

## 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.	Rev.	Date	Drawn By
Proposed Boarding House	DA100 -DA111 DA115, da116, DA120	F	April 17	MKa Architects
Landscape Plan	LL101	F	April 17	QTN Landscape

### Certificates – Application and Approval

- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.
- 4 Where conditions of this consent require approval from Council under the Roads Act 1993, Local Government Act 1993 or Water Management Act 2000, a completed Subdivision Construction Certificate application form must be lodged with Council and be accompanied by detailed design drawings and supporting information. Upon submission to Council, fees and charges will be calculated in accordance with Council's Management Plan. The fees and charges must be paid prior to Council commencing the design assessment.

### Other Authorities – Compliance Requirements

- 5 Compliance with the general terms of approval of Transport – Sydney Trains as outlined in its correspondence dated 29 August 2016 as follows:
  - Prior to the commencement of works, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineers stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure .
  - If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is

to be carried out by representatives from Sydney Trains and the Applicant . These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

- An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- Prior to the issue of a Construction Certificate the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
- Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final

Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied

- Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

## **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.***

### **Acid Sulphate Soils – Investigation and Reporting Requirements**

- 6 Prior to the issue of a Construction Certificate, an Acid Sulphate Soils Assessment Report and Management Plan prepared by a suitably qualified person, must be provided for the approval of the Accredited Certifier.

### **Architectural Design**

- 7 Prior to the issue of a Construction Certificate, additional detail is to be included on the north and south side elevations of the front building to provide greater visual interest and variation. The plans are also to be amended to show that fixed louvers are to form the eastern end of the breezeways on the rear building. The architectural plans must be amended and provided for the approval of the Accredited Certifier.

### **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:

**Developer contribution = \$149,101.35 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*.

## **Roadworks - Design Requirements**

- 9 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.
- 10 The submission to Council of Civil Works design drawings and specifications detailing the following design requirements:

- Concrete footpath for the full street frontage of the development. The footpath shall be formed at +4% from the top of kerb to the property boundary.
- Commercial/Industrial style vehicle access crossing.
- 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
- Concurrence from Telstra as to necessary level adjustments to the manhole to facilitate the driveway crossing.

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.

- 11 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**

- 12 The submission to the Accredited Certifier of a detailed stormwater management plan featuring:
- Stormwater disposal to the Council drainage easement traversing the adjoining property.
  - The provision of an onsite stormwater detention system. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average 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.
- Full details of the holding tank capacity, pump type and system, discharge rate and the delivery line size for the basement drainage.

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.

- 13 Stormwater drainage works external to the site and discharging into a public system or public land requires approval from Council under Section 68 of the *Local Government Act 1993*. Detailed design drawings prepared in accordance with Council's *Civil Works Design Guidelines* must be approved by Council prior to the issue of a Construction Certificate. All other stormwater management works must be approved by the Accredited Certifier.

### **Structural Design Requirements**

- 14 Prior to the issue of a Construction Certificate, satisfactory structural plans prepared by a suitably qualified Registered Structural Engineer are to be submitted for the approval of the Accredited Certifier, for the following building elements:
  - Retaining walls.
- 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.

### **Vehicle Access and Parking - Design Requirements**

- 16 The submission to the Accredited Certifier of a detailed car parking design. The design shall include:
  - Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
  - Pavement design able to withstand anticipated vehicle loading.
  - Wheel stops for parking spaces.
  - The placement of clearance signage above the basement entry.

- Priority given for entering vehicle via traffic signals (or similar). No vehicles shall be required to reverse back into the road reserve

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**

- 17 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. **Note:** The Section 306 Notice may contain requirements associated with the development that must be completed prior to the issue of the Construction Certificate.
- 18 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**

- 19 Prior to the demolition of nominated structures on site, all existing site services are to be disconnected, sealed and made safe. With regard to any sewer and water, service is to be disconnected by a licensed plumber and drainer with a Start Work Docket submitted to Council's Plumbing and Drainage Inspector as the Water and Sewer Authority. Romondis Customer Service Centre are also to be contacted on telephone number 1300 126 278 to arrange for the collection of the garbage bins.
  - Any demolition work carried out is to be carried out in accordance with the requirements of AS 2601-2001 – The Demolition of Structures.
- 20 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 licensed asbestos removalist in accordance with the provisions of Clause 458 of the *Work Health and Safety Regulation 2011*. The transport and disposal of more than 10 square metres of asbestos sheeting or more than 100 kilograms of asbestos waste must be undertaken in accordance with the requirements of *The Protection of the Environment Operations (Waste) Regulation 2014*.

