

1. PARAMETERS OF THIS CONSENT

- 1.1. 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.

Architectural Plans:

Description/Title	Dwg. No	Rev.	Date	Author
Coversheet	SK-001	D	5/9/18	CKDS Architecture
Regulatory Environment	SK-002	D	5/9/18	CKDS Architecture
Site Plan/Analysis	SK-005	D	5/9/18	CKDS Architecture
Demolition Plan	SK-006	D	5/9/18	CKDS Architecture
Waste Management Plan	SK-007	D	5/9/18	CKDS Architecture
Lift Overrun	SK-008	D	5/9/18	CKDS Architecture
Ground floor plan	SK-101	G	13/12/18	CKDS Architecture
Typical Floor Plan	SK-102	G	13/12/18	CKDS Architecture
Roof Plan	SK-103	D	5/9/18	CKDS Architecture
Elevations	SK-201	D	5/9/18	CKDS Architecture
Elevations	SK-202	D	5/9/18	CKDS Architecture
Sections	SK-301	D	5/9/18	CKDS Architecture
Sections	SK-302	D	5/9/18	CKDS Architecture
External Finishes Schedule	SK-401	D	5/9/18	CKDS Architecture
Landscape Plan – Cover Sheet	L000	D	10.07.18	Xeriscapes
Landscape Plan –Ground Floor	L101	C	10.07.18	Xeriscapes
Precedent Images	L102	C	10.07.18	Xeriscapes
Indicative Plant Schedule	L103	B	10.07.18	Xeriscapes

Supporting Documentation

Document	Title and Author	Date
D13214294	Traffic and Parking Impact Assessment Report – Barker Ryan Stewart	April 2018
D13331538	Arboricultural Impact Assessment – Accurate Tree Assessment	Sept 2018
D13214324	Noise Assessment – Rapt Consulting	April 2018
D12970813	Disability Access Report – Lindsay Perry Access	17 Nov 2017

Document	Title and Author	Date
D12970845	Crime Risk Assessment Report	18 Nov 2017
D13313865	Social Impact Assessment	23 August 2018

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. The development is to be carried out in accordance with the advice provided in correspondence from the NSW Roads and Maritime Services dated 02.03 2018.
- 1.4. 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*.
- 1.5. 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.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1 All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2 No activity is to be carried out on-site until the 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 and the like that are required by this consent
 - c) Demolition.
- 2.3 Submit amendments to the approved plans to the Accredited Certifier pursuant to clause 139 of the *Environmental Planning Regulation 2000* that must detail:
 - a) Revised drawings to ensure sufficient room for other vehicles to enter the site while waste servicing is being undertaken to ensure no risk to the waste contractor, waste contractors vehicle or other vehicles.
 - b) Updated landscape plan to reflect the latest architectural layout plans.

- c) The east and west facing units above ground level (mid-way of the building) will need some screening measures to the bedroom windows adjoining the building recess to ensure their privacy from the corridors.

2.4 Pay developer contributions to Council as calculated in the formula below:

Developer contribution = \$230,612.80 (as at 11/5/18). 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 or 94A of the *Environmental Planning and Assessment Act 1979*.

2.5 Measures are to be included in the design and construction of the building to reduce the impacts of road traffic noise on the internal areas within the building. The adopted design measures are to ensure that the following LAeq levels are not exceeded:

- In any bedroom in the building – 35dB(A) at any time between 10 pm and 7 am
- Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40 dB(a) at any time.

2.6 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.

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

- Tamar Ave - Kerb and guttering with an alignment of at least 1.0m from the property boundary for the full street frontage of the development.
- Tamar Ave - Full road pavement construction adjoining the proposed kerb and guttering.
- Dunleigh St - Concrete footpath 1.5 metres wide for the full street frontage of the development.
- Pavement marking & signage.
- Street trees at a maximum of 15.0 metre spacing.
- Pavement design catering for 1.9×10^6 equivalent standard axles.
- Vehicle access crossing(s).
- 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.
- Tamar Ave - No stopping signage on both side of the road to cover the entire site frontage.
- Undergrounding of overhead electricity wires around the full frontage of the site.

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.

