

Telephone: (02) 4325 8222

Please Quote: DA50527/2016.2
01 June 2017



Bruce Kerr Pty Ltd
2 Blackwall Road
WOY WOY NSW 2256

brucekerrptyltd@gmail.com

APPLICATION NUMBER: DA50527/2016.2
PROPOSAL: Amendment under Section 96 (1) of the Environmental Planning and Assessment Act to the Approved INTEGRATED Residential Flat Building 12 Units, Site Clearing & Strata Subdivision (Section 96 Amendment - S96(1) Amend Condition 2.11).
PROPERTY: LOT: 194 DP: 10172, 19 A Memorial Avenue BLACKWALL NSW 2256
LOT: 1 DP: 795606, 21 Memorial Avenue BLACKWALL NSW 2256
LOT: 2 DP: 795606, 21 A Memorial Avenue BLACKWALL NSW 2256

Dear Sir/Madam

I refer to your application lodged 19 May 2017 for modification of consent 50527/2016

Having regard to the provisions of Section 96 (1) of the Environmental Planning and Assessment Act, 1979, the Council is of the opinion that the amended proposal is a minor modification and is substantially the same development consented to by the Council.

Accordingly, the consent dated 17 February 2017 is modified in the following manner:

Amend Condition 2.11. to correct a typographical error in the S94 Contributions payable, as follows: -

~~Pay to Council a total contribution amount of \$133,983.00, that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 31A, 31B, 31C & 31D - Peninsula:~~

Roadworks - Capital	B	(Key No 789)	\$7,587.00
Open Space - Land	C	(Key No 791)	\$22,050.00
Open Space - Embellishment	C	(Key No 790)	\$57,708.00
Community Facilities - Land	D	(Key No 793)	\$1,287.00
Community Facilities - Capital	D	(Key No 792)	\$19,422.00
Drainage - Land	A	(Key No 787)	\$5,490.00
Drainage - Capital	A	(Key No 788)	\$20,439.00
TOTAL AMOUNT			\$133,983.00

~~The total amount must be indexed each quarter in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contributions plan:~~

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

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

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

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

Pay to Council a total contribution amount of **\$113,922.00**, that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 31A, 31B, 31C & 31D - Peninsula.

Roadworks - Capital	B	(Key No 789)	\$5,922.00
Open Space - Land	C	(Key No 791)	\$19,110.00
Open Space - Embellishment	C	(Key No 790)	\$50,193.00
Community Facilities - Land	D	(Key No 793)	\$1,005.00
Community Facilities - Capital	D	(Key No 792)	\$15,162.00
Drainage - Land	A	(Key No 787)	\$4,758.00
Drainage - Capital	A	(Key No 788)	\$17,772.00
TOTAL AMOUNT			\$113,922.00

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

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

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

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

www.gosford.nsw.gov.au/building-and-development/planning-guidelines-and-forms/contributions-plan

Please note, Council records indicate that the Section 94 Contributions payable pursuant to Condition 2.11, remain unpaid. Consequently, \$20,376.00 will not be refunded, as advised in previous correspondence from Council dated the 12 May 2017.

Please note that the approved amendment does not extend the term of the original consent. Attached to this approval is the reproduced consent as amended.

The works (if any) that are associated with this amended development consent may require a modified Construction Certificate in accordance with Clause 148 of the Environmental Assessment Regulation 2000.

Your attention is drawn to your right of appeal against the conditions to the Land and Environment Court of NSW.

Yours faithfully

Per: 

Rob Noble
Chief Executive Officer

Conditions

1. PARAMETERS OF THIS CONSENT

1.1 Approved Plans and Supporting Documents

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

Architectural Plans by: DW & SL Baxter Pty Ltd

Drawing	Description	Sheets	Issue	Date
1	Cover Sheet	1	NA	undated
2	Elevations artistic impressions	2	NA	12/11/2015
3	Site Plan	3	A	12/11/2015
4	Elevations Units 1-4	4	A	12/11/2015
5	Elevations Units 5-12	5	A	12/11/2015
6	Lower & Upper Floor Plan Units 1-4	6	A	12/11/2015
7	Lower & Upper Floor Plans Units 5-12	7	A	12/11/2015
8	Sections	8	A	12/11/2015
9	Setbacks Plan	9	A	12/11/2015
10	Landscape Master Plan	10	A	4/3/2016
2390/10b	Tree Survey & Schedule	11	NA	9/11/2015
1 of 2	Storm Water Concepts by Ibrahim Storm Water Consultants	12	NA	22//08/2016
2 of 2	Storm Water Concepts by Ibrahim Storm Water Consultants	13	NA	22/08/2016

