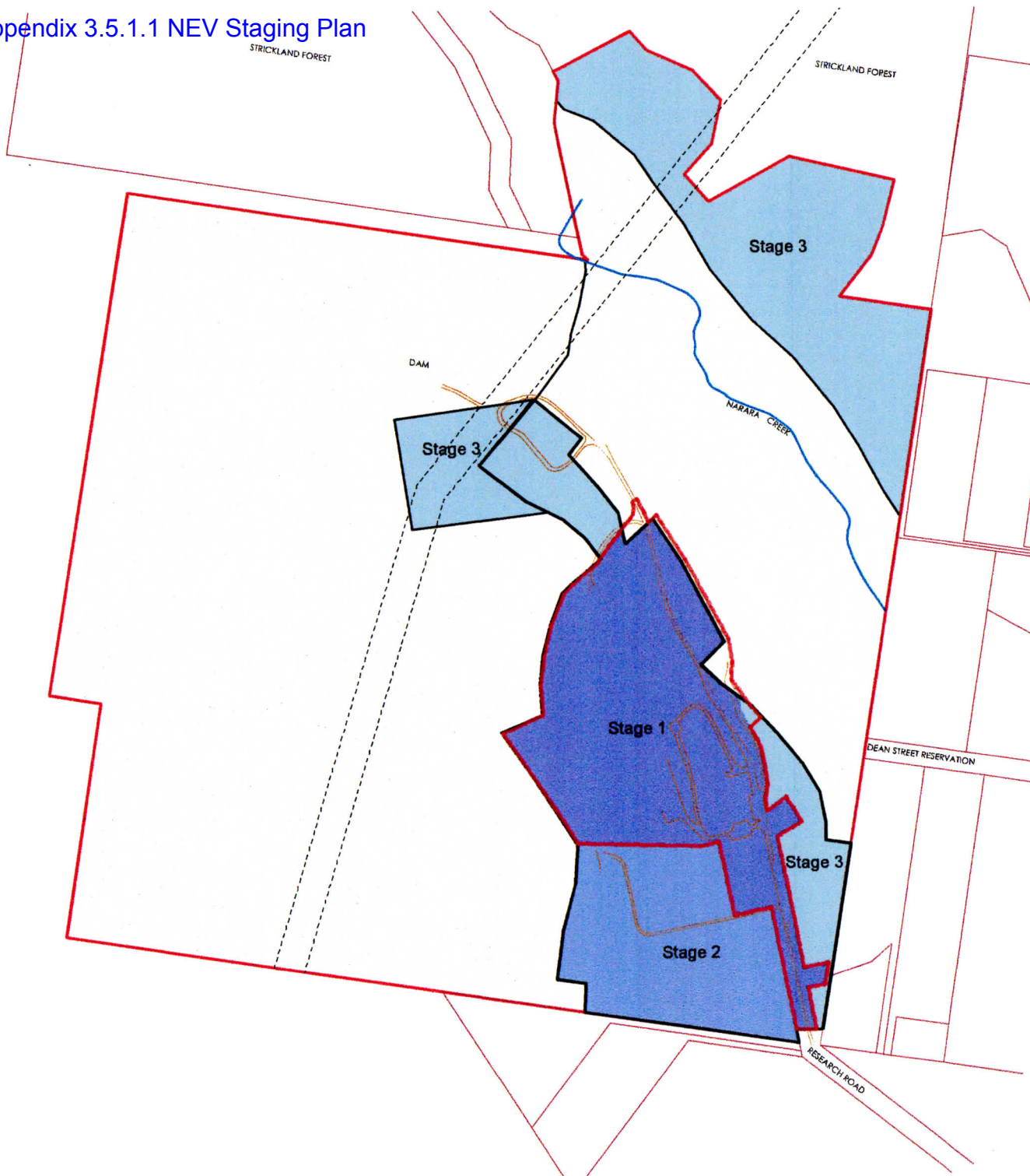


Staging

2.21

The project would unfold over several stages.

A Community title subdivision would be adopted, achieving a minimum of 120 dwellings.



- legend
- site boundary
 - outline of 2(a) zoned land
 - existing laneways + car parking
 - Stage 1
 - Stage 2
 - Stage 3
 - Exclusionary zoning 7(a) and 6(a)

Prepared by
hill thalis
 ARCHITECTURE + URBAN PROJECTS
 T: 0211 6276 F: 0211 3171
 www.hillthalis.com.au
 For
**Narara Ecovillage
 Co-operative Ltd**

NARARA ECOVILLAGE
 DATE 6 December 2013
 SCALE 1:4000
 0 100m 200m
 This drawing is to be read in conjunction with all relevant contracts, specifications, reports and drawings. Copyright is vested in HILL THALIS Architecture + Urban Projects. Do not scale from drawings. All dimensions to be confirmed with survey.





Narara Ecovillage Co-operative Ltd
25 Research Road Narara NSW 2250
ABN 86 789 868 574

Appendix 3.5.1.2

**Consent DA44994 L13 DP1126998 H25 Research
Road Narara**



4325 8222

Development & Compliance
DA 44994/2013
22 June 2015

Gosford City Council

Narara Ecovillage Co-Operative Ltd
2/83 Ramsgate Ave
BONDI NSW 2026

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Gosford NSW 2250
DX 7211 Gosford

Telephone 02 4325 8222
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www.gosford.nsw.gov.au
www.facebook.com/GosfordCityCouncil
www.twitter.com/gosford_council

ABN 78 303 458 861

APPLICATION NUMBER: 44994/ 2013 Part 2
PROPOSAL: Amendment under Section 96(1A) of the Environmental Planning and Assessment Act to the Approved Community Title Subdivision (39 Lots) and Associated Infrastructure and Demolition of Various Structures and Buildings (Section 96 - To Permit Preliminary Site Works including Building Demolition and Tree Removal to be undertaken Prior to the Issue of a Construction Certificate and Amend Conditions 1.1, 2.1 & 3.6)
PROPERTY: LOT: 13 DP: 1126998 No. 25 Research Road NARARA

Dear Sir/Madam

I refer to your application dated 1 April 2015 for modification of the above consent 44994/2013.

Having regard to the provisions of Section 96(1A) 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.

The consent dated 18 December 2014 is hereby modified in the following manner: -

- i Replace Condition 1.1 with the following condition:

1.1a. Approved Plans and Supporting Documents

The development shall be implemented 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 Chase Burke Harvey

Drawing	Description	Sheets	Issue	Date
S12242 -1	Community Title Subdivision	1/6	A	02.07.2014
S12242-2	Community Title Subdivision	2/6	A	02.07.2014
S12242-3	Community Title Subdivision	3/6	A	02.07.2014
S12242-4	Community Title Subdivision	4/6	A	02.07.2014
S12242-5	Community Title Subdivision	5/6	A	02.07.2014
S12242-6	Community Title Subdivision	6/6	A	02.07.2014
S12242	Community Title Subdivision	1/6	A	02.07.2014

S12242	Community Title Subdivision	1/6	A	02.07.2014
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Supporting Documentation

Document	Title	Date
D12242-4	Site Survey (Chase Burke Harvey) Sheets 1 to 3	20.01.2008
3.02	Stage 1 Common Ownership Elements - Layout (Hill Thalys)	06.12.2013
3.03	Stage 1 Common Ownership Elements – Landscape Strategy Plan (McGregor Coxall)	10.12.2013
3.04	Stage 1 Common Ownership Elements – Water Management (Hill Thalys)	06.12.2013
3.05	Stage 1 Common Ownership Elements – Subdivision (Hill Thalys)	06.12.2013
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3.07	Stage 1 Common Ownership Elements – Grouped Facilities (Hill Thalys)	06.12.2013
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3.11	Stage 1 Common Ownership Elements – Landscape Detail reference plan (McGregor Coxall)	06.12.2013
3.12	Stage 1 Common Ownership Elements – Landscape Plan Detail 1+2 (McGregor Coxall)	06.12.2013
3.13	Stage 1 Common Ownership Elements – Landscape Plan Detail 1+2 (McGregor Coxall)	06.12.2013
3.14	Stage 1 Common Ownership Elements – Landscape Material Palette (McGregor Coxall)	06.12.2013
3.15	Stage 1 Common Ownership Elements – Landscape Planting Palette (McGregor Coxall)	06.12.2013
Project: 75583.00	Report on Preliminary Site Investigation (Douglas Partners)	August 2013
	Heritage Impact Statement (Chris Betteridge - Musecape Pty Ltd)	04.12.2013
	Conservation Management Plan Review 2013 (Chris Betteridge-Musecape Pty Ltd)	05.12.2013
	Arboricultural Impact Assessment (Michael Shaw)	29.11.2013
	Flora and Fauna Gap Analysis Survey Report (Robert Payne)	December 2013
	Ecological Restoration Plan (Robert Payne)	December 2013
75583.01	Preliminary Geotechnical Assessment (Douglas Partners)	December 2013
75583.01 Revision 2	Preliminary Slope Stability Assessment Report (Douglas Partners)	December 2013
CE12242 Sheets 1 to 33	Concept Road Grading Plans for Stage 1 – Subdivision (Chase Burke & Harvey)	08.12.2013
	Stage 1 Road Circulation Plan (Chase Burke & Harvey)	
Ref:201224 2	Stage 1 Concept Engineering and Public Utility Services Report (Chase Burke & Harvey)	09.12.2013
SW12242 Sheets 1 to 2	Concept Stormwater Plans for Stage 1 (Chase Burke & Harvey)	08.12.2013

ES12242 Sheets 1 to 3	Erosion/ Sedimentation Control Plan	08.12.2013
	Integrated Water Cycle Management Plan (Woodlots and Wetlands Pty Ltd)	05.12.2013
	Water and Wastewater Systems Overview (Aquacell)	03.12.2013
	NEV Concept Integrated Water Scheme Design (Aquacell)	
	Waste Management Plan (Chase Burke Harvey) screened waste storage enclosure to be located as indicated on Draft Dwg No CGS2.01, dated February 2014, Amendments issued for comment	18.12.2013 18.02.2014
B121881 -2	Bushfire Protection Assessment (Australian Bushfire Protection Planners)	04.12.2013
3301	Transport Impact Assessment (Chris Hallam & Associates)	06.12.2013
L127P_R01 _P01	NEV Lighting Report	28 June 2013
	Air Quality (Odour Impact Assessment Report (Aubin Environmental)	02.12.2013
29N-13- 0156-TRP- 472220-1	Sewage Treatment Plant Noise Impact Assessment (Vpac Engineering & Scientists Ltd)	16.12.2013
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	Aboriginal Cultural Heritage Aboriginal Archaeological & Cultural Heritage Assessment Report (Danny O'Brien - Environmental Appraisal & Planning Pty Limited)	May, 2006
IR 15029234	Statement of Environmental Effects (Sara Roach & Michael Woodland) - Stage 1 Subdivision infrastructure and associated works	December 2013

1.1b. Preliminary Site Works

Preliminary site works (prior to the issue of a Construction Certificate) involving the removal of forty-five (45) trees and sixteen (16) buildings and structures shall be implemented substantially in accordance with the supporting documents listed below as submitted by the applicant, unless modified by any following conditions.

Supporting Documentation

Document	Title	Date
ECM Document No: 20869107	Section 3 of the Statement of Environmental Effects titled: " <i>Section 96(1A) application Development Consent No.44994/2013 – Early Site Establishment Works</i> ", prepared by Sara Roach Planning Services	March 2015
ECM Document No:20542607	Existing Buildings Diagram – Gosford Horticultural Institute	Doc. Date: 02.04.2015
ECM Document No: 15016751	Heritage Impact Statement (Chris Betteridge - Musecape Pty Ltd)	04.12.2013
ECM Document	Conservation Management Plan Review	05.12.2013

No: 15016752	2013 (Chris Betteridge-Musecape Pty Ltd)	
ECM Document No: 15016754	Arboricultural Impact Assessment (Michael Shaw)	29 .11.2103
ECM Document No: 20854405	Waste Management Plan – Demolition only (T Hester) and Appendix to WMP	28 May 2015
ES12242 Sheets 1 to 3 ECM Document No:15016769	Erosion/ Sedimentation Control Plan	08.12.2013

ii Replace Condition 2.1 with the following condition:

2.1. No activity is to be carried out on site until any Construction Certificate has been issued. Other than:

- a. Site investigation for the preparation of the construction;
- b. Implementation of environmental protection measures, such as erosion control etc that are required by this consent;
- c. Demolition of a total of sixteen (16) buildings and structures identified as Building Nos. 3, 5 to 8, 11 to 13, 15, 25 to 28, 39, 47 and 52; and
- d. Removal of forty-five trees identified for removal.

iii Replace Condition 3.6 with the following condition:

3.6 Any construction certificate for the subdivision works within the private property must be issued prior to the commencement of any works, with the exception of those works specified in Condition 2.1 of this consent.

iv 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 Planning and Assessment Regulation 2000.

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, Issue No 2.

Subject to provisions of Section 96AB of the Environmental Planning and Assessment Act the applicant may make an application seeking a review of this determination providing it is lodged within twenty-eight (28) days of notification.