2.8 The submission of a comprehensive road signage and pavement marking design drawings identifying parking restrictions, accesses and traffic management facilities to Council for approval by the Local Traffic Committee prior to issue of the Construction Certificate.

2.9 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.

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

- Stormwater disposal to Dunleigh Street.
- Drainage pit at the boundary line. A non-return valve will be required upon the site outlet to prevent stormwater / floodwater back flowing into the property drainage system.
- The provision of an onsite stormwater detention system. The detention system must be designed to attenuate post developed flow rates to predevelopment flow rates for a full range of storm durations for the 5, 20 and 100 year average reoccurrence interval (ARI) design storms.
- The provision of stormwater quality control facilities to treat stormwater in accordance with the Engineers Australia publication *Australian Runoff Quality – A Guide to Water Sensitive Urban Design* prior to entering Council’s stormwater drainage system.
- Waste water from the wash down area must be connected to sewer and appropriate Trade Waste license obtained.
- Removal of the rainwater re-use storage component of the combined underground OSD / OSR system. An alternative arrangement for an above-ground rainwater tank system for irrigation purposes only shall be provided. A possible location adjacent to the proposed car wash bay and landscaped areas shall be considered.

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. The plans shall generally be in accordance (with required amendments) with the submitted concept stormwater drainage plans by Northrop (refer Job No. NL 172245, Revision B, dated 24/4/2018), which are to be advanced as necessary for Construction Certificate issue purposes.

2.11 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.

2.12 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 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.

2.13 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

2.14 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.

2.15 All works and services, including water and electricity, must be located, designed and installed to minimise or prevent damage (roots or canopy) to retained trees on immediately adjoining properties.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1 All conditions under this section must be met prior to the commencement of any works.
- 3.2 No activity is to be carried out on-site until the 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 and the like that are required by this consent
 - c) Demolition approved by this consent.
- 3.3 Appoint a Principal Certifying Authority for the building work:
 - 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.centralcoast.nsw.gov.au
- 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 can be contacted outside of working hours; and
 - c) That unauthorised entry to the work site is prohibited.
 - d) Remove the sign when the work has been completed.

3.5 Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- diverting uncontaminated run-off around cleared or disturbed areas, and
- preventing the tracking of sediment by vehicles onto roads, and
- stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

3.6 Erect a temporary hoarding or temporary construction site fence 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:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

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.

3.7 Disconnect, seal and make safe all existing site services prior to the commencement of any demolition on the site. Sewer and water services must 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.

3.8 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

- 3.9 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.
- 3.10 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.
- 3.11 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.
- 3.12 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.
- 3.13 Prior to the commencement of any works, the Applicant 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. All works must ensure the safety of all vehicles and pedestrians within the frontage service road.
- 3.14 Ensure that all parties / trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.

- 3.15 Establish Tree Protection Zones (TPZ) around trees identified to be retained (in accordance with the Arborist Report from Accurate Tree Assessment dated Sept 2018). Trees to be retained are to be protected by fencing and / or other accepted protection measures in accordance with Australian Standard AS 4970-2009: *Protection of Trees on Development Sites*. All required tree protection measures are to be maintained for the duration of construction works. Sign-post fences around Tree Protection Zones to warn of its purpose.
- 3.16 Protect street trees by installing protective fencing. This includes the trees on Tamar Lane. Any street tree damaged during works must be immediately reported to Council, which may incur a compensation fee, rectifying and / or replaced with a tree of similar height and species at no cost to Council.
- 3.17 Ensure a qualified arborist (AQF 5) is on-site to oversee the works in relation to tree protection measures during critical stages of construction.

4. DURING WORKS

- 4.1 All conditions under this section must be met during works.
- 4.2 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.

- 4.3 During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
- a) All excavation or disturbance of the area must stop immediately in that area, and
 - b) The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

- 4.4 Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5 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.
- 4.6 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*. This condition only applies if no installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage).
- 4.7 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*.
- 4.8 Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.9 Arrange with the relevant service provider / Authority (eg. Ausgrid, Jemena, communications provider) for the supply of services concurrently with the engineering work approved by this consent. Arrangements must include, where required, any relocation of existing mains and services, and dedication of easements for mains and services.
- 4.10 During construction works, all cut or fill is to be constructed in such a manner that surface water will not be permanently or temporarily diverted to adjoining land and so that natural drainage from adjoining land will not be obstructed or affected.
- 4.11 Demolish all buildings and / or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.12 Undertake any 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 10m² 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*.

