bins for twice weekly servicing.
    - 1 x 1.5m<sup>3</sup> recyclable waste bulk bins for twice weekly servicing.

**NOTE:** No Green Waste MGB's proposed. All garden/landscaping green waste to be removed off site by the garden/landscaping maintenance contractor.

## 7. ADVICE

- 7.1. Consult with public authorities who may have separate requirements in the following aspects:
- a. *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;
  - b. *Jemena Asset Management* for any change or alteration to the gas line infrastructure;
  - c. *Ausgrid* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
  - d. *Telstra, Optus* or other telecommunication carriers for access to their telecommunications infrastructure.

- e. *Central Coast Council* in respect to the location of water, sewerage and drainage services.
- 7.2. Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- 7.3. Dial Before You Dig  
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
- Telecommunications Act 1997 (Commonwealth)  
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.
- 7.4. Separate application is required should the applicant require a new or upsized water supply connection to Council's water supply system.
- 7.5. Install and maintain backflow prevention device(s) in accordance with Council's *WS4.0 Backflow Prevention Containment Policy*. This policy can be found on Council's website at: [www.gosford.nsw.gov.au](http://www.gosford.nsw.gov.au)
- 7.6. The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- 7.7. Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- 7.8. The inspection fee for works associated with approvals under the Local Government Act is calculated in accordance with Council's current fees and charges policy.

- 7.9. Ensure the proposed building or works comply with the requirements of the *Disability Discrimination Act*.

**NOTE:** The *Disability Discrimination Act* (DDA) is a Federal anti-discrimination law.

The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. This development consent does not indicate nor confirm that the application complies with the requirements of the DDA.

## 8. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**. Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

### Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

## 9. REVIEW OF DETERMINATION

- 9.1. Subject to provisions of Section 82A of the Act the applicant may make an application seeking a review of this determination, providing it is made in time for Council to determine the review within six (6) months of this determination.

## 10. RIGHT OF APPEAL

- 10.1. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within six (6) months, from the date of determination.
- 10.2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.