Supporting Documentation:

03-022/2016	Waste Management Plan - Wales and Associates	12 October 2016
910-2014	Statement of Environmental Effects-Wales & Associates	August 2016
Cert No 74402M	Basix Certificate no 744002M	8 August 2016
REF 6047 V3	Bushfire Report Conacher Consulting	August 2016
Cert. No. 0000601815	Nationwide House Energy Rating Scheme	8 August 2016

1.2 Carry out all building works in accordance with the Building Code of Australia.

2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

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

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

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

Design the required works as follows:

- a. Half width road including kerb and guttering, subsoil drainage, footpath formation, drainage and a minimum 6m wide road pavement across the full frontage of the site in Wallaby Street.
- b. Footway formation graded at +2% from the top of kerb to the property boundary, across the full frontage of the site in Wallaby Street.
- c. 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location across the full frontage of the site in Wallaby Street.
- d. Heavy-duty vehicle crossing that has a width of 6m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- e. Vehicle crossings (5 Nos.) constructed with a 25mm thick asphaltic concrete seal on a 225mm thick layer of base course material in Lane.
- f. All redundant dish crossings and / or damaged kerb and gutter must be removed and replaced with new kerb and gutter.
- g. Roadside furniture and safety devices as required e.g. fencing, signage, guide posts, chevrons, directional arrows, and/or guard rail in accordance with RMS and relevant Australian Standards.
- h. Erosion and sedimentation control plan.

The Roads Act application must be approved by Council.

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

- 2.2** Submit a pavement report prepared by a practising Geotechnical Engineer for works within a public road reserve. This report must be submitted with the Roads Act application and approved by Council under the *Roads Act, 1993*.

The pavement depths must be determined in accordance with Council's specifications and the following traffic loadings:

Name of Street	Traffic Loading (ESAs)
Wallaby Street	2000000

- 2.3** Submit a dilapidation report to Council with the Roads Act application and / or Construction Certificate application. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
- 2.4** Pay a security deposit of \$22500 into Council's trust fund. The payment of the security deposit is required to cover the cost of repairing damage to Council's assets that may be caused as a result of the development. The security deposit will be refunded upon the completion of the project if no damage was caused to Council's assets as a result of the development.

2.5 Submit design details of the following engineering works within private property:

- a. Driveways / ramps and car parking areas must be designed according to the requirements of AS2890: *Parking Facilities* for the geometric designs, and industry Standards for pavement designs.
- b. A stormwater detention system must be designed in accordance with the Gosford DCP 2013 Chapter 6.7 - *Water Cycle Management* and Council's *Civil Works Specification*. The stormwater detention system must limit post development flows from the proposed development to less than or equal to predevelopment flows for all storms up to and including the 1% AEP storm event. A runoff routing method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and/or secondary flowpaths.
- c. Nutrient/pollution control measures must be designed in accordance with Gosford DCP 2013 Chapter 6.7 - *Water Cycle Management*. A nutrient / pollution control report including an operation and maintenance plan must accompany the design.
- d. On-site stormwater retention measures must be designed in accordance with Council's DCP Chapter 6.7 - *Water Cycle Management*. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design.
- e. Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure to Council's drainage system.
- f. The minimum floor level of all habitable rooms in the development must be RL4.98m AHD.
- g. All building materials used or located below RL4.98m AHD must be of a type that is able to withstand the effects of immersion.

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

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

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

2.7 Submit engineering details prepared and certified by a practising structural engineer to the Council (Water Authority) for development constructed near or over the sewer main and/or adjacent to Council's water mains. The engineering details must comply with Council's guidelines for "Building Over or Near Council Sewer and Water Mains" and must be approved by Council. The submission of contractor's documentation and sewer inspection fees may apply. Subject to approval of the engineering plans the developer must contact Council's Water and Sewer Quality Inspector a minimum one week prior to commencement of any work involving building over / adjacent to sewer mains.

2.8 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 etc that are required by this consent.

- 2.9** Plant trees and shrubs to improve site infiltration and assist in water cycle management. Soft landscaping includes areas of absorbing stormwater. It does not include paved areas, pools, decks, paths, driveways or other impervious surfaces.