- 4.13 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.
- 4.14 Sound attenuating devices shall be provided and maintained in respect of all power-operated plant used during demolition, earth works and the erection of the structure. The quietest available plant should be used and be regularly maintained and fitted with appropriate mufflers.
- 4.15 A minimum of five working days prior to any potentially noise generating construction works commencing, written notice shall be given to surrounding occupants advising of the time/date and duration for the works and the principal contractors contact details.
- 4.16 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.
- 4.17 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.
- 4.18 Undertake the removal of trees as shown on the approved plan in a manner so as to prevent damage to those trees that are to be retained.
- 4.19 Design, locate and install underground services to minimise or prevent tree root damage in accordance with Australian Standard AS 4970-2009: *Protection of Trees on Development Sites*.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1 All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2 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. The Occupation Certificate application is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
- 5.3 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.
- 5.4 The consolidation of all lots comprising the site by registered subdivision prior to the issue of any Occupation Certificate. Documentary evidence of the Consolidation Plan registration with the Land and Property Management Authority must be submitted to the Accredited Certifier prior to the issue of any Occupation Certificate.
- 5.5 Prior to any Occupation Certificate, a suitably qualified acoustic consultant is to confirm that the development will not exceed the following LAeq levels:
 - (a) In any bedroom in the building – 35dB(A) at any time between 10 pm and 7 am
 - (b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40 dB(a) at any time.
- 5.6 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.
- 5.7 Where the proposed use of the development discharges waste other than domestic sewage, then the submission of a liquid trade waste application and subsequent approval by Council as the Water and Sewer Authority, to discharge liquid trade waste into the sewerage system is required prior to issue of the Occupation Certificate.
- 5.8 After the trade waste facility has been constructed, an "*Application for final inspection of a new Liquid Trade Waste Facility*" must be submitted to Council as the Water and Sewer Authority. Council's final approval for the liquid trade waste facility is required prior to the issue of the Occupation Certificate.

- 5.9 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.
- 5.10 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 5.11 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.
- 5.12 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.
- 5.13 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.
- 5.14 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.
- 5.15 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.

- 5.16 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.
- 5.17 Amend the deposited plan (DP) to include a s. 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.
- 5.18 The construction of the carpark, accesses and internal waste management in accordance with AS/NZS 2890 - Parts 1, 2 & 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.
- 5.19 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.
- 5.20 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 Central Coast Council as the Water Supply Authority, prior to issue of the Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.
- 5.21 Prior to the issue of an Occupation Certificate, the provision of a corner splay on the Dunleigh Street / Tamar Ave intersection. This splay shall be dedicated as public road and at no cost to Council.
- 5.22 A management plan for waste collection is to be prepared and adopted for the site to ensure safe, orderly and efficient management of waste on the site and to mitigate adverse impacts to the street and residential amenity. The plan shall include, but not be limited to, ongoing maintenance of the waste area and the process for presenting the refuse receptacles for collection in accordance with the waste contractor's requirements. The plan shall include:
- A recyclables storage cupboard (adjacent to the garbage chute) is to be provided and identified on each floor.
 - A mobile garbage bin lifter is to be indicated within the principal waste storage enclosure to facilitate emptying of the recyclables bins from the interim recyclables storage room on each floor into the bulk waste bins in the principal waste storage enclosure.