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

Yours faithfully

Paul Anderson
Chief Executive Officer

Per: *Diane Spithill*

Date: 22 June 2015

AMENDED CONDITIONS OF CONSENT PART 2**1.. PARAMETERS OF THIS CONSENT****1.1. ~~Approved Plans and Supporting Documents~~**

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	(Chris Betteridge – Musecape Pty Ltd)	
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29N-13-0156- TRP-472220-1	Sewage Treatment Plant Noise and Vibration Management Plan (Vpac Engineering & Scientists Ltd)	16.12.2013
	Aboriginal Cultural Heritage Aboriginal Archaeological & Cultural Heritage Assessment Report (Danny O'Brien – Environmental Appraisal & Planning Pty Limited)	May, 2006
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	Ecological Restoration Plan (Robert Payne)	December 2013
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IR 15029234	Statement of Environmental Effects (Sara Roach & Michael Woodland) - Stage 1 Subdivision infrastructure and associated works	December 2013

1.1b. Preliminary Site Works

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Supporting Documentation

Document	Title	Date
ECM Document No: 20869107	Section 3 of the Statement of Environmental Effects titled: " <i>Section 96(1A) application Development</i> "	March 2015

	<i>Consent No.44994/2013 – Early Site Establishment Works”, prepared by Sara Roach Planning Services</i>	
ECM Document No:20542607	Existing Buildings Diagram – Gosford Horticultural Institute	Doc. Date: 02.04.2015
ECM Document No: 15016751	Heritage Impact Statement (Chris Betteridge - Musecape Pty Ltd)	04.12.2013
ECM Document No: 15016752	Conservation Management Plan Review 2013 (Chris Betteridge-Musecape Pty Ltd)	05.12.2013
ECM Document No: 15016754	Arboricultural Impact Assessment (Michael Shaw)	29 .11.2103
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ES12242 Sheets 1 to 3 ECM Document No:15016769	Erosion/ Sedimentation Control Plan	08.12.2013

1.2. Building Code of Australia

All building works must be carried out in accordance with the Building Code of Australia.

- 1.3. The proposed subdivision is to be consistent with all provisions of the Voluntary Planning Agreement (VPA) under s93F of the EP&A Act 1979 which has been prepared and deed made on 31 May 2013 and signed by the Narara Ecovillage Co operative Limited and Council for the NEV site, including specific provision for the dedication to Council of the 6(a) Open Space zoned portion of the site (being that land immediately to the east and contiguous with the 2(a) residential land), together with a small area of land upon which a stand of *Araucaria cunninghamii* (Hoop Pines) are located.

2.. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

~~2.1. No activity is to be carried out on site until any Construction Certificate has been issued. Other than:~~

- ~~a Site investigation for the preparation of the construction, and/or
b Implementation of environmental protection measures, such as erosion control etc that are required by this consent.~~

2.1. No activity is to be carried out on site until any Construction Certificate has been issued. Other than:

- Site investigation for the preparation of the construction;
- Implementation of environmental protection measures, such as erosion control etc that are required by this consent;
- Demolition of a total of sixteen (16) buildings and structures identified as Building Nos. 3, 5 to 8, 11 to 13, 15, 25 to 28, 39, 47 and 52; and
- Removal of forty-five trees identified for removal.

2.2. All work required to be carried out within a public road reserve must be separately approved by Council, under Section 138 of the Roads Act 1993.

Engineering plans for the required work within a public road must be prepared and designed by a suitably qualified professional, in accordance with Council's "Civil Construction Specification", "GCC Design Specification for Survey, Road and Drainage Works" and "Policy

'D6.46 Erosion Sedimentation Control'.

If at the time of lodgement of a Roads Act application a small section at the end of Research Road is still a Crown Road, then permission to lodge the application from the Department of Lands will be required with the Road Act application upon lodgement with Council.

The required works to be designed are as follows:

- a. T-turning head & road works at the end of the public road section of Research Road including kerb and guttering, subsoil drainage, footpath formation, drainage and a road pavement. The configuration of the turning head is to be as advised by Council and is to maintain property accesses to adjoining properties.
- b. Footway formation with a minimum width of 2.0m and graded up at +2% from the top of kerb toward the property boundary, around the extents of the required turning head.
- c. 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location around the extents of the required turning head.
- d. Heavy-duty vehicle crossing for the subject site as required to tie-in the required turning head & road works to the property boundary, and that has a minimum width of 5.5m and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- e. Heavy-duty vehicle crossing to the driveway for No's 19, 21, & 23 Research Road, as required to tie-in to the required turning head & road works, and constructed with 200mm thick concrete reinforced with 1 layer of SL72 steel fabric top and bottom.
- f. Adjustments to the vehicle crossing to No 15 Research Road as required to tie-in to the required road works and constructed with 150mm thick concrete reinforced with SL72 steel fabric.
- g. All redundant dish crossings and/or damaged kerb and gutter are to be removed and replaced with new kerb and gutter.
- h. All redundant vehicular crossings to be removed and the footway formation reinstated with turf and a 1.2m wide reinforced (SL72 steel fabric, 100mm thick) concrete footpath in an approved location.
- i. Roadside furniture and safety devices as required including fencing, signage, guide posts, chevrons, directional arrows and guard rail in accordance with RMS and Australian Standards.
- j. Pram ramp as required to tie-in the footpath to the turning head.
- k. Connection of stormwater from Research Road to the existing stormwater system within the site.
- l. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

The engineering plans must be approved by Council prior to the issuing of the Construction Certificate required under this consent.

- 2.3. A pavement report for works within a public road reserve shall be prepared by a practising Geotechnical Engineer. This report must be submitted with the engineering plans 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)
Research Road	2x10 ⁶

- 2.4. A dilapidation report must be submitted to Council prior to issue of any Construction Certificate and/or approval of engineering plans under the Roads Act. 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.

- 2.5. A security deposit of \$50,000 must be paid into Council's trust fund prior to the issue of any Construction Certificate. 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.

- 2.6. Design of the following engineering works within private property:

- a. Internal roads in accordance with AMCORD guidelines and the requirements of RFS *Planning for Bushfire Protection* 2006, and generally in accordance with the concept road grading plans, prepared by Chase Burke Harvey (Ref: Drawing CE 12242, Sheets 1-33 dated 08/12/13). Furthermore, internal roads shall include also the following:
 - Internal roads shall be sealed to prevent erosion.
 - Temporary "T" turning heads shall be provided at the terminus of dead-end roads created in the construction of the individual development designs.
 - Access roads within the development shall be constructed to comply with the specifications of Section 4.1.3(1) of *Planning for Bushfire Protection* 2006 with a minimum pavement width of 5.5 metres for the main entrance road and perimeter road and a minimum pavement width of 3.5 metres for the one-way internal roads.
 - Parking Bays [minimum 2.6m wide] shall be designed and constructed clear of the road pavement and complying Passing Bays [20m long x 2.0m wide] provided in the locations shown on the Concept Plan.
 - Property access roads to individual lots shall be designed and constructed to comply with the deemed-to-satisfy provisions of Section 4.1.3(2) of *Planning for Bushfire Protection* 2006, with a minimum width of 4.0 metres located in a 6.0 metre wide managed corridor.
- b. All parking areas in accordance with Australian Standard AS/NZS 2890.1:2004.
- c. Vehicular access near the waste storage area in accordance with AS2890.2:2002.
- d. Internal drainage and pathways.
- e. Roadside furniture and safety devices including fencing, signage, guide posts, chevrons, directional arrows and guard rail in accordance with RMS and Australian Standards.
- f. Services in accordance with the relevant authorities' specifications and requirements.
- g. On-site stormwater detention system/s designed in accordance with Council's DCP 165 - Water Cycle Management that shall 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 is to be used. An on-site stormwater detention report including an operation and maintenance plan shall accompany the design. The on-site stormwater detention shall be generally in accordance with the 'Integrated Water Cycle Management Plan' prepared by Woodlots & Wetlands dated 5 December 2013.
- h. Nutrient/pollution control measures designed in accordance with Council's DCP 165 - Water Cycle Management. A nutrient/pollution control report including an operation and maintenance plan shall accompany the design. The nutrient/pollution controls shall be generally in accordance with the 'Integrated Water Cycle Management Plan' prepared by Woodlots & Wetlands dated 5 December 2013.
- i. Connection of all stormwater from impervious areas within the site to the nutrient/pollution control facilities and receiving waters generally in accordance with the 'Integrated Water Cycle Management Plan' prepared by Woodlots & Wetlands dated 5 December 2013.

- j. All culvert crossings are to be designed by a suitably qualified and experienced hydraulic consultant. The culvert crossing is to convey the 1% AEP stormwater flow without overtopping of the road. A 50% pipe blockage is to be assumed.
- k. Signage and line marking. Signage shall include "No Parking" restrictions for bushfire access as recommended by the bushfire consultant (Australian Bushfire Protection Planners Pty Ltd). Signage indicating a maximum loading of 15 tonnes shall be provided on the approaches to the bridges over the watercourses traversing roads 2 & 4. Signage and line marking is to also designate/regulate the one-way & two way movements within the site.
- l. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

The design of these details and any associated reports shall be included in any construction certificate.

- 2.7. A pavement report for works within the private property shall be prepared by a practising Geotechnical Engineer. This report must be submitted with the engineering plans for the internal subdivision works.

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

Name of Street	Traffic Loading (ESAs)
Internal access roads	3x10 ⁵

- 2.8. Proposed retaining walls, greater than 600mm in height, are to be designed by a practising Structural/Civil Engineer. The plans for the proposed retaining walls shall form part of any Construction Certificate.
- 2.9. Designs for the bridges over Roads 2 and 4 must be undertaken by a practising Structural/Civil Engineer in accordance with the AUSTROADS Australia Bridge Design Code and relevant Australian Standards. These bridges shall be designed with a minimum loading of 15 tonnes to comply with the RFS Planning for Bushfire Protection 2006 requirements. The underside of the bridges are to be a minimum of 0.5m above the 1% AEP flood level in the watercourse. Supports for the bridges shall not encroach within the 1%AEP flood area within the watercourses. The plans for the proposed bridge shall form part of any Construction Certificate.
- 2.10. Prior to the issuing of a construction certificate or releasing engineering plans for the subdivision / development works, Council will be issued with a Site Audit Statement by an accredited EPA Auditor stating the land has been remediated and is suitable for its intended land uses.
- 2.11. Submission of a signed and dated Waste Management Plan in accordance with the Gosford City Council Development Application Guide. Site and development specific details are required to provide advice in relation to site preparation, demolition, use of premises and on-going management of all proposed establishment and associated infrastructure works.
- Note: The submitted SEE provides advice in relation to cut/fill, bulk earthworks, construction of bridges and other infrastructure i.e. water treatment plant, waste water treatment plant etc.
- 2.12. Construction Certificate plans are to be overlayed with swept turning path templates to AS2890 to demonstrate access for a rear loading, rear dual axle HRV into the waste truck servicing area to allow exit from the site in a forward direction.
- 2.13. Submission of a fully dimensioned detail of the waste storage area sized to accommodate 2

x 1.5m³ bulk bins and 2 x 240 litre MGB's for twice weekly servicing of mixed waste and 2 x 1.5m³ bulk bins and 2 x 240 litre MGB's for twice weekly servicing of recycled waste for 60 residential units as advised by K. Hay. The waste enclosure to be capable of extension for future stages. Screening details to be clearly indicated.

- 2.14. A **Geotechnical report** shall be prepared by a practising Geotechnical Engineer for all lots that are filled more than 0.5 metres above natural surface level. This report must be submitted with the engineering plans for the internal subdivision works.
- 2.15. The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.
- 2.16. The proponent must obtain the appropriate approvals or provide evidence that the appropriate approvals are currently held under the Water Management Act 2000 in relation to any proposed water use of the existing dam for domestic water supply, prior to the issue of any construction certificate.
- 2.17. Surface water collected on driveways, parking areas and other impervious areas are to be treated so as to control pollution in accordance with one or more of the methods detailed in Section 10 of the Water Cycle Management Guidelines referenced by DCP 2013 Chapter 6.7 - Water Cycle Management.
- 2.18. The Structural Engineer's details are to be certified that they have been prepared in accordance with the details and recommendations of the Geotechnical Assessment Report No. 75583.01, prepared by Douglas Partners, dated December 2013.

3.. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. Any construction certificate for the building work is to be issued and the person having the benefit of the development consent must appoint a Principal Certifying Authority prior to the commencement of any building works.

The Principal Certifying Authority (if not the 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 2 days before the building work commences.

- 3.2. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- 3.3. Site works are not to commence until the sediment control measures have been installed in accordance with the approved plans.
- 3.4. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
 - a The name, address and telephone number of the principal certifying authority for the work; and
 - b The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c That unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

- 3.5. The removal of more than 10 square metres of non-friable asbestos or asbestos containing material must be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist. Friable asbestos (of any quantity) must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence.

The person having the benefit of this consent must provide the principal certifying authority with a copy of a signed contract with such licensed removalist before any development pursuant to the development consent commences.