Note: The NSW Environment Protection Authority has introduced "WasteLocate" to gather and record information on the movement and disposal of this waste.

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

- 21 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**

- 22 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.
- 23 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**

- 24 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.
- 25 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**

- 26 Prior to works associated with the development commencing, the existing inter-allotment drainage pit located upon the site, is to be located and suitably protected in order to prevent damage during the construction phase of the development.
- 27 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.
- 28 A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:
  - could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
  - could cause damage to adjoining lands by falling objects; or
  - involve the enclosure of a public place or part of a public place.

These works are specified as exempt development within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – where the development standards are prescribed in Clause 2.110.

- 29 Prior to works associated with the development commencing, an application for a Hoarding Permit, including the payment of fees in accordance with Council's Management Plan must be completed prior to the erection of any hoarding/safety fencing associated with the development.

### **Construction Traffic Management Plan**

- 30 Prior to the commencement of any works, the developer shall prepare a Construction Traffic Management Plan for the development. The plan shall include Traffic Control Plans prepared by a suitably qualified and experienced consultant with necessary construction management measures identified during the excavation, delivery and construction phases. All works must ensure the safety of all vehicles and pedestrians.



## **During Construction Works:**

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

### **Acid Sulphate Soils – Construction Requirements**

- 31 Upon completion of excavation works, documentary evidence is to be provided for the approval of the Principal Certifying Authority demonstrating compliance with the requirements of the Acid Sulphate Soils Management Plan submitted with respect to the development.

### **Services/Utility Requirements**

- 32 The developer is solely responsible for any costs relating to alterations and extensions of existing roads, drainage, water and sewer infrastructure and other utilities for the proposed development.
- 33 Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
  - AGL Sydney Limited for any change or alteration to gas line infrastructure;
  - Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
  - Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

### **Site Requirements**

- 34 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 35 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.
- 36 During the construction phase of the development, 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.*

### **Basement Colours/Finishes Requirements**

- 37 Prior to the issue of an Occupation Certificate, the basement is to be painted and finished in light colours to assist with the lighting.

### **Building Code of Australia – Compliance Requirements**

- 38 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.

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

- 39 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**

- 40 Prior to the issue of an Occupation Certificate, the Plan of Management is to be submitted and approved by Council's Social Planner.
- 41 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 with Council**

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

### **Dilapidation Rectification Requirements**

- 43 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.

### **Landscaping Requirements**

- 44 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**

- 45 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.

### **Lighting Requirements**

- 46 Prior to the issue of an Occupation Certificate, suitable lighting to the development site shall be provided in accordance with the requirements of AS/NZS 1158 and AS/NZS 2890.1.
- 47 Prior to the issue of an Occupation Certificate, a lighting maintenance policy is to be established for the development ensuring that all broken lights are repaired within 24 hours.

### **Noise Control Requirements**

- 48 Prior to the issue of any Occupation Certificate, an acoustic compliance certificate must be provided to Council's Senior Environmental Protection Officer which demonstrates that the construction of the dwelling complies with AS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors.
- 49 All mechanical operations that service the apartments must not unreasonably impact the on amenity of the surrounding properties.

### **Other Authorities – Compliance Requirements**

- 50 Prior to the issue of an Occupation Certificate, 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.

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

- 51 Prior to the issue of an Occupation Certificate, the provision of rainwater tanks 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**

- 52 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.
- 53 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.
- 54 Road and infrastructure damages that were not identified in the Dilapidation Report submitted to and approved by Council prior to the commencement of site works, will be assumed to have been caused as a result of the site works undertaken with respect to the development and must be rectified.

## **Security Requirements**

- 55 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.

## **Section 88B Instrument**

- 56 The Section 88B instrument shall establish the following title encumbrances with Council being nominated as the sole authority to release, vary or modify each encumbrance unless specifically noted otherwise. Wherever possible the extent of the land affected shall be defined by bearings and distances shown on the plan of subdivision:
  - 'Positive Covenant' requiring the registered proprietor to ensure on-going maintenance is completed for the on-site stormwater detention system. The terms of the covenant are to be prepared to Council's standard requirements.
  - 'Restriction on the Use of Land' prohibiting any alteration to the on-site stormwater detention system. The terms of the restriction are to be prepared to Council's standard requirements.