- Garden/landscaping waste shall be removed off site by the garden/landscaping contractor
- Identification of who will be responsible for monitoring and transferring recyclables bins within the interim recyclables storage rooms on each floor to the principal waste storage enclosure to ensure storage capability is available at all times and who will be responsible to transfer all bulk waste bins to the holding/servicing location the evening before collection.
- All residential waste vehicle manoeuvring is to be designed and certified to AS 2890.1 by a Traffic Engineer for the 10.5m long, dual rear axle HRV. The plans are to ensure sufficient room for other vehicles to enter the site while waste servicing is being undertaken to ensure no risk to the waste contractor, waste contractors vehicle or other vehicles.
- Sufficient space is to be demonstrated/indicated to ensure other vehicles are able to enter the site while bulk waste bins are being serviced. Measures are to be adopted for the management of the waste collection area to minimize the potential for conflict with other vehicles wishing to enter the site while waste servicing is being undertaken. The adopted measures shall address potential risk to the waste contractor, waste contractors vehicle or other vehicles.
- Fully dimensioned details of the waste storage room and the holding/servicing location at a suitable scale are required to demonstrate the ability to store, access, transport and service all bulk bins at the remote bulk waste bin servicing location.
- Details for the Internal management of the waste storage enclosure/interim recyclables room will be required for the storage of waste deposited into the chute and the recyclables interim storage rooms when bulk waste bins are in the holding/servicing location waiting to be serviced.
- Bulk bins must be able to be accessed without the need to shuffle bins to access other bins. ie no stacking etc. Sufficient room within both areas is required to allow bulk bins to be readily accessed by the appointed person to transport bins from the waste storage enclosure to the holding/servicing location and for the residential waste contractor to service bulk waste bins at the rear of the residential waste vehicle within the waste truck servicing area.
- A minimum 4.0m vertical height clearance is required in all waste vehicle manoeuvring area/s.

5.23 Construct the waste storage area to the following standards, for safety, amenity and maintenance reasons:

- a) floors must be constructed of concrete, graded and drained to an approved drainage outlet connected to the sewer and finished to a smooth even trowelled surface

- b) walls must be constructed with solid impervious material and must be cement rendered internally to a smooth even steel trowelled surface
- c) all intersections between the walls and floors must be coved with coving having a minimum radius of 25mm
- d) all entry points into the room must be bunded to prevent the escape of liquid waste. Bunding must be for 110% of the likely liquid storage waste and constructed in such a manner that does not obstruct the removal of waste receptacles from the room or create a safety risk to users
- e) adequate ventilation must be provided
- f) adequate lighting must be provided
- g) 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
- h) waste storage areas must prevent the access of vermin
- i) waste receptacles used must be compatible with Council's waste collection service
- j) the door to the storage area must be weatherproof and must be openable from the inside at all times; and
- k) hot and cold water hose cocks must be located inside or within close proximity to the waste storage areas to facilitate cleaning.

5.24 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. This includes street tree planting.

- 5.25 Prior to the issue the Occupation Certificate, the Principal Certifying Authority shall receive a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the Design Quality Principles set out in Part 2 of *State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development*.
- 5.26 The car wash bay must be bunded in accordance with AS 1940–1993 and AS/NZS 4452–1997, covered and discharges directed to sewer in accordance with Council's Trade Waste requirements. A separate trade waste approval must be obtained prior to connection to the sewer.
- 5.27 A minimum of 10% of all dwellings within the development are to be designed as suitable for adaptation for occupation by disabled/aged persons as outlined in AS 4299:Adaptable Housing. The adaptable housing should include a mix of outlook and include adaptable units located at the street front with a courtyard. Satisfactory plans demonstrating compliance are required to be provided. The plans are to demonstrate compliance including satisfactory circulation space and good layout design requiring minimal changes in accordance with the Australian Standard.
- 5.28 Execute a section 88E instrument under the *Conveyancing Act 1919* to establish the following positive covenants; with Council having the benefit of these covenants and having sole authority to release and modify.
- a) The positive covenant(s) must ensure that for a period of 25 years from the date of the issue of the Occupation Certificate.
 - (i) All units must be used for the purposes of affordable housing as defined by the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, and
 - (ii) all accommodation that is used for affordable housing must be managed by a registered community housing provider; and
 - (iii) the rent of each unit, is not to exceed the formula for Affordable Housing as defined in Clause 6 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*; and
 - (iv) use for in-fill development under Division 1 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