Any such contract must indicate whether any non-friable asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the non friable asbestos material or friable asbestos material is to be delivered.

If the contract indicates that non friable asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

The person having the benefit of the consent must provide the principal certifying authority with a clearance certificate to be prepared by a competent person such as a qualified hygienist at completion of asbestos removal/work from the site.

If a residential premise is a workplace, the licensed asbestos removalist must inform the following persons before licensed asbestos removal work is carried out:

- the person who commissioned the work
- a person conducting a business or undertaking at the workplace
- the owner and occupier of the residential premises
- anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the NSW Work Health and Safety Regulation 2011).

- ~~3.6. Any Construction Certificate for the subdivision works within the private property must be issued prior to the commencement of any work.~~

- 3.6. Any construction certificate for the subdivision works within the private property must be issued prior to the commencement of any works, with the exception of those works specified in Condition 2.1 of this consent.

- 3.7. The Principal Certifying Authority must ensure that the Project Arborist has clearly marked trunks of trees on site that are to be removed and ensure all parties/trades working on the site are fully aware of their responsibilities with respect to protection of trees to be retained.

- 3.8. Compliance with all recommendations of the Preliminary Geotechnical Assessment (Douglas Partners, Reference: 75583.01, dated December 2013)

- 3.9. All parking areas shall comply with AS2890.1:2004 and vehicular access near the waste storage area shall comply with AS2890.2:2002

- 3.10. Tree Protection is to be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment, by Michael Shaw, dated 29/11/13.

- 3.11. Compliance with the recommended mitigation measures contained within Section 5.5 of the *"Heritage Impact Statement for proposed Stage 1 Community Title Subdivision and associated infrastructure works"*, prepared by Chris Betteridge, MUSEcape Pty Ltd, dated 4

December 2013.

4.. DURING WORKS

- 4.1. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall 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.

- 4.2. Should any Aboriginal objects or artefacts be uncovered during works on the site, all works shall cease. The Office of Environment and Heritage shall be contacted immediately and any directions or requirements complied with.

- 4.3. To minimize the opportunity for crime, the development must incorporate the following:

- a Adequate lighting to AS1158 is to be provided to common areas.
- b Landscaping adjacent to mailboxes and footpaths must not provide for the concealment opportunities for criminal activity.
- c Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.

- 4.4. This development is subject to DCP 2013 Chapter 7.2 – Waste Management. The Waste Management Plan submitted as supporting documentation with this development consent is required to be implemented during all stages of demolition and construction.

- 4.5. All recommendations of the geotechnical report must be implemented during works. This includes, but is not limited to, the carrying out of all inspections as required by the geotechnical engineering report with a view to the geotechnical engineer providing written certification to the Principal Certifying Authority's satisfaction that all works have been carried out on site in accordance with the recommendations contained within the geotechnical engineers report.

- 4.6. The works within the road reserve that required approval under the Roads Act shall be constructed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.

- 4.7. The engineering works within private property that formed part of any Construction Certificate shall be constructed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.

- 4.8. Filling or debris must not be placed within any watercourse or drain.
- 4.9. Arrangements must be made with Energy Australia, Australian Gas Light Company and Telstra for the supply of services concurrent with the engineering work. Arrangements must include any relocation of existing mains and services and dedication of easements for mains and services.
- 4.10. Formed vehicular access must be provided to all residential lots, where Council's standard vehicular access cannot be achieved.
- 4.11. All existing building and structures must be connected to the stormwater systems.
- 4.12. All existing building and structures must be connected to the proposed sewer systems.
- 4.13. Supervision and certification for the construction of the bridges must be undertaken by a practicing Structural/Civil Engineer.
- 4.14. All internal water, sewer and drainage systems shall be installed in accordance with AS/NZ 3500:2003, the NSW Plumbing Code of Practice 2006 and the Water Supply Code of Australia (Sydney Water Edition) WSA 03-2002.
- 4.15. A fire-fighting water supply shall be provided with Hydrant spacing, sizing and pressure complying with the specifications of Australian Standard A.S. 2419.1 - 2005 and have a flow rate of 10 litres / second.
- 4.16. Hydrant locations shall be delineated by blue markers placed on the hydrant side of the centreline of the road pavement.
- 4.17. During works a suitably qualified & licensed ecologist or wildlife handler must be located on site to inspect the removal of the hollow bearing tree 191. The hollow bearing tree to be removed must be sectionally dismantled and any resident fauna cared for and relocated as appropriate. A constructed nesting box will replace the removed hollow as recommended in the Flora & Fauna Gap Analysis Report (Robert Payne Ecological Surveys & Management, dated December 2013).

Following the removal of the hollow bearing tree numbered 191 in accordance with this condition, the suitably qualified & licensed ecologist or wildlife handler shall notify Council in writing of compliance with this condition within 14 days.
- 4.18. To minimize the potential for erosion and sedimentation, fuel management must only remove the aerial parts of plants; roots of all plants must remain so that soil is undisturbed.
- 4.19. Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls shall comply with Council's Code of Practice of Erosion and Sedimentation Control.
- 4.20. Plant species used for landscaping must be restricted to locally native species appropriate to the locality and/or those introduced species that do not have known potential to become environmental weeds.
- 4.21. Stockpile of soil and other material shall be located away from sensitive environmental receptors, and if not to be used immediately, must be covered with an appropriate control such as geotextile fabric.
- 4.22. Any required fill material will only comprise of;

- i. Virgin Excavated Natural Material (VENM) as defined under Schedule 1 of the *Protection of the Environment Operations (POEO) Act 1997*.

This definition is as follows:

"virgin excavated natural material" means natural material (such as clay, gravel, sand, soil or rock fines):

(a) *that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and*

(b) *that does not contain any sulfidic ores or soils or any other waste,*

and/or

- ii. Excavated Natural Material (ENM) that has been issued with an exemption under the *Protection of the Environment Operations (Waste) Regulation 2005* in accordance with the Excavated Natural Material exemption 2012.

The placement of any other type of fill material other than that defined under VENM or ENM is classified as prohibited under this consent.

- 4.23. The applicant shall provide Council with validation documents verifying and certifying that the material complies with the definition of VENM under Schedule 1 of the *POEO Act 1997* or an exemption issued under the Excavated Natural Material Exemption 2012 if ENM is placed on the land.
- 4.24. Any exposed soil surface areas must be grassed/landscaped to minimise soil erosion.
- 4.25. All external night lighting is to be designed and operated in accordance with the Narara Eco Village Lighting Report (Lighting, Art + Science, Ref: L127P_R01_P1, dated 28 June 2013).
- 4.26. The Ecological Restoration Plan (Robert Payne Ecological Surveys & Management, dated December 2013) is to be implemented.
- 4.27. Trees to be removed are to be those located within the footprint of road works and as listed within Appendix 2 "Tree survey data table", within the Arboricultural Impact assessment by M Shaw 29 Nov 2013 (except for 187f). Trees must be removed in a manner so as to prevent damage to those trees that are to be retained.
- 4.28. Heritage item trees (DCP175) are to be protected by accurately locating, fenced off and sign posted to warn of purpose, when within 20m of works.
- 4.29. The internal road strength used by the waste trucks must be sufficiently strong enough to withstand a truck loading of 22.5 tonnes.
- 4.30. No obstructions to the wheel out of the waste bins being permitted including grills, speed humps, barrier kerbs etc.
- 4.31. The driveway design and loading area layout is to be designed in accordance with AS 2890.2-2002 Parking Facilities - Off Street Commercial Vehicle Facilities.
- 4.32. The waste truck servicing grade is to be 3% or less for the following areas:
- Within the enclosure

- For bulk bin roll out pads
 - Within the 13m bulk bin and truck service area
- 4.33. The screened waste storage enclosure to be located as indicated on Draft Dwg No CGS2.01, dated February 2014, Amendments issued for comment 18 February 2014.
- 4.34. Buildings are to be demolished in a safe and systematic manner in accordance with the requirements of Australian Standard *AS 2601-2001 - Demolition of Structures*, and disposed of in an approved manner.
- 4.28. Any works to be carried out on a heritage listed building are to be carried out under the supervision of a suitably qualified heritage consultant.
- 4.29. Significant building elements, features, fixtures, fittings and fragile materials shall be adequately protected during construction from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

5.. PRIOR TO ISSUE OF ANY SUBDIVISION CERTIFICATE

- 5.1. Prior to the issue of any Subdivision Certificate an instrument under the Conveyancing Act 1919 must be created on the Certificate of Title establishing a restrictive covenant detailing the areas to be maintained as a Asset Protection Zone in accordance with the Bushfire Protection Assessment Report, prepared by G. Swain - Australian Bushfire Protection Planners Pty Ltd, dated 4.12.2013 Ref: B121881-2. The restriction shall ensure the owner continually maintains the Asset Protection Zone in accordance with the recommendation and findings detailed in the Bushfire Report. The restriction is to be created at the applicants cost with the Council having the sole authority to release or modify.
- a. All lots within proposed Stage 1 shall be managed in perpetuity as an inner protection area (IPA) and all residual land zoned as residential within the remainder of the future development shall be managed as an asset protection zone(APZ) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Services' document 'Standards for Asset Protection Zones'.
- Written verification from a qualified person in Bushfire Protection or accredited by Fire Protection Association of Australia shall be submitted with the Subdivision Certificate attesting to the completion of such works.
- 5.2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- 5.3. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
- 5.4. Temporary "T" turning heads shall be provided at the terminus of dead-end roads created in the construction of the individual development designs.
- 5.5. Any existing buildings within proposed Stage 1 are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
- 5.6. Works within the road reserve that required approval under the Roads Act are to be

completed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control', and documentary evidence for the acceptance of such works obtained from the Roads Authority prior to the issue of any Subdivision Certificate.

Note 1: A maintenance bond shall be paid on completion of the works in accordance with Section 1.07 Maintenance of the 'Civil Construction Specification'.

- 5.7. Any damage not shown in the dilapidation report submitted to Council before site works had commenced, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to release of any Subdivision Certificate.
- 5.8. Satisfactory arrangements must be made for the provision of water and sewer services to the land. A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority (Council) prior to the issue of the Subdivision Certificate.
- 5.9. A Subdivision Certificate must be issued for the subdivision prior to the registration of the final plan of subdivision and Section 88B Instrument.
- 5.10. Prior to issue of the Subdivision Certificate, separate underground electricity, gas and telephone or appropriate conduits for the same, must be provided to each allotment to the satisfaction of the utility provider. A suitably qualified and experienced engineer or registered surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas and telephone. Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.
- 5.11. Proposed Lot 38 shown on the approved plan must be dedicated free of cost to Council as a public reserve, prior to the issue of the Subdivision Certificate.
- 5.12. Completion of the engineering works required within the development site in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control', prior to the issue of the Subdivision Certificate.
- 5.13. Prior to the issue of the Subdivision Certificate the plan of subdivision and an instrument under the Conveyancing Act 1919 must establish 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 shall be defined by bearings and distances shown on the plan of subdivision
 - a. To create a Restriction As To User over all lots containing an on-site stormwater detention system restricting any alterations to such a facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
 - b. To create a Restriction As To user over all lots containing a nutrient/pollution control facility restricting any alteration to such a facility or the erection of any structure over the facility or the replacement of any obstruction over the facility.
 - c. To create a right of access, right of carriageway and an easement for services as indicated on the approved plans and required under the Voluntary Planning Agreement. All right of ways shall be maintained at the full cost of the Co-operative
- 5.14. An instrument under the Conveyancing Act 1919 must establish the following positive covenants; with the Council having the benefit of these covenants and having sole authority to release and modify. The covenant must be prepared by Council's Solicitor at the owner's cost prior to the issue of the Subdivision Certificate.