The encumbrances must be shown on the final plan of subdivision and Section 88B instrument, and be approved by Council with the Subdivision Certificate

## **Statutory Certificate Requirements**

- 57 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**

- 58 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.
- 59 The construction of stormwater drainage works external to the site and discharging into a public system or public land in accordance with the approved Stormwater Management Plan and Council's *Civil Works Construction Specification*. All works must be approved by Council under Section 68 of the Local Government Act 1993 prior to issue of the Occupation Certificate. All other stormwater management works must be approved by the Principal Certifying Authority.
- 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 the inter-allotment drainage easement servicing the allotment.
- 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. Central Coast 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 stormwater pump-out facilities. The terms of the positive covenant are to be prepared to Council's standard requirements. Central Coast Council shall be nominated as the party to release, vary or modify the covenant.
- 63 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. Central Coast Council shall be nominated as the party to release, vary or modify the restriction.
- 64 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.

### **Vehicle Access and Parking – Compliance Requirements**

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

### **Waste Management Requirements**

- 66 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.

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

- 67 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.
- 68 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**

- 69 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.*

### Amenity

- 70 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.
- 71 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.
- 72 A complaints register is to be maintained by the operator and made available to Council for inspection at any time upon request. The complaints register must log all complaints received and specify actions taken by the operator to address each complaint.
- 73 During the first 2 years of operation the boarding house operator shall organise and conduct community liaison meetings with the local community, including adjoining and adjacent residents, adjoining businesses and the boarding house manager, at least every six months. Council is to be provided with an invitation to attend each meeting. The frequency of meetings thereafter is to be as deemed necessary by Council.
- 74 Visiting hours are to cease by 10pm daily and all visitors are to sign in with the on-site manager.
- 75 No more than 1 person shall occupy each room with the exception of double rooms and the manager's residence where a maximum 2 persons are permitted.

### Operational- Boarding House

- 76 Laundry facilities are to be provided for the maximum number of boarders to be accommodated.
- 77 Luminaires are to be vandal resistant.
- 78 The premises and all fixtures, furnishings and equipment must be maintained in a clean, sanitary condition and kept in good repair at all times.
- 79 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.
- 80 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.

- 81 On-site management shall be provided on a 24 hour basis seven days per week. The development is to include a high standard of property maintenance and cleanliness to ensure a safe and healthy environment for occupants.
- 82 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.
- 83 The CCTV is to be maintained and operational at all times.
- 84 All entries to the building shall display a height marker in order to identify the height of potential offenders.
- 85 The development shall be operated in accordance with the Plan of Management to be approved by Council prior to the issue of an Occupation Certificate. The Plan of Management can only be amended with the written agreement of Council's Social Planner.
- 86 The external open space areas shall not be used outside the hours of 9am to 9pm daily.
- 87 The Manager and/or Community Housing Provider undertake regular assessments of the rental levels for the local area to ensure that the proposed development is affordable for the intended residents.
- 88 Community information and resources relating to services and facilities, local and region-wide events are to be provided to all residents to enable increased connections and wider participation within the surrounding community.

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**

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

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

- 90 The non-habitable rooms such as garages, storerooms or outbuildings must not be adapted or used for habitable purposes.
- 91 The accommodation of people with additional needs as defined by the Boarding House Act is not permitted. Under the Boarding House Act a "person with additional needs" is defined as a person:
  - with a permanent disability, mental illness or aged related frailty, and



- who requires support with their daily care and living tasks, such as showering, taking medication or cooking meals.

92 No children are to be accommodated in the boarding house.

### **Site Appearance, Maintenance and Security Requirements**

- 93 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.
- 94 A graffiti management plan is to be incorporated into the maintenance plan for the development with graffiti to be removed within 48 hours.
- 95 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.
- 96 All perimeter fencing is to be maintained for the life of the development in its approved location.
- 97 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.
- 98 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**

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

### **Waste Management Requirements**

- 100 All waste generated on the premises shall be stored in a manner so that it does not pollute the environment.
- 101 Waste is to be collected twice per week.