- 5.29 Plant a minimum of 6 replacement tree(s) (advanced specimens min 25lt pot size) in accordance with the recommendations in the arborist report (Report by Accurate Tree Assessment dated Sept 2018). Replacement trees must be native species capable of achieving a minimum mature height of 8 metres. New trees are not to be located within an authority's service easement, or within 3m of an approved building. Where the replacement tree dies or is substantially damaged within five (5) years of planting, it must be replaced and maintained to maturity.
- 5.30 To minimise the opportunity for crime and in addition to the applicant's submitted Crime Risk Assessment (dated 18 Nov 2017), supporting information and Crime Prevention Through Environmental Design principles, the development shall incorporate the following:
- i. In order to maintain a safe level of visibility for pedestrians within and around the development, adequate lighting to AS1158 is to be provided to all common areas including parking, the external storage areas and any pedestrian routes to these areas. All lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties.
 - ii. Access control measure/s are to be provided to restrict access to the communal open space area from the public/street. Consideration of the installation of CC/TV to the communal open space area to minimise the opportunities for crime related to the external storage areas.
 - iii. The means to isolate the various areas of the site shall be incorporated into the development, including measures for after-hours access. Ensure that the development minimises the opportunities for concealment or entrapment spaces.
 - iv. Ensure the development management adopts an ongoing policy of rapid repair of vandalism and graffiti and ensuring that all lighting is in working order.
 - v. Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
- 5.31 An Operational Management Plan and tenancy agreements are to be developed and submitted to Council for review prior to the issue of a Construction Certificate. The Operational Management Plan is to be structured as follows:
- *Introduction* (description of building & location overview, details of Community Housing Provider, etc.)
 - *Management Arrangements* (managing agent contact details & managing agent role)
 - *Becoming a resident* (application process, criteria and process for selecting residents, reference checks, occupancy agreements, ending agreements)

- *Resident information* (resident information pack, resident's legal rights and duties and general rules, common area rules and hours of use, car parking, car wash bay, and bike storage)
- *Emergency management* (emergency egress routes, evacuation plan, fire safety, important phone numbers, public display of name and number of managing agent and internal display of relevant information – house rules, emergency contacts)
- *Maintenance* (dwelling maintenance and inspections, incidents register, waste management & recycling)
- *Complaints/ Dispute handling and complaints register* (public display of name and number of managing agent and internal display of relevant information – rules, emergency contacts etc. All complaints should be entered into a register, purpose and function of complaints register, handling a dispute with a resident, handling a dispute between residents, dealing with aggression, liaison/relationship with neighbours and the local community and how impacts on residents will be mitigated and crime. Details should be provided on how liaison with neighbours will occur and what mitigation measures will be put in place to mitigate impacts on neighbours).
- *Forms* (resident application form, occupancy agreement, condition report, incident report)

6. ONGOING

- 6.1 The non-habitable rooms such as garages, storerooms or outbuildings must not be adapted or used for habitable purposes.
- 6.2 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.
- 6.3 All on-site vehicle parking areas, markings, driveways and manoeuvring areas are to be maintained for the life of the development.
- 6.4 All waste generated on the premises shall be stored in a manner so that it does not pollute the environment. All waste generated on the premises shall be transport to a facility which is licensed to receive that material.
- 6.5 All waste collection services must not be undertaken before 7am any day of the week.
- 6.6 The owner/operator(s) of the site must maintain the external finishes of the building(s), structures, walls and fences for the life of the development and any graffiti must be removed in a timely manner.

- 6.7 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.
- 6.8 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.
- 6.9 Any plant or equipment required for refrigeration, air-conditioning, heating, filtering and the like must be suitably insulated for the purpose of reducing noise emissions and should not visibly screened so as not to project beyond the roofline or from an external wall. Regular servicing and maintenance of 'plant' to ensure that it is run in a proper and efficient manner.
- 6.10 Replace all damaged, dead 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.
- 6.11 The Community Housing Provider is to undertake regular assessments of the rental levels for the local area to ensure that the development is affordable for the intended residents.
- 6.12 Implement and comply with the Council approved Operational Management Plan at all times during operation of the Affordable Housing component of the development.
- 6.13 The Community Housing Provider is to consult with owners of adjoining properties on a regular basis and establish a complaints register to address any issues that arise, such as noise, parking and other amenity impacts, to ensure the safety and security for both residents of the proposed development and local residents. Any breach could result in a breach of the tenancy agreement and may result in termination of the contract.
- 6.14 Community information and resources relating to services and facilities, local and shire-wide events is to be provided to all residents to enable increased connections and wider participation within the surrounding community.

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.

ADVISORY NOTES

- Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.
- The following public authorities 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.

- 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.

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 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.