- a. To ensure on any lot containing an onsite stormwater detention system that:
 - The facility will remain in place and fully operational.
 - The facility is maintained so that it operates in a safe and efficient manner.
 - Council staff are permitted to inspect and repair the facility at the owner's cost.
 - Council is indemnified against all claims of compensation caused by the facility.
 - b. To ensure on any lot containing a nutrient/pollution control facility that:
 - The facility will remain in place and fully operational.
 - The facility is maintained so that it operates in a safe and efficient manner.
 - Council staff are permitted to inspect and repair the facility at the owner's cost.
 - Council is indemnified against all claims of compensation caused by the facility.
- 5.15. The applicant shall obtain a licence under the Water Industry Competition Act (WICA) 2006 prior to the issue of a Subdivision Certificate.
- 5.16. Council will require an indemnity 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 prior to the issue of any Occupation Certificate together with the creation of a S88B instrument under the Conveyancing Act to this effect and at the applicant's cost.
- 5.17. The screened waste storage enclosure to be located as indicated on Draft Dwg No CGS2.01, dated February 2014, Amendments issued for comment dated February 2014.
- 5.18. Street tree planting and landscaping is to be provided generally in accordance with the Landscape Strategy Plan - drawing 3.03, Landscape Detailed Reference plans - drawing 3.11, Landscape Plan detail 1+2 - drawing 3.12, Landscape Plan detail 3+4 - drawing 3.13, Landscape Materials Palette - drawing 3.14 and Landscaping Planting Palette- drawing 3.15 (6 sheets), prepared by McGregor Coxall and dated 6 December 2013.
- 5.19. Prior to the issue of a subdivision certificate, the land upon which stand of *Araucaria cunninghamii* (Hoop Pines) is to be determined and transferred at no cost to Council and to be managed in conjunction with the open space/drainage system and floodplain.
- 5.20. The applicant shall obtain a Notice of Decision to commence commercial operations from the Minister responsible for the Water Industry Competition Act (WICA) 2006 prior to the issue of any Subdivision Certificate for the development.
- 5.21. Prior to the issue of any Subdivision Certificate, the applicant must obtain the appropriate approvals or provide evidence that the appropriate approvals are currently held under the Water Management Act 2000 in relation to any proposed use of the existing dam for domestic water supply.
- 5.22. An Approval to Operate the on-site sewage management system is to be issued by Council's Waste and Emergency Services prior to the issue of a Subdivision Certificate
- 5.23. Prior to the issue of any subdivision certificate, a geotechnical engineer shall provide written certification to the Principal Certifying Authority's satisfaction that all works have been carried out on site in accordance with the submitted geotechnical report recommendations.
- 5.24. Compliance with the terms of the Voluntary Planning Agreement - "Deed", prepared by Storey & Gough Lawyers, Ref: CCG:070606, Deed made on 31 May 2013 between Gosford City Council and Narara Ecovillage Co Operative Limited in relation to Lot 13 DP 1126998 25 Research Road, prior to the issue of a Subdivision Certificate.
- 5.25. Submission of a Development Contract and Management Statement which is consistent with

conditions of consent to the Principal Certifying Authority, prior to the issue of a Subdivision Certificate.

6.. ONGOING OPERATION

- 6.1. All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads.
- 6.2. The Ecological Restoration Plan (Robert Payne Ecological Surveys & Management, dated December 2013) is to be implemented.
- 6.3. Waste and recycling bulk waste bins and MGB's to be presented for collection/servicing adjacent to the waste truck servicing location prior to servicing by the residents, caretaker or other internal management arrangement and returned to the screened waste storage enclosures immediately after servicing.
- 6.4. To ensure the survival and establishment of the landscaping, all works associated with the approved Landscape Plans are to be maintained for a period of 12 months from the date of the issue of an Occupation Certificate.
- 6.5. At the completion of the landscaping maintenance period any areas of lawn and plantings, including adjoining road reserve areas that are in a state of decline, damage or missing are to be replaced or restored to a healthy and vigorous condition and compliant with the approved detailed Landscape Plans and Development Consent Conditions.
- 6.6. Management of the Inner Protection Area (IPA), as required by the NSW Rural Fire Service.
- 6.7. Use of any private water supply shall comply with Australian Drinking Water Guidelines. The NSW Health Private Water Supply Guidelines should be followed to assist the operator in managing their water supplies and ensuring the water is safe to use.
- 6.8. Compliance with all recommendations contained within the Bushfire Protection Assessment, reference B121881-2 dated 4.12.2013 prepared by G.L. Swain – Australian Bushfire Protection Planners Pty Ltd except where such requirements are inconsistent with the general terms of approval issued by the NSW Rural Fire Service for a Bushfire Safety Authority under s100B of the Rural Fires Act 1997 and general terms of approval issued by the NSW Office of Water for a controlled activity approval under the Water Management Act 2000 with respect to protection of riparian vegetation.
- 6.9. All heritage items are to be used and managed in accordance with the relevant Heritage Inventory Data sheets held in the office of the Council.
- 6.10. The Main Entrance gates, syncarpai glomulifera (Turpentine) and taxodium distichum (Bald Cypress) are to be retained and incorporated into an entrance statement for the subdivision/development, with consideration for interpretative signage.

7.. OTHER APPROVALS

Integrated Approval (NSW Rural Fire Service – Bush Fire Safety Authority)

- 7.1. At the issue of subdivision certificate and in perpetuity, all lots within proposed Stage 1 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'.

- 7.2. At the issue of subdivision certificate and in perpetuity, all residual land zoned as residential within the remainder of the future development shall be managed as an asset protection zone (APZ) 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'.
- 7.3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- 7.4. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
- 7.5. Temporary "T" turning heads shall be provided at the terminus of dead-end roads created in the construction of the individual development designs.
- 7.6. Any existing buildings within proposed Stage 1 are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Integrated Approval (NSW Office of Water – Controlled Activity Approval)

- 7.7. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act 2000 from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank of the rivers that occur onsite. (For the purpose of these GTA, the watercourses described as the northern gully and the middle western gully are both considered to be rivers).
- 7.8. Compliance with the attached General Terms of Approval issued by the NSW Office of Water (Reference No.: 20 ERM2014/0011), dated 25 February 2014 for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act)
- 7.9. The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.
- 7.10 In relation to the proposed use of the existing dam for domestic water supply, the applicant must obtain the appropriate approvals or provide evidence that the appropriate approvals are currently held under the Water Management Act 2000 in relation to any proposed water use, prior to the issue of a construction certificate.

8.. ADVICE

- 8.1. The public authorities may have separate requirements and should be consulted 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 *Energy Australia* 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 *Gosford City Council* in respect to the location of water, sewerage and drainage services.

8.2. All work carried out under this Consent should be done 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.

8.3. Any water or sewer works are to be undertaken with the consent of Council. Application is to be made with Council under the provisions of Section 68 of the Local Government Act 1993 prior to commencement of any works on the site.

8.4. 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.111.1100.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.

8.5. 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.

8.6. The inspection fee for works associated with approvals under the Roads Act is calculated in accordance with Council's current fees and charges policy.

8.7. Developers should make early application for a Section 307 Certificate under the Water Management Act 2000 from the Water Authority (Council). For a copy of the application form 'Application for Certificate under Section 305' contact Customer Service on (02) 4325 8200 or visit Council's web site www.gosford.nsw.gov.au to download a form from the Water & Sewerage forms index.

8.8. Payment of a Subdivision Certificate fee must be made 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>.

8.9. The developer is referred to the requirements of the Environmental Planning and

Assessment Act Section 109E (2). To clarify this section of the Act, you are advised that Gosford City Council's Environment Planning instrument does not permit accredited certifiers to undertake the role of the principal certifying authority for subdivisions in the Gosford Local Government area and therefore Gosford City Council can only be appointed as the Principal Certifying Authority (PCA).

In accordance with Section 81A (3) subdivision of the land (4) (b), it is the developer's responsibility to formally notify council of their appointment as the PCA and to notify Council the intention to commence works. Upon receipt of these notifications, Council will issue the developer with 'Terms of Appointment' which formalises the acceptance of the role of the PCA by council and sets out conditions to be satisfied prior to (including payment of inspection fees), during the course of the works, and upon completion.

As the PCA, Council will be responsible for undertaking all critical stage inspections as detailed in the Gosford City Council Construction Specifications. Council will issue a subdivision certificate upon conditions of consent being satisfied and all works being completed in accordance with Council's Design and Construction Specifications.

Council reserves the right to undertake all critical stage inspections as per the specification as deemed necessary in order to satisfy Council that the work is in accordance with the conditions, specifications, industry standards and accepted practice prior to issue of a subdivision certificate. Appointment of accredited certifiers for critical stage inspections by the developer shall not be accepted by Council unless expressly approved to do so in the 'Terms of Appointment'.

- 8.10. All right of ways shall be maintained at the full cost of the Co-operative.
- 8.11. This approval is for the subdivision of the land and ancillary works. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' may be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.
- 8.12. The access roads across the floodplain to the E3 zoned area of Pt Lot 37 are not to be constructed. If development is to take place on this land further consent will be required and the standard of access works within the right of carriageway shall be determined by Council including the provision of flood free access to this land.
- 8.13. In relation to the proposed use of the existing dam for domestic water supply, the applicant must obtain the appropriate approvals or provide evidence that the appropriate approvals are currently held under the Water Management Act 2000 in relation to any proposed water use. For further information regarding water licence approvals, please contact Alison Collaros, alison.coilaroswater.nsw.gov.au or 49042527.
- 8.14. Should the proponent fail to obtain a Licence and Notice of Decision under WICA and require connection to Council's water supply and sewerage reticulation systems then the proponent would need to lodge a section 96 application to modify the development consent.

The following conditions shall apply:

- Connection of the proposed development to Council's water and sewer reticulation systems shall be subject to the existing water and sewer systems having sufficient capacity to accommodate the proposed development. The applicant shall be responsible for undertaking a water and sewer systems capacity analysis. The analysis shall extend to a point within the water supply and sewerage reticulation systems where proposed demands / loads from the development represent 5% or less of the total capacity of the respective systems. The analysis shall assess the impact of the proposed development

on Council's existing water and sewerage reticulation systems. The capacity analysis shall be carried out in accordance with the WSAA method for determining system capacity and shall be based upon full development of the area serviced by the water and sewer systems utilising the current land zonings without the development and a second analysis with the inclusion of additional demands / loads created by the proposed development.

- The developer shall be responsible for the design and full cost of augmentation to both water supply and sewerage reticulation systems required as a result of extra loading from proposed development. In addition, augmentation works may need to be completed before Council could allow connection of the development to the water supply and sewerage systems.
- Payment of the current water and sewer headworks and augmentation contributions, in accordance with Council's policy.
- The applicant shall be responsible for the design and construction of water supply and sewerage works required to connect the development to Council's existing water supply and sewerage systems. The water and sewer designs must be submitted to Council for approval and shall be in accordance with Council's water and sewer design standards.
- The applicant shall be responsible for the design and construction of water supply and sewerage works within the development site. The water and sewer designs must be submitted to Council for approval and shall be in accordance with Council's water and sewer design standards.

8.15. Aboriginal Cultural Heritage

The importance of protecting Aboriginal cultural heritage is reflected in the provisions under Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act). The NPW Act clearly establishes that Aboriginal objects and places are protected and may not be harmed, disturbed or desecrated without appropriate authorisation. Importantly, approvals under Parts 4 of the EP&A Act do not absolve the proponent of their obligations under the NPW Act.

The proponent should note that the provisions of the NPW Act have recently been amended and they should ensure they are familiar with the new requirements during the development and any subsequent assessment processes. Further advice regarding Aboriginal cultural heritage can be found on OEH's website at:

www.environment.nsw.gov.au/cultureandheritage.htm.

The NPW Act requires consultation to be in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010' if impact to Aboriginal cultural heritage is unavoidable.

8.16. It is an offence under the National Parks and Wildlife Act 1974 to knowingly disturb an Aboriginal object or artifact without consent.

8.17. The location of sensitive sites as identified by the Aboriginal Cultural Heritage Aboriginal Archaeological & Cultural Heritage Assessment Report, dated May, 2006 prepared by Danny O'Brien - Environmental Appraisal & Planning Pty Limited should be considered during any future planning activities or development of the area. In this regard the following requirements shall apply:

- That no plans should be made to include walking trails within the subject site that lead to sensitive Aboriginal sites as indicated on the attached plan.
- The provision of fire trails or Asset Protection Areas (APZ) to protect any future development of the site, then these fire trails or APZ should not be constructed within or towards the direction of Aboriginal sites or to any location near Aboriginal sites present within or adjacent to the subject site.

- That should fire trails or Asset Protection Zones be required to be established to protect future dwellings, then a detailed Aboriginal archaeological site survey be undertaken to ensure that any cryptic or sub-surface sites are considered.
- That prior to any hazard reduction burns undertaken by the NSW Rural Fires Service (RFS) in the future, or with the development of Fire Management Plans to be prepared for the area, then the scarred and carved trees should be located on the ground to ensure that these trees are fully protected from direct flame. It is critical that the Department of Environment & Conservation's National Parks & Wildlife Service's Cultural Heritage unit, the Darkinjung Local Aboriginal Land Council and an archaeologist be contacted in relation to any hazard reduction fires within the subject site in the future. Scarred or carved trees are highly sensitive to the effects of bushfires and need to be protected from bushfire events.
- That the occurrence of Aboriginal sites within the subject site or environs not be advertised or made public.
- That strict erosion and sedimentation control plans be developed to ensure that sedimentation does not impact on any Axe-grinding grooves in the locality.
- Should any Aboriginal relics, Aboriginal cultural artefacts or archaeological deposits be uncovered in the development areas, then all works should cease and the Darkinjung Local Aboriginal Land Council shall be contacted. Should the remaining areas be at a later stage considered for development, that a more intense archaeological assessment be undertaken.

9.. 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.

10.. RIGHT OF APPEAL

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





Narara Ecovillage Co-operative Ltd
25 Research Road Narara NSW 2250
ABN 86 789 868 574

Appendix 3.5.1.3

GCC Cluster lot 15 Consent



Telephone (02) 4325 8222

Please Quote

DA 44898/2013
17 April 2014

Gosford City Council

Narara Ecovillage Co-Operative Ltd
2/83 Ramsgate Ave
BONDI NSW 2026

PO Box 21
Gosford NSW 2250
DX 7211 Gosford

Telephone 02 4325 8222
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www.gosford.nsw.gov.au
www.facebook.com/ilikemygosford
www.twitter.com/mygosford
ABN 78 303 458 861

Notice of Determination of a Development Application
issued under the *Environmental Planning and Assessment Act, 1979*
section 81(1)(a)

Development Application No: 44898/2013 Part 1

Applicant: Narara Ecovillage Co-Operative Ltd

Property: LOT: 13 DP: 1126998 No 25 Research Road NARARA

Proposal: Demolition Existing Structures & Construct 10 Cluster Houses & Associated Infrastructure & Landscaping Works

Date from which this consent operates

Subject to Section 83 of the Act this consent becomes effective and operates from 17 April 2014.