Soft landscaping areas must be planted at the following rates as a minimum.

- a. One tree capable of achieving a mature height of 6m per 6m² of soft landscaped area. This must be an advanced specimen in minimum 25 litre container.
- b. Shrubs with a mature height of 3m to ensure screening and privacy to and from adjoining properties. Provide a minimum of one shrub per two square metres of soft landscape.
- c. Ground cover plants at 1 per square metre.

- 2.10** All New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

2.11 ~~Pay to Council a total contribution amount of \$133,983.00, that may require adjustment at the time of payment, in accordance with the relevant Council Contribution Plans No. 31A, 31B, 31C & 31D - Peninsula.~~

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2.12 Street frontage fencing to be limited a maximum height of 1.6m and any height above 1.2m is to be of open materials such as pickets, fencing bars etc. Fencing along the memorial road frontage may be solid to the full height limit of 1.8m with a setback of 1.5m and appropriately landscaped between the fence and the front boundary.

- 2.13** The provision of water, electricity and gas shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

3. PRIOR TO COMMENCEMENT OF ANY WORKS

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

- 3.1** Establish a Tree Protection Zones (TPZ) around trees identified to be retained.
Erect a barrier fence around the Tree Protection Zones consisting of star pickets connected by two strands of tensioned wire to support webbing or mesh that must remain intact until construction is completed.
- 3.2** Appoint a Principal Certifying Authority after the construction certificate for the building work has been issued.
- 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.
 - Submit to Council a *Notice of Commencement of Building Works* or *Notice of Commencement of Subdivision Works* form giving at least two (2) days notice of the intention to commence building or subdivision work. The forms can be found on Council's website www.gosford.nsw.gov.au
- 3.3** Do not commence site works until the sediment control measures have been installed in accordance with Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation and Control*.
- 3.4** Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
- The name, address and telephone number of the principal certifying authority for the work; and
 - The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
 - That unauthorised entry to the work site is prohibited.
- Remove the sign when the work has been completed.
- 3.5** Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the Plumbing and Drainage Act 2011 (to be provided by licensed plumber). These documents can be found on Council's website at: www.gosford.nsw.gov.au
- Contact Council prior to submitting these forms to confirm the relevant fees.
- 3.6** Provide toilet facilities at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- Be a standard flushing toilet connected to a public sewer, or
 - Have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - Be a temporary closet approved under the *Local Government Act 1993*

- 3.7** Prevent public access to the construction site as required by Clause 298 of the *Work Health and Safety Regulation 2011* when building work is not in progress or the site is unoccupied. Site fencing specifications are outlined under Australian Standard AS1725.1-2010 - *Chain-link fabric fencing - Security fencing and gates*. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

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

- 3.8** Undertake demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

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

- a. more than 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*.

- 3.9** Submit to the Principal Certifying Authority plans, details and specifications, prepared by a practising structural engineer, of any retaining wall in excess of 1 metre in height.
- 3.10** The applicant must ensure that all parties/trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.

4. DURING WORKS

All conditions under this section must be met during works

- 4.1** Construct the works within the road reserve that required approval under the Roads Act. The works must be constructed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*.
- 4.2** Construct the engineering works within private property that formed part of the Construction Certificate in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*.
- 4.3** Locate all electrical fixtures and/or gas outlets associated with the proposed works at a minimum height of RL4.98m AHD.
- 4.4** Compliance with all commitments detailed within the Waste Management Plan dated 23 August 2016, Revised 12 October 2016, received by Council 10 January 2017 prepared by Wales & Associates Pty Ltd.

- 4.5** Clearing of land, excavation, and / or earthworks, building works, and the delivery of building materials must only be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

- a. No work is permitted on Sundays and Public Holidays
- b. No work is permitted on:
 - Saturdays when a public holiday is adjacent to that weekend.
 - Construction industry awarded rostered days off.
 - Construction industry shutdown long weekends.