Consent to Lapse on

Five (5) Years from date of Consent

Imposition of Conditions

Subject to the provisions of Section 80A of the Act this Consent has been granted subject to conditions annexed to this consent.

On behalf of the consent authority
Paul Anderson
General Manager

Per: *D Spithill*

Date: 17 April 2014

1.. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

The development shall be implemented 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 **Baxter & Jacobson Architects Pty Ltd**
Landscape Plan by **McGregor Coxall**

Drawing	Description	Sheets	Issue	Date
353-01 DA S.1.1	Site and Location Plan	DAS.1.1	-	03.12.2013
353-01 DA S.2.1	Existing Site Plan	DAS.2.1	-	03.12.2013
353-01 DA S.3.1	Site Analysis Plan	DAS.3.1	-	03.12.2013
353-01 DA S.4.1	Demolition Plan	DAS.4.1	-	03.12.2013
353-01 DA S.5.1	Cluster Site Plan	DAS.5.1	-	03.12.2013
353-01 DA S.6.1	Site Sections	DAS.6.1	-	03.12.2013
353-01 DA S.6.2	Site Sections	DAS.6.2	-	03.12.2013
353-01 DA S.3.1	Site Analysis Plan	DAS.3.1	-	03.12.2013
353-01 DA S.7.1	Site Shadows Solstice June 20 9am	DAS.7.1	-	03.12.2013
353-01 DA S.7.2	Site Shadows Solstice June 20 12pm	DAS.7.2	-	03.12.2013
353-01 DA S.7.3	Site Shadows Solstice June 20 3pm	DAS.7.3	-	03.12.2013
353-01 DA S.7.4	Site Shadows Equinox March 20 9am	DAS.7.4	-	03.12.2013
353-01 DA S.7.5	Site Shadows Equinox March 20 12pm	DAS.7.5	-	03.12.2013
353-01 DA S.7.6	Site Shadows Equinox March 20 3pm	DAS.7.6	-	03.12.2013
DA A.1.1	House No.1 – Type A Site Plan	A.1.1		02.12.2013
DA A.2.1	House No.1 – Type A Ground Floor and First Floor Plan	A.2.2	-	02.12.2013
DA A.3.1	House No.1 – Type A Section	A.3.1	-	02.12.2013
DA A.3.2	House No.1 – Type A Sections	A.3.2	-	02.12.2013
DA A.4.1	House No.1 – Type A Elevations	A.4.1	-	02.12.2013
DA B.1.1	House No.2 – Type B Site Plan	B.1.1	-	02.12.2013
DA B.1.2	House No.3 – Type B Site Plan	B.1.2	-	02.12.2013
DA B.2.1	House No.2 and 3 – Type B Ground Floor Plan	B.2.1	-	02.12.2013
DA B.3.1	House No.2 – Type B Sections	B.3.1	-	02.12.2013
DA B.3.2	House No.3 – Type B Sections	B.3.2	-	02.12.2013
DA B.4.1	House No. 2 and 3 – Type B Elevations	B.4.1	-	02.12.2013
DA C.1.1	House No.4 – Type C Site Plan	C.1.1	-	02.12.2013
DA C.2.1	House No.4 – Type C Ground Floor Plans	C.2.1	-	02.12.2013
DA C.3.1	House No.4 – Type C Sections	C.3.1	-	02.12.2013
DA C.4.1	House No.4 – Type C Elevations	C.4.1	-	02.12.2013
DA D.1.1	House No.5 – Type D Site Plan	D.1.1	-	02.12.2013
DA D.1.2	House No.6 – Type D Site Plan	D.1.2	-	02.12.2013

DA D.2.1	House No.5 and 6 – Type D Ground Floor and First Plans	D.2.1	-	02.12.2013
DA D.3.1	House No.5 – Type D Sections	D.3.1	-	02.12.2013
DA D.3.2	House No.6 – Type D Sections	D.3.2	-	02.12.2013
DA D.4.1	House No.5 and 6 – Type D Elevations	D.4.1	-	02.12.2013
DA E.1.1	House No.7 – Type E Site Plan	E.1.1	-	02.12.2013
DA E.1.2	House No.9 – Type E Site Plan	E.1.2	-	02.12.2013
DA E.2.1	House No. 7 and 9 – Type E Ground Floor and First Floor Plans	E.2.1	-	02.12.2013
DA E.3.1	House No.7 – Type E Section	E.3.1	-	02.12.2013
DA E.3.2	House No.7 – Type E Sections	E.3.2	-	02.12.2013
DA E.3.3	House No.9 – Type E Section	E.3.3	-	02.12.2013
DA E.3.4	House No.9 – Type E Sections	E.3.4	-	02.12.2013
DA E.4.1	House No.7 and 9 – Type E Elevations	E.4.1	-	02.12.2013
DA F.1.1	House No.8 – Type F Site Plan	F.1.1	-	02.12.2013
DA F.1.2	House No.10 – Type F Site Plan	F.1.2	-	02.12.2013
DA F.2.1	House No. 8 and 10 – Type E Ground Floor and First Floor Plans	F.2.1	-	02.12.2013
DA F.3.1	House No.8 – Type F Section	F.3.1	-	02.12.2013
DA F.3.2	House No.8 – Type F Sections	F.3.2	-	02.12.2013
DA F.3.3	House No.10 – Type F Section	E.3.3	-	02.12.2013
DA F.3.4	House No.10 – Type F Sections	E.3.4	-	02.12.2013
DA F.4.1	House No.8 and 10 – Type F Elevations	E.4.1	-	02.12.2013
01	Landscape Plan	1	B	
02	Landscape Plan – Section, Planting and Materials	2	B	
CGS 2.01	Communal Garbage Store Waste Management Plan			February 2014

Supporting Documentation

Document	Title	Date
-	Architectural Design Statement (Baxter & Jacobson Architects).	28.11.2013
-	Waste Management Plan (J Talbott).	20.03.2014
512165M	BASIX Certificate (G.E Hunt)	04.12.2013
D12242-4	Site Survey (Chase Burke & Harvey) Sheets 1 to 3	20.01.2008
B132141-1	Bushfire Protection Assessment (G. L. Swain - Australian Bushfire Protection Planners Pty Ltd)	04.12.2013
75583.02	Geotechnical Assessment Report (Douglas Partners)	December 2013
V4.3	Water Cycle Management Plan (Woodlots and Wetlands Pty Ltd) – Cluster Housing Proposed Lot 15	28.11.2013
-	Arboricultural Impact Assessment (Michael Shaw Consulting Arborist)	29.11.2013
3301	Transport Impact Assessment (Chris Hallam & Associates	04.12.2013
-	Heritage Impact Statement (Musecape Pty Ltd)	02.12.2013
75583.00	Site Contamination Report (Douglas Partners)	November 2013

1.2. Building Code of Australia

All building works must be carried out in accordance with the Building Code of Australia.

2.. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

2.1. No activity is to be carried out on site until any Construction Certificate has been issued. Other than:

- a Site investigation for the preparation of the construction, and/or
- b Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

2.2. Modification of details of the development (s80A(1)(g) of the Act)

The *approved plans* must be amended. Any *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to Clause 139 of the *Regulation*, must detail:

- a Laundry facilities comprising at least one washtub and space in the same room for a washing machine to be shown on floor plans for each unit. (Note: A kitchen sink or washbasin must not be counted as a laundry tub)
- b Provide details of sound insulation and fire protection between floors and between units as per BCA requirements.
- c Construction Certificate plans are to be overlaid with swept turning path templates to AS 2890 to demonstrate access for a rear loading, rear dual axle HRV into the waste truck servicing area to allow exit from the site in a forward direction.
- d Details of the waste storage area, sized to accommodate 2 x 1.5m³ bulk bins and 2 x 240 litre MGB's for twice weekly servicing of mixed waste and 2 x 1.5m³ bulk bins and 2 x 240 litre MGB's for twice weekly servicing of recycled waste for 60 residential units.

2.3. The finished surface material, colours and texture of any building and/or hard paved areas must be non-glare. The details of the materials are to be submitted to the principle certifying authority prior to the issue of any Construction Certificate.

2.4. Surface water collected on driveways, parking areas and other impervious areas are to be treated so as to control pollution in accordance with one or more of the methods detailed in Section 10 of the Water Cycle Management Guidelines referenced by DCP 2013 Chapter 6.7 - Water Cycle Management.

2.5. The future dwellings erected in the Cluster Housing precinct shall be located with a separation distance from unmanaged bushfire prone vegetation which maintains the maximum level of bushfire construction standard requirement to BAL 29. All dwellings located within 100m of the bushfire prone vegetation shall be constructed to a minimum standard of with Bushfire Attack Level (BAL) 12.5 as prescribed by AS3959 - 2009 - *Construction of buildings in bushfire prone areas*. Furthermore, depending on the required BAL, the development is to incorporate additional construction requirements that are contained in *subsection A3.7 - Additional Construction Requirements*, of the document produced by the NSW Rural Fire Service and known as *Addendum: Appendix 3 - Planning for bushfire protection 2010*.

Details demonstrating compliance with this condition are to be incorporated within the documentation associated with any construction certificate.

- 2.6. Satisfactory arrangements must be made for the provision of water and sewer services to the land. A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority (Council) prior to the issue of any Construction Certificate.
- 2.7. Design of the following engineering works within private property:
- a Driveways/ramps and car parking areas must be designed according to the requirements of the current Australian Standard AS2890 for the geometric designs, and industry Standards for pavement designs.
 - b Access roads within the Cluster Housing precinct shall be constructed to comply with the specifications of Section 4.1.3(1) of *Planning for Bushfire Protection 2006* with a minimum pavement width of 5.5 metres for two-way internal roads and a minimum pavement width of 3.5 metres for the one-way internal roads. Parking Bays (minimum 2.6m wide) shall be designed and constructed clear of the road pavement and complying Passing Bays (20m long x 2.0m wide) provided in the locations shown on the Concept Plan.
 - c A stormwater detention system must be designed in accordance with Council's DCP165 - Water Cycle Management and Council's 'GCC Design Specification for Survey, Road and Drainage Works'. The stormwater detention system shall 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 is to be used in the design calculations. An on-site stormwater detention report including an operation and maintenance plan shall accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and/or secondary flowpaths. The onsite detention system/s shall be designed generally in accordance with the 'Integrated Water Cycle Management Plan' prepared by Woodlots & Wetlands dated 28 November 2013.
 - d Nutrient/pollution control measures must be designed in accordance with Council's DCP 165 - Water Cycle Management. A nutrient/pollution control report including an operation and maintenance plan shall accompany the design. The nutrient/pollution controls shall be designed generally in accordance with the 'Integrated Water Cycle Management Plan' prepared by Woodlots & Wetlands dated 28 November 2013.
 - e Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure/s to internal drainage system associated with community title subdivision.
 - f A fire-fighting water supply shall be provided to the Cluster Housing precinct with Hydrant spacing, sizing and pressure complying with the specifications of Australian Standard A.S. 2419.1 - 2005 and have a flow rate of 10 litres / second. Hydrant locations shall be delineated by blue markers placed on the hydrant side of the centreline of the road pavement.

The design of these details and any associated reports shall be included in any construction certificate.

- 2.8. The applicant shall obtain a licence under the Water Industry Competition Act (WICA) 2006 prior to the issue of any Construction Certificate.
- 2.9. Prior to the issuing of any construction certificate or releasing engineering plans for the subdivision / development works, Council shall be issued with a Site Audit Statement by an accredited EPA Auditor stating the land has been remediated and is suitable for its intended land uses.

-
- 2.10. Details of compliance with Accessibility requirements under the Building Code of Australia and AS4299-1995 are to be submitted with any Construction Certificate.
- 2.11. Prior to the issuing of any Construction Certificate, the following matters are to be complied with:
- The completion of all works and infrastructure associated with DA44994/2013, and
 - The registration of the plan of subdivision under DA44994/2013
- 2.12. The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.
- 2.13. The proponent must obtain the appropriate approvals or provide evidence that the appropriate approvals are currently held under the Water Management Act 2000 in relation to any proposed water use of the existing dam for domestic water supply, prior to the issue of any construction certificate.
- 2.14. Separate application for a vehicular access crossing, accompanied by the current fee as prescribed in Council's Schedule of Fees and Charges shall be submitted to Council. The application form can be obtained by contacting Council's Customer Service Staff or visit Council's web site www.gosford.nsw.gov.au
- 2.15. The Structural Engineer's details are to be certified that they have been prepared in accordance with the details and recommendations of the Geotechnical Assessment Report No. 75583.02, prepared by Douglas Partners, dated December 2014.

3.. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. Any construction certificate for the building work is to be issued and the person having the benefit of the development consent must appoint a Principal Certifying Authority prior to the commencement of any building works.

The Principal Certifying Authority (if not the 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 2 days before the building work commences.

- 3.2. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- 3.3. Site works are not to commence until the sediment control measures have been installed in accordance with the approved plans.
- 3.4. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
- a The name, address and telephone number of the principal certifying authority for the work; and
 - b The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c That unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

-
- 3.5. Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Department of Environment and Climate Change.
- 3.6. Public access to the construction site is to be prevented, when building work is not in progress or the site is unoccupied.

These prevention measures must be in accordance with the NSW WorkCover publication titled, '*Site Security and Public Access onto Housing Construction Sites*' and installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

- 3.7. A suitable hoarding or fence is to be erected between the building or site of the proposed building and any public place to prevent any materials from or in connection with the work, falling onto the public place.

If it is intended or proposed to erect the hoarding or fence on the road reserve or public place, a separate application made under the *Roads Act 1993* will need to be lodged with Council together with the associated fee.

- 3.8. All parking areas shall comply with AS2890.1:2004 and vehicular access near the waste storage area shall comply with AS2890.2:2002

- 3.9. The removal of more than 10 square metres of non-friable asbestos or asbestos containing material must be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist. Friable asbestos (of any quantity) must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence.

The person having the benefit of this consent must provide the principal certifying authority with a copy of a signed contract with such licensed removalist before any development pursuant to the development consent commences.

Any such contract must indicate whether any non-friable asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the non friable asbestos material or friable asbestos material is to be delivered.

If the contract indicates that non friable asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

The person having the benefit of the consent must provide the principal certifying authority with a clearance certificate to be prepared by a competent person such as a qualified hygienist at completion of asbestos removal/work from the site.

If a residential premise is a workplace, the licensed asbestos removalist must inform the following persons before licensed asbestos removal work is carried out:

- the person who commissioned the work
- a person conducting a business or undertaking at the workplace
- the owner and occupier of the residential premises
- anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the NSW Work Health and Safety Regulation 2011).

-
- 3.10. The Principal Certifying Authority must ensure that all parties/trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.
 - 3.11. Tree Protection is to be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment for Proposed Lot 15 Cluster housing development, by Michael Shaw, dated 29/11/13.
 - 3.12. Compliance with the recommended mitigative measures contained within Section 5.6 of the *"Heritage Impact Statement for proposed cluster housing development within and adjacent to the curtilage of the Manager's Residence"*, prepared by Chris Betteridge, MUSEcape Pty Ltd, dated 2 December 2013.

4.. DURING WORKS

- 4.1. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall 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.
- 4.2. Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls shall comply with Council's Erosion Sedimentation Control Policy D6.46.
 - 4.3. Should any Aboriginal objects or artefacts be uncovered during works on the site, all works shall cease. The Office of Environment and Heritage shall be contacted immediately and any directions or requirements complied with.
 - 4.4. To minimize the opportunity for crime, the development must incorporate the following:
 - a Adequate lighting to AS1158 is to be provided to common areas.
 - b Landscaping adjacent to mailboxes, pathways and footpaths must not provide for the concealment opportunities for criminal activity.
 - c The communal areas within the development are well lit and designed to minimise areas for concealment and entrapment
 - d The development must be designed to avoid foot holes or natural ladders so as to minimize unlawful access to the premises.
 - e Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
 - 4.5. Building materials must not be stored nor construction work carried out on the road reserve unless associated with a separate approval under the *Roads Act 1993*.

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- 4.6. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made is responsible to notify the neighbour and responsible for the protection and preservation of the adjoining allotment of land.
- 4.7. This development is subject to DCP 2013 Chapter 7.2 – Waste Management. The Waste Management Plan submitted as supporting documentation with this development consent is required to be implemented during all stages of demolition and construction.
- 4.8. Buildings are to be demolished in a safe and systematic manner in accordance with the requirements of Australian Standard AS 2601-2001 - *Demolition of Structures*, and disposed of in an approved manner.
- 4.9. No fill permitted beyond the footprint of the building with the exception of vehicular access.
- 4.10. The Engineering works within private property that formed part of any construction certificate shall be constructed in accordance with the plans and details approved with any construction certificate.
- 4.11. All internal water, sewer and drainage systems shall be installed in accordance with AS/NZ 3500:2003, the NSW Plumbing Code of Practice 2006 and the Water Supply Code of Australia (Sydney Water Edition) WSA 03-2002.
- 4.12. To minimize the potential for erosion and sedimentation, fuel management must only remove the aerial parts of plants; roots of all plants must remain so that soil is undisturbed. This constraint will require that this work be undertaken manually in this sensitive zone.

Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls shall comply with Council's Code of Practice of Erosion and Sedimentation Control.

- 4.13. Plant species used for landscaping must be restricted to locally native species appropriate to the locality and/or those introduced species that do not have known potential to become environmental weeds.
- 4.14. Stockpile of soil and other material shall be located away from sensitive environmental receptors, and if not to be used immediately, must be covered with an appropriate control such as geotextile fabric.
- 4.15. Any required fill material will only comprise of;
- i Virgin Excavated Natural Material (VENM) as defined under Schedule 1 of the *Protection of the Environment Operations (POEO) Act 1997*.

This definition is as follows:

"virgin excavated natural material" means natural material (such as clay, gravel, sand, soil or rock fines):

(a) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and

(b) that does not contain any sulfidic ores or soils or any other waste,

and/or

- ii Excavated Natural Material (ENM) that has been issued with an exemption under the *Protection of the Environment Operations (Waste) Regulation 2005* in accordance with the Excavated Natural Material exemption 2012.

The placement of any other type of fill material other than that defined under VENM or ENM is classified as prohibited under this consent.

- 4.16. The applicant shall provide Council with validation documents verifying and certifying that the material complies with the definition of VENM under Schedule 1 of the *POEO Act 1997* or an exemption issued under the Excavated Natural Material Exemption 2012 if ENM is placed on the land.
- 4.17. Any exposed soil surface areas must be grassed/landscaped to minimise soil erosion.
- 4.18. All external night lighting is to be designed and operated in accordance with the Narara Eco Village Lighting Report (Lighting, Art + Science, Ref: L127P_R01_P1, dated 28 June 2013).
- 4.19. The Ecological Restoration Plan (Robert Payne Ecological Surveys & Management, dated December 2013) is to be implemented.
- 4.20. Trees to be removed are to be those as recommended for removal within the Arboricultural Impact Assessment for proposed Lot 15 Cluster housing development. Trees must be removed in a manner so as to prevent damage to those trees that are to be retained. Note: The Landscape plan has inaccuracies and is not to be used in regard to tree removal.
- 4.21. The internal road strength used by the waste trucks must be sufficiently strong enough to withstand a truck loading of 22.5 tonnes.
- 4.22. No obstructions to the wheel out of the waste bins being permitted including grills, speed humps, barrier kerbs etc.
- 4.23. The driveway design and loading area layout is to be designed in accordance with AS 2890.2-2002 Parking Facilities - Off Street Commercial Vehicle Facilities.
- 4.24. The waste truck servicing grade is to be 3% or less for the following areas:
 - Within the enclosure
 - For bulk bin roll out pads
 - Within the 13m bulk bin and truck service area
- 4.25. The screened waste storage enclosure to be located as indicated on Draft Dwg No CGS2.01, dated February 2014, Amendments issued for comment 18 February 2014.
- 4.26. A maximum gradient of 12.5% to the entry/access driveway to the Waste Storage Area.
- 4.27. Compliance with all commitments as detailed in the Waste Management Plan signed by J. Talbot and dated 20.3.2014 and Introduction and general comments regarding Waste Management Plans for Master Plan and Cluster housing DA's for Narara Ecovillage Co-Operative Ltd.
- 4.28. Any works to be carried out on the heritage listed building are to be carried out under the supervision of a suitably qualified heritage consultant.

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- 4.29. Significant building elements, features, fixtures, fittings and fragile materials shall be adequately protected during construction from potential damage. Protection systems must ensure historic fabric is not damaged or removed.

5.. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. Application for any Occupation Certificate must be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.
- 5.2. The premises not being occupied until any occupation certificate has been issued.
- 5.3. A concrete kerb, or alternative of similar standard, must be provided to the driveways and around areas of landscaping to prevent encroachment of vehicles.
- 5.4. The driveway, vehicle manoeuvring area and 10 car parking spaces as shown on the approved plan must be properly constructed, graded, drained, sealed and line marked with impervious paving material, in accordance with Australian Standard 2890.1-2004 Off Street Parking. Accessible parking to be designed in accordance with AS2890.6:2009.
- 5.5. The street number is to be at least 100mm high and be clearly visible from the street frontage.
- 5.6. Mail receptacles shall be provided and appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.7. Prior to the issue of any Occupation Certificate the Principal Certifying Authority must be furnished with a written statement from a recognised Bushfire Consultant certifying that all recommendations and findings of the Bushfire Report prepared by Bushfire Protection Assessment prepared by G. L. Swain - Australian Bushfire Protection Planners Pty Ltd, ref: B132136-2, dated 04.12.2013
- 5.8. Prior to the issue of any Occupation Certificate an instrument under the Conveyancing Act 1919 must be created on the Certificate of Title establishing a restrictive covenant detailing the areas to be maintained as a Asset Protection Zone in accordance with the Bushfire Report prepared by Bushfire Protection Assessment prepared by G. L. Swain - Australian Bushfire Protection Planners Pty Ltd, ref: B132136-1, dated 04.12.2013. The restriction shall ensure the owner continually maintains the Asset Protection Zone in accordance with the recommendation and findings detailed in the Bushfire Report. The restriction is to be created at the applicants cost with the Council having the sole authority to release or modify.
- 5.9. The requirements of the BASIX certificate 512165M dated 04.12.2013 for development and shown on the approved plans must be complied with prior to the issue of any occupation certificate.
- 5.10. The development shall incorporate a stormwater retention system consisting of either rainwater tanks and/or stormwater tanks (as defined in DCP 2013 Chapter 6.7 -Water Cycle Management) with a minimum total capacity of 15000 litres, capturing water from at least 90% of the total roof area. The water collected is to be suitably treated and connected to an external tap, all toilet cisterns and cold washing machine tap(s).
- 5.11. A material or device is to be installed to prevent the build up of flammable material (such as leaf matter) within the roof gutters is to be installed. The material or device must have a flammability index of not greater than 5 when tested in accordance with AS1530.2.

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- 5.12. Prior to the issue of any occupation certificate, the internal engineering works within private property that formed part of any construction certificate shall be completed in accordance with the plans and details approved with any construction certificate.
- 5.13. Prior to the issue of any Occupation Certificate the Deposited Plan (DP) must be amended 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 shall be defined by bearings and distances shown on the plan.
 - a To create a 'Restriction as to User' over the lot containing on-site stormwater detention system/s and/or nutrient/pollution facilities 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/s 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.

Registered title documents showing the restrictive and positive covenants must be submitted to and approved by the Principal Certifying Authority prior to the issue of any occupation certificate.

- 5.14. The applicant shall obtain a Notice of Decision to commence commercial operations from the Minister responsible for the WIC Act 2006 prior to the issue of any Occupation Certificate for the development.
- 5.15. Compliance with all recommendations contained within Section 6 of the Bushfire Protection Assessment prepared by G. L. Swain - Australian Bushfire Protection Planners Pty Ltd, ref: B132136-2, dated 04.12.2013 as follows:

Recommendation 6.1 Asset Protection Zones:

Asset Protection Zones to future dwellings within the Cluster Housing precinct on proposed Lot 15 in the subdivision of Lot 13 in DP 1126998 shall be determined to maintain a maximum 29kW/m² radiant heat flux on the exterior of the buildings. This shall apply to the buildings located adjacent to the bushfire prone vegetation to the northwest and west [Unit 1A & 2B]. [Refer to Annexure 1 – Plan of Asset Protection Zones].

Recommendation 6.2 Management of the vegetation within the designated Asset Protection Zone:

The Asset Protection Zone to the west of Unit 1A & 2B shall be maintained as an Inner Protection Area in accordance with Appendix 5 of *Planning for Bushfire Protection 2006* and the NSW Rural Fire Service "*Standards for Asset Protection Zones*".

An 88B covenant shall be created on the title of the future strata lots and Community land to ensure the ongoing management of the Asset Protection Zone and residual vegetation within the Cluster Housing precinct.

Should the Cluster Housing precinct be developed prior to the commencement of the adjoining residential allotments to the southeast and to the northwest of the riparian corridor, the whole of the residual residential zoned land, except for those areas defined as habitat areas/riparian corridors, shall be managed by slashing/grazing to maintain a maximum grass height of 150mm during the designated Bushfire Danger Period [1st October – 31st March or as prescribed].

Recommendation 6.3: Construction Standards to future dwellings:

The future dwellings erected in the Cluster Housing precinct shall be located with a separation distance from unmanaged bushfire prone vegetation which maintains the maximum level of bushfire construction standard requirement to BAL 29.