Clause b does not apply to works of a domestic residential nature as below:

- i. Minor renovation or refurbishments to single dwelling construction.
 - ii. Owner occupied renovations or refurbishments to single dwelling construction.
 - iii. Owner builder construction of single dwelling construction; and / or
 - iv. Any cottage constructions, single dwellings or housing estates consisting of predominantly unoccupied single dwellings.
- 4.6** Undertake and maintain Erosion and Siltation control measures in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls must comply with Gosford DCP 2013 Chapter 6.3 - *Erosion and Sedimentation Control*.
- 4.7** 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.
- 4.8** Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- 4.9** Do not access the development site through a public reserve unless a temporary access licence is obtained from Council. A copy of the licence must be available for viewing on site at all times during work.
- The Temporary Access Application form can be found on Council's website at:
- www.gosford.nsw.gov.au
- 4.10** Do not carry out construction work or store building materials on the road reserve unless they are associated with a separate approval under the *Roads Act 1993*.
- 4.11** Implement the requirements of the Waste Management Plan listed as supporting documentation in this development consent.
- 4.12** Demolish buildings in a safe and systematic manner in accordance with AS2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.13** No fill other than as shown on the approved plans is permitted.
- 4.14** Do not access the development site through a public reserve unless a temporary access licence is obtained from Council. A copy of the licence must be available for viewing on site at all times during work.
- The Temporary Access Application form can be found on Council's website at:
- www.gosford.nsw.gov.au
- 4.15** Cease all works if any Aboriginal objects or artefacts are uncovered during works. Immediately contact the NSW Office of Environment & Heritage and comply with any directions or requirements.

- 4.16 Removal of trees, as shown on the approved plan, must be removed in a manner so as to prevent damage to those trees that are to be retained.
- 4.17 Ground out or remove stumps in a manner that does not cause damage to trees to be retained.
- 4.18 Carrying out the pruning of trees must be in accordance with AS 4373-2007: *Pruning of amenity trees* by a qualified Arborist.
- 4.19 Storage of materials, building waste, fill, excavated spoil, cement, or any other harmful materials are not permitted within Tree Protection Zones.

5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

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

- 5.1 Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 5.2 Rectify any damage not shown in the dilapidation report submitted to Council before site works had commenced. Any damage will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense.
- 5.3 Complete the internal engineering works within private property in accordance with the plans and details approved with the construction certificate.
- 5.4 Amend the Deposited Plan (DP) to:
- Include an Instrument under the *Conveyancing Act 1919* for the following restrictive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Wherever possible, the extent of land affected by these covenants must be defined by bearings and distances shown on the plan.
 - a. Create a 'Restriction as to User' over all lots containing an on-site stormwater detention system and/or a nutrient/pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
- And,
- Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. Contact Council for wording of the covenant(s).
 - a. To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
 - (i) The facility will remain in place and fully operational.
 - (ii) The facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner
 - (iii) Council's officers are permitted to enter the land to inspect and repair the facility at the owners cost.
 - (iv) Council is indemnified against all claims of compensation caused by the facility.

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

- 5.5 Submit an application for the Occupation Certificate to the Principal Certifying Authority for approval.
- 5.6 Do not occupy the premises until the Occupation Certificate has been issued.

- 5.7 Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- 5.8 Consolidate lots Pt lot 194 DP 10172 & lots 1 & 2 DP 795606 into a single allotment under one Certificate of Title.
- 5.9 Provide mail receptacles appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.10 Provide fold-away clothes lines for clothes drying purposes that must not extend above courtyard fencing.
- 5.11 Provide the Principal Certifying Authority with written certification from a recognised Bushfire Consultant certifying that all recommendations and findings of the Bushfire Report prepared by Conacher Travers date August 2016 have been complied with.
- 5.12 Provide certification to the Principal Certifying Authority that the requirements of the BASIX certificate listed as supporting documentation in this development consent have been complied with.

6. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

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

- 6.1 Complete the building and the development of the site in accordance with the conditions of Council's consent prior to the issue of the Strata Certificate.
 1. Submit to Council a Fire Safety Certificate on completion of the erection of the building, and/or prior to the issue of the Subdivision Certificate. In relation to each essential fire or other safety measures implemented in the building or on the land on which the building is situated, a Fire Safety Certificate must state that:
 - a. the measure has been assessed by a properly qualified person, and
 - b. as at the date of the assessment the measure was found to be capable of performing to a standard and not less than that required by the schedule to the relevant approval.