All dwellings located within 100m of the bushfire prone vegetation shall be constructed to a minimum standard of BAL 12.5 and fitted with non-combustible gutter ember protection device.

Recommendation 6.4: Fire-fighting access provisions:

Access roads within the Cluster Housing precinct shall be constructed to comply with the specifications of Section 4.1.3(1) of Planning for Bushfire Protection 2006 with a minimum pavement width of 5.5 metres for two-way internal roads and a minimum pavement width of 3.5 metres for the one-way internal roads. Parking Bays [minimum 2.6m wide] shall be designed and constructed clear of the road pavement and complying Passing Bays [20m long x 2.0m wide] provided in the locations shown on the Concept Plan.

Recommendation 6.5: Water Supplies for Fire-fighting Operations:

A fire-fighting water supply shall be provided to the Cluster Housing precinct with Hydrant spacing, sizing and pressure complying with the specifications of Australian Standard A.S. 2419.1 - 2005 and have a flow rate of 10 litres / second.

Hydrant locations shall be delineated by blue markers placed on the hydrant side of the centreline of the road pavement.

- 5.16. Council will require an indemnity 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 prior to the issue of any Occupation Certificate together with the creation of a S88B instrument under the Conveyancing Act to this effect and at the applicant's cost.
- 5.17. Prior to the issue of any Occupation Certificate, the applicant must obtain the appropriate approvals or provide evidence that the appropriate approvals are currently held under the Water Management Act 2000 in relation to any proposed use of the existing dam for domestic water supply.
- 5.18. An Approval to Operate the on-site sewage management system is to be issued by Council's Waste and Emergency Services prior to the issue of any Interim or Final Occupation Certificate
- 5.19. Prior to the issue of any Occupation Certificate a geotechnical engineer shall provide written certification to the Principal Certifying Authority's satisfaction that all works have been carried out on site in accordance with the submitted geotechnical report recommendations.
- 5.20. a. The existing building on proposed Lot 15 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm.

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- b. Where applicable, this includes any subfloor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
 - c. 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 Services' document 'Standards for Asset Protection Zones'.

Written verification from a qualified person in Bushfire Protection or accredited by Fire Protection Association of Australia shall be submitted with the Occupation Certificate attesting to the completion of such works.

6.. ONGOING OPERATION

- 6.1. No materials, waste matter or products shall be stored outside the building or the approved waste storage area, at any time.
- 6.2. All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads.
- 6.3. Ten (10) car parking spaces are to be physically identified on site, and maintained free of obstruction. These spaces are not to be used for the storage of goods or waste products.
- 6.4. No cooking facilities or sanitary fittings other than those indicated on the approved plan being installed in the building.
- 6.5. The operation of all mechanical plant equipment and machinery (i.e. air conditioning unit and/or heat pump) shall not give rise to offensive noise as defined in the Protection of the Environment Operation Act 1997.
- 6.6. Maintenance of the on-site stormwater detention facility in accordance with the operation & maintenance plan.
- 6.7. Maintenance of the nutrient/pollution control facilities in accordance with the operation & maintenance plan.
- 6.8. Waste and recycling bulk waste bins and MGB's to be presented for collection/servicing adjacent to the waste truck servicing location prior to servicing by the residents, caretaker or other internal management arrangement and returned to the screened waste storage enclosures immediately after servicing.
- 6.9. Use of any private water supply shall comply with Australian Drinking Water Guidelines. The NSW Health Private Water Supply Guidelines should be followed to assist the operator in managing their water supplies and ensuring the water is safe to use.

7.. OTHER APPROVALS

RFS Requirements

Asset Protection Zones

- 7.1. At the issue of subdivision certificate and in perpetuity, all lots within proposed Stage 1 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'.

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- 7.2. At the issue of subdivision certificate and in perpetuity, all residual land zoned as residential within the remainder of the future development shall be managed as an asset protection zone (APZ) 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'.

Water and Utilities

- 7.3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

- 7.4. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

- 7.5. Temporary "T" turning heads shall be provided at the terminus of dead-end roads created in the construction of the individual development designs.

Design and Construction

- 7.6. Any existing buildings within proposed Stage 1 are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

NSW Office of Water

- 7.7. The proponent shall apply for and obtain a controlled activity approval from the NSW Office of Water for any controlled activity to be carried out on waterfront land.
- 7.8. Compliance with the attached General Terms of Approval (GTA) (REF 20ERM2014/0010) issued by the NSW Office of Water for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act)
- 7.9. The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.
- 7.10. In relation to the proposed use of the existing dam for domestic water supply, the applicant must obtain the appropriate approvals or provide evidence that the appropriate approvals are currently held under the Water Management Act 2000 in relation to any proposed water use, prior to the issue of a construction certificate.

8.. ADVICE

- 8.1. The public authorities may have separate requirements and should be consulted 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 *Energy Australia* 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.

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- e *Gosford City Council* in respect to the location of water, sewerage and drainage services.

- 8.2. All work carried out under this Consent should be done 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.
- 8.3. Any water or sewer works are to be undertaken with the consent of Council. Application is to be made with Council under the provisions of Section 68 of the Local Government Act 1993 prior to commencement of any works on the site.
- 8.4. 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.111.1100.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.

- 8.5. All work carried out under this Consent should be done in accordance with WorkCover requirements including the Occupational Health and Safety Act 2000 No 40 and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- 8.6. It is an offence under the National Parks and Wildlife Act 1974 to knowingly disturb an Aboriginal object or artifact without consent.
- 8.7. It is the sole responsibility of the owner, builder and developer, to ensure that the proposed building or works complies 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. Whilst this development consent issued by Council is in accordance with the relevant provisions of the current *Building Code of Australia*, it does not indicate nor confirm that the application complies with the requirements of the DDA.

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- 8.8. Developers should make early application for a Section 307 Certificate under the Water Management Act 2000 from the Water Authority (Council). For a copy of the application form 'Application for Certificate under Section 305' contact Customer Service on (02) 4325 8200 or visit Councils web site www.gosford.nsw.gov.au to download a form from the Water & Sewerage forms index.
- 8.9. Should the proponent fail to obtain a Licence and Notice of Decision under WICA and require connection to Councils water supply and sewerage reticulation systems then the proponent would need to lodge a section 96 application to modify the development consent.

The following conditions shall apply:

- Connection of the proposed development to Councils water and sewer reticulation systems shall be subject to the existing water and sewer systems having sufficient capacity to accommodate the proposed development. The applicant shall be responsible for undertaking a water and sewer systems capacity analysis. The analysis shall extend to a point within the water supply and sewerage reticulation systems where proposed demands / loads from the development represent 5% or less of the total capacity of the respective systems. The analysis shall assess the impact of the proposed development on Council's existing water and sewerage reticulation systems. The capacity analysis shall be carried out in accordance with the WSAA method for determining system capacity and shall be based upon full development of the area serviced by the water and sewer systems utilising the current land zonings without the development and a second analysis with the inclusion of additional demands / loads created by the proposed development.
- The developer shall be responsible for the design and full cost of augmentation to both water supply and sewerage reticulation systems required as a result of extra loading from proposed development. In addition, augmentation works may need to be completed before Council could allow connection of the development to the water supply and sewerage systems.
- Payment of the current water and sewer headworks and augmentation contributions, in accordance with Council's policy.
- The applicant shall be responsible for the design and construction of water supply and sewerage works required to connect the development to Councils existing water supply and sewerage systems. The water and sewer designs must be submitted to Council for approval and shall be in accordance with Council's water and sewer design standards.
- The applicant shall be responsible for the design and construction of water supply and sewerage works within the development site. The water and sewer designs must be submitted to Council for approval and shall be in accordance with Council's water and sewer design standards.

9.. 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.

10.. RIGHT OF APPEAL

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



Narara Ecovillage Co-operative Ltd
25 Research Road Narara NSW 2250
ABN 86 789 868 574

Appendix 3.5.1.4

GCC Cluster lot 36 Consent



Telephone (02) 4325 8222

Please Quote

DA 44899/2013

7 April 2014

Gosford City Council

Narara Ecovillage Co-Operative Ltd
2/83 Ramsgate Ave
BONDI NSW 2026

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DX 7211 Gosford

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www.facebook.com/likemygosford
www.twitter.com/mygosford

ABN 78 303 458 861

Notice of Determination of a Development Application
issued under the *Environmental Planning and Assessment Act, 1979*
section 81(1)(a)

Development Application No: 44899/2013 Part 1

Applicant: Narara Ecovillage Co-Operative Ltd

Property: LOT: 13 DP: 1126998 No 25 Research Road NARARA

Proposal: Demolition of Existing Structures & Construct 17 Cluster Houses & Associated Infrastructure & Landscaping Works

Date from which this consent operates

Subject to Section 83 of the Act this consent becomes effective and operates from 7 April 2014.

Consent to Lapse on

Five (5) Years from date of Consent.

Imposition of Conditions

Subject to the provisions of Section 80A of the Act this Consent has been granted subject to conditions annexed to this consent.

On behalf of the consent authority
Paul Anderson
General Manager

Per: *D Spithill*

Date: 7 April 2014

1.. PARAMETERS OF THIS CONSENT

1.1. Approved Plans and Supporting Documents

The development shall be implemented 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: James Stockwell/ Kirsten Hay
Landscape Plan by: McGregor Coxall

Drawing	Description	Sheets	Date
A-1.02	Site Plan / Demolitions	2	03.12.2013
A-1.03	Site Analysis & Floor Plan	3	03.12.2013
A-1.04	Roof & Shadow Plan Midday Midwinter	4	03.12.2013
A-1.05	Detail Dwelling Plans	5	03.12.2013
A-1.06	Site Sections	6	03.12.2013
A-1.07	Elevations	7	03.12.2013
A-1.08	Elevations	8	03.12.2013
A01 & A02	Landscape Plan	1 & 2	
CGS 2.01	Communal Garbage Store Waste Management Plan		February 2014

Supporting Documentation

Document	Title	Date
	Architectural Statement (J Stockwell/ K.Hay).	18.11.2013
	Waste Management Plan (J Talbott).	20.03.2014
517552M	BASIX Certificate (D. RW Cooper Pty Ltd)	02.12.2013
D12242-4	Site Survey (Chase Burke & Harvey) Sheets 1 to 3	20.01.2008
B132136-2	Bushfire Protection Assessment (G. L. Swain - Australian Bushfire Protection Planners Pty Ltd)	04.12.2013
V4.3	Water Cycle Management Plan (Woodlots and Wetlands Pty Ltd)	02.12.2013
	Arboricultural Impact Assessment (Michael Shaw Consulting Arborist)	29.11.2013
3301	Transport Impact Assessment (Chris Hallam & Associates	04.12.2013

1.2. Building Code of Australia

All building works must be carried out in accordance with the Building Code of Australia.

2.. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

2.1. No activity is to be carried out on site until any Construction Certificate has been issued. Other than:

- a Site investigation for the preparation of the construction, and/or
- b Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

2.2. Modification of details of the development (s80A(1)(g) of the Act)

The *approved plans* must be amended. Any *Construction Certificate* plans and specification, required to be submitted to the *Certifying Authority* pursuant to Clause 139 of the *Regulation*, must detail:

- a Adequate vehicle manoeuvring area is to be provided to permit vehicles to enter and exit car spaces Nos 7 and 8 in a forward manner from northern car park onto internal roadway. Amendments to be made to landscaped area to allow adequate turning area.
- b Laundry facilities comprising at least one washtub and space in the same room for a washing machine to be shown on floor plans for each unit. (Note: A kitchen sink or washbasin must not be counted as a laundry tub)
- c Provide details of sound insulation and fire protection between floors and between units as per BCA requirements.
- d Construction Certificate plans are to be overlaid with swept turning path templates to AS 2890 to demonstrate access for a rear loading, rear dual axle HRV into the waste truck servicing area to allow exit from the site in a forward direction.
- e Details of the waste storage area, sized to accommodate 2 x 1.5m³ bulk bins and 2 x 240 litre MGB's for twice weekly servicing of mixed waste and 2 x 1.5m³ bulk bins and 2 x 240 litre MGB's for twice weekly servicing of recycled waste for 60 residential units.

2.3. The finished surface material, colours and texture of any building and/or hard paved areas must be non-glare. The details of the materials are to be submitted to the principle certifying authority prior to the issue of any Construction Certificate.

2.4. Surface water collected on driveways, parking areas and other impervious areas are to be treated so as to control pollution in accordance with one or more of the methods detailed in Section 10 of the Water Cycle Management Guidelines referenced by DCP 2013 Chapter 6.7 - Water Cycle Management.

2.5. The future dwellings erected in the Cluster Housing precinct shall be located with a separation distance from unmanaged bushfire prone vegetation which maintains the maximum level of bushfire construction standard requirement to BAL 29. All dwellings located within 100m of the bushfire prone vegetation shall be constructed to a minimum standard of with Bushfire Attack Level (BAL) 12.5 as prescribed by AS3959 - 2009 - *Construction of buildings in bushfire prone areas*. Furthermore, depending on the required BAL, the development is to incorporate additional construction requirements that are contained in *subsection A3.7 - Additional Construction Requirements*, of the document produced by the NSW Rural Fire Service and known as *Addendum: Appendix 3 - Planning for bushfire protection 2010*.