Thereafter the owner must submit a Fire Safety Statement annually to Council attesting to the satisfactory maintenance and state of the essential services.
 2. A Subdivision Certificate must be issued for the Strata Subdivision prior to the registration of the final plan of subdivision and Section 88B instrument.
- 6.2 Contact Council's Land Information Officer or email ask@centralcoast.nsw.gov.au for the allocation of street addressing for inclusion on Deposited Plan/Strata Plan.
- 6.3 Complete works within the road reserve that required approval under the Roads Act. The works must be completed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*, and documentary evidence for the acceptance of such works must be obtained from the Roads Authority.
- 6.4 Complete public stormwater / watercourse works that required approval under the *Local Government Act 1993*. The works must be completed in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*, and documentary evidence for the acceptance of such works must be obtained from Council.

- 6.5** Submit an application under Section 305 of the *Water Management Act 2000* for provision of a Section 307 Certificate of Compliance. A copy of the Certificate of Compliance must be obtained from Council (Water Authority). Conditions and contributions may be applicable to the Section 307 Certificate.

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

- 6.6** Apply to Council for a Subdivision Certificate and pay the required fees at lodgement. The application must include the final plan of subdivision and Section 88B Instrument (if relevant). The application must be approved by Council prior to the registration of the subdivision.

The fee may be obtained from Council's Customer Service Unit on 4325 8222 or from Council's website <http://www.gosford.nsw.gov.au>

- 6.7** Submit with the application for the Subdivision Certificate, a letter of clearance from each service provider / Authority (e.g. Ausgrid, Jemena, relevant communications provider).
- 6.8** Complete the engineering works required within the development site in accordance with Council's Civil Works Specification and Gosford DCP 2013 Chapter 6.3 - *Erosion Sedimentation Control*.
- 6.9** At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

7. ONGOING OPERATION

- 7.1** Maintain the on-site stormwater detention facility in accordance with the operation and maintenance plan.
- 7.2** Maintain the nutrient / pollution control facilities in accordance with the operation and maintenance plan.
- 7.3** Paving and gates to Unit 2 & Unit 3 fronting Memorial Ave to be provided to facilitate wheel out of mobile garbage bins stored in the courtyards for kerbside presentation within Wallaby Street.
- 7.4** Units 1 to 4 to present residential mobile garbage bins at a suitable location at the kerbside within Wallaby Street.
- 7.5** All mobile garbage bins to be stored within the individual enclosed courtyards out of public view.
- 7.6** Place the mobile garbage / recycling / green waste containers at a suitable location at the kerbside no earlier than the evening prior to the collection day and return to the approved waste bin storage location within individual courtyards as soon as possible after service, no later than the evening on collection day. The residents, caretaker, owner, Body Corporate are responsible for the placement and return of the mobile waste containers.
- 7.7** Operate and maintain all external lights in accordance with the *AS4282-1997: Control of the obtrusive effects of outdoor lighting*.
- 7.8** Do not store materials, waste matter or products outside the building or the approved waste storage area at any time.
- 7.9** Use of the garaging in the development is for the housing of motor vehicles only and not for the purpose of any trade, industry, manufacture or habitable purpose.

8. PENALTIES

- 8.1 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

- The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- Payment of a maintenance bond may be required for civil engineering works associated with this development. This fee is calculated in accordance with Council's fees and charges.
- Consult with public authorities who may have separate requirements in the following aspects:
 - a. *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - b. *Jemena Asset Management* for any change or alteration to the gas line infrastructure;
 - c. *Ausgrid* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
 - d. *Telstra, Optus* or other telecommunication carriers for access to their telecommunications infrastructure.
 - e. *Central Coast Council* in respect to the location of water, sewerage and drainage services.
- Carry out all work under this Consent in accordance with WorkCover 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.
- Separate application is required should the applicant require a new or upsized water supply connection to Council's water supply system.

- Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website at: www.gosford.nsw.gov.au
- Pay a Subdivision Certificate fee at time of lodgement of the subdivision plan with Council. The fee may be obtained from Council's Customer Service Unit on 4325 8222 or from Council's website <http://www.gosford.nsw.gov.au>.
- Ensure the proposed building or works comply with the requirements of the *Disability Discrimination Act*.

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

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

- The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.
- The applicant is advised of the potential for road noise to impact on the development site. In this regard, the developer is responsible for providing noise attenuation measures in accordance with the NSW Road Noise Policy 2011, prepared by the department previously known as the Department of Environment, Climate Change and Water.
- Unobstructed pedestrian access should be provided around the proposed development to aid in fire fighting activities