Details demonstrating compliance with this condition are to be incorporated within the documentation associated with any construction certificate.

2.6. Satisfactory arrangements must be made for the provision of water and sewer services to the land. A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority (Council) prior to the issue of the Construction Certificate.

2.7. Design of the following engineering works within private property:

- a Driveways/ramps and car parking areas must be designed according to the requirements of the current Australian Standard AS2890 for the geometric designs, and industry Standards for pavement designs.

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- b Access roads within the Cluster Housing precinct shall be constructed to comply with the specifications of Section 4.1.3(1) of *Planning for Bushfire Protection 2006* with a minimum pavement width of 5.5 metres for two-way internal roads and a minimum pavement width of 3.5 metres for the one-way internal roads. Parking Bays (minimum 2.6m wide) shall be designed and constructed clear of the road pavement and complying Passing Bays (20m long x 2.0m wide) provided in the locations shown on the Concept Plan.
 - c A stormwater detention system must be designed in accordance with Council's DCP165 - Water Cycle Management and Council's 'GCC Design Specification for Survey, Road and Drainage Works'. The stormwater detention system shall 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 is to be used in the design calculations. An on-site stormwater detention report including an operation and maintenance plan shall accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and/or secondary flowpaths. The onsite detention system/s shall be designed generally in accordance with the 'Water Cycle Management Plan' prepared by Woodlots & Wetlands dated 2 December 2013.
 - d Nutrient/pollution control measures must be designed in accordance with Council's DCP 165 - Water Cycle Management. A nutrient/pollution control report including an operation and maintenance plan shall accompany the design. The nutrient/pollution controls shall be designed generally in accordance with the 'Water Cycle Management Plan' prepared by Woodlots & Wetlands dated 2 December 2013
 - e Piping of all stormwater from impervious areas within the site via an on-site stormwater detention structure/s to internal drainage system associated with community title subdivision.
 - f A fire-fighting water supply shall be provided to the Cluster Housing precinct with Hydrant spacing, sizing and pressure complying with the specifications of Australian Standard A.S. 2419.1 - 2005 and have a flow rate of 10 litres / second. Hydrant locations shall be delineated by blue markers placed on the hydrant side of the centreline of the road pavement.

The design of these details and any associated reports shall be included in any construction certificate.

- 2.8. The applicant shall obtain a licence under the Water Industry Competition Act (WICA) 2006 prior to the issue of a Construction Certificate.
- 2.9. Prior to the issuing of a construction certificate or releasing engineering plans for the subdivision / development works, Council will be issued with a Site Audit Statement by an accredited EPA Auditor stating the land has been remediated and is suitable for its intended land uses.
- 2.10. Details of compliance with Accessibility requirements under the Building Code of Australia and AS4299-1995 are to be submitted with the Construction Certificate.
- 2.11. Prior to the issuing of any construction certificate, the following matters are to be complied with:
 - The completion of all works and infrastructure associated with DA44994/2013, and
 - The registration of the plan of subdivision under DA44994/2013
- 2.12. The proponent must obtain the appropriate approvals or provide evidence that the appropriate approvals are currently held under the Water Management Act 2000 in relation to any proposed water use of the existing dam for domestic water supply prior to the issue of any Construction Certificate.

3.. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. Any construction certificate for the building work is to be issued and the person having the benefit of the development consent must appoint a Principal Certifying Authority prior to the commencement of any building works.

The Principal Certifying Authority (if not the 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 2 days before the building work commences.

- 3.2. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- 3.3. Site works are not to commence until the sediment control measures have been installed in accordance with the approved plans.
- 3.4. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
- a The name, address and telephone number of the principal certifying authority for the work; and
 - b The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c That unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

- 3.5. Temporary closet accommodation being provided throughout the course of building operations by means of a chemical closet complying with the requirements of the Department of Environment and Climate Change.
- 3.6. Public access to the construction site is to be prevented, when building work is not in progress or the site is unoccupied.

These prevention measures must be in accordance with the NSW WorkCover publication titled, '*Site Security and Public Access onto Housing Construction Sites*' and installed prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. The use of barbed wire and/or electric fencing is not to form part of the protective fencing to construction sites.

- 3.7. A suitable hoarding or fence is to be erected between the building or site of the proposed building and any public place to prevent any materials from or in connection with the work, falling onto the public place.

If it is intended or proposed to erect the hoarding or fence on the road reserve or public place, a separate application made under the *Roads Act 1993* will need to be lodged with Council together with the associated fee.

- 3.8. All parking areas shall comply with AS2890.1:2004 and vehicular access near the waste storage area shall comply with AS2890.2:2002
- 3.9. The removal of more than 10 square metres of non-friable asbestos or asbestos containing material must be carried out by a licensed non-friable (Class B) or a friable

(Class A) asbestos removalist. Friable asbestos (of any quantity) must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence.

The person having the benefit of this consent must provide the principal certifying authority with a copy of a signed contract with such licensed removalist before any development pursuant to the development consent commences.

Any such contract must indicate whether any non-friable asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the non friable asbestos material or friable asbestos material is to be delivered.

If the contract indicates that non friable asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

The person having the benefit of the consent must provide the principal certifying authority with a clearance certificate to be prepared by a competent person such as a qualified hygienist at completion of asbestos removal/work from the site.

If a residential premise is a workplace, the licensed asbestos removalist must inform the following persons before licensed asbestos removal work is carried out:

- the person who commissioned the work
- a person conducting a business or undertaking at the workplace
- the owner and occupier of the residential premises
- anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the NSW Work Health and Safety Regulation 2011).

3.10. The Principal Certifying Authority must ensure that all parties/trades working on the site are fully aware of their responsibilities with respect to tree protection conditions.

3.11. Tree Protection measures shall be implemented in accordance with the recommendations of the Arboricultural Impact Assessment for Proposed Lot 36 Cluster housing development, by Michael Shaw, dated 29/11/13.

4.. DURING WORKS

4.1. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall 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.
- 4.2. Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls shall comply with Council's Erosion Sedimentation Control Policy D6.46.
 - 4.3. Should any Aboriginal objects or artefacts be uncovered during works on the site, all works shall cease. The Office of Environment and Heritage shall be contacted immediately and any directions or requirements complied with.
 - 4.4. To minimize the opportunity for crime, the development must incorporate the following:
 - a Adequate lighting to AS1158 is to be provided to common areas.
 - b Landscaping adjacent to mailboxes, pathways and footpaths must not provide for the concealment opportunities for criminal activity.
 - c The communal areas within the development are well lit and designed to minimise areas for concealment and entrapment
 - d The development must be designed to avoid foot holes or natural ladders so as to minimize unlawful access to the premises.
 - e Adequate signage within the development to identify facilities, entry/exit points and direct movement within the development.
 - 4.5. Building materials must not be stored nor construction work carried out on the road reserve unless associated with a separate approval under the *Roads Act 1993*.
 - 4.6. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made is responsible to notify the neighbour and responsible for the protection and preservation of the adjoining allotment of land.
 - 4.7. This development is subject to DCP 2013 Chapter 7.2 – Waste Management. The Waste Management Plan submitted as supporting documentation with this development consent is required to be implemented during all stages of demolition and construction.
 - 4.8. Buildings are to be demolished in a safe and systematic manner in accordance with the requirements of Australian Standard *AS 2601-2001 - Demolition of Structures*, and disposed of in an approved manner.
 - 4.9. No fill permitted beyond the footprint of the building with the exception of vehicular access.
 - 4.10. The Engineering works within private property that formed part of any construction certificate shall be constructed in accordance with the plans and details approved with any construction certificate.
 - 4.11. All internal water, sewer and drainage systems shall be installed in accordance with AS/NZ 3500:2003, the NSW Plumbing Code of Practice 2006 and the Water Supply Code of Australia (Sydney Water Edition) WSA 03-2002.
 - 4.12. To minimize the potential for erosion and sedimentation, fuel management must only remove the aerial parts of plants; roots of all plants must remain so that soil is undisturbed. This constraint will require that this work be undertaken manually in this sensitive zone.

Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out.

The controls shall comply with Council's Code of Practice of Erosion and Sedimentation Control.

- 4.13. Plant species used for landscaping must be restricted to locally native species appropriate to the locality and/or those introduced species that do not have known potential to become environmental weeds.
- 4.14. Stockpile of soil and other material shall be located away from sensitive environmental receptors, and if not to be used immediately, must be covered with an appropriate control such as geotextile fabric.
- 4.15. Any required fill material will only comprise of;

- I Virgin Excavated Natural Material (VENM) as defined under Schedule 1 of the *Protection of the Environment Operations (POEO) Act 1997*.

This definition is as follows:

"virgin excavated natural material" means natural material (such as clay, gravel, sand, soil or rock fines):

- a) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities, and*

(b) that does not contain any sulfidic ores or soils or any other waste,

and/or

- II Excavated Natural Material (ENM) that has been issued with an exemption under the *Protection of the Environment Operations (Waste) Regulation 2005* in accordance with the Excavated Natural Material exemption 2012.

The placement of any other type of fill material other than that defined under VENM or ENM is classified as prohibited under this consent.

- 4.16. The applicant shall provide Council with validation documents verifying and certifying that the material complies with the definition of VENM under Schedule 1 of the *POEO Act 1997* or an exemption issued under the Excavated Natural Material Exemption 2012 if ENM is placed on the land.
- 4.17. Any exposed soil surface areas must be grassed/landscaped to minimise soil erosion.
- 4.18. All external night lighting is to be designed and operated in accordance with the Narara Eco Village Lighting Report (Lighting, Art + Science, Ref: L127P_R01_P1, dated 28 June 2013).
- 4.19. The Ecological Restoration Plan (Robert Payne Ecological Surveys & Management, dated December 2013) is to be implemented.
- 4.20. The Ecological Restoration Plan (Robert Payne Ecological Surveys & Management, dated December 2013) is to be implemented.
- 4.21. Trees to be removed are to be those as recommended for removal within the Arboricultural Impact Assessment for proposed Lot 36 Cluster housing development. Trees must be removed in a manner so as to prevent damage to those trees that are to be

retained. Note: The Landscape plan has inaccuracies and is not to be used in regard to tree removal.

- 4.22. The internal road strength used by the waste trucks must be sufficiently strong enough to withstand a truck loading of 22.5 tonnes.
- 4.23. No obstructions to the wheel out of the waste bins being permitted including grills, speed humps, barrier kerbs etc.
- 4.24. The driveway design and loading area layout is to be designed in accordance with AS 2890.2-2002 Parking Facilities - Off Street Commercial Vehicle Facilities.
- 4.25. The waste truck servicing grade is to be 3% or less for the following areas:
 - Within the enclosure
 - For bulk bin roll out pads
 - Within the 13m bulk bin and truck service area
- 4.26. The screened waste storage enclosure to be located as indicated on Draft Dwg No CGS2.01, dated February 2014.
- 4.27. A maximum gradient of 12.5% to the entry/access driveway to the Waste Storage Area.
- 4.28. Compliance with all commitments as detailed in the Waste Management Plan signed by J. Talbot and the document titled: *"Introduction and general comments regarding Waste Management Plans for Master Plan and Cluster housing DA's for Narara Ecovillage Co-Operative Ltd"*.

5.. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. Application for any Occupation Certificate must be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.
- 5.2. The premises not being occupied until any occupation certificate has been issued.
- 5.3. A concrete kerb, or alternative of similar standard, must be provided to the driveways and around areas of landscaping to prevent encroachment of vehicles.
- 5.4. The driveway, vehicle manoeuvring area and 14 car parking spaces as shown on the approved plan must be properly constructed, graded, drained, sealed and line marked with impervious paving material, in accordance with Australian Standard 2890.1-2004 Off Street Parking.
- 5.5. The street number is to be at least 100mm high and be clearly visible from the street frontage.
- 5.6. Mail receptacles shall be provided and appropriately numbered for each dwelling unit in the development, as well as for the managing body, in consultation with Australia Post.
- 5.7. Prior to the issue of any Occupation Certificate the Principal Certifying Authority must be furnished with a written statement from a recognised Bushfire Consultant certifying that all recommendations and findings of the Bushfire Report prepared by Bushfire Protection Assessment prepared by G. L. Swain - Australian Bushfire Protection Planners Pty Ltd, ref: B132136-2, dated 04.12.2013

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- 5.8. Prior to the issue of any Occupation Certificate an instrument under the Conveyancing Act 1919 must be created on the Certificate of Title establishing a restrictive covenant detailing the areas to be maintained as a Asset Protection Zone in accordance with the Bushfire Report prepared by Bushfire Protection Assessment prepared by G. L. Swain - Australian Bushfire Protection Planners Pty Ltd, ref: B132136-2, dated 04.12.2013. The restriction shall ensure the owner continually maintains the Asset Protection Zone in accordance with the recommendation and findings detailed in the Bushfire Report. The restriction is to be created at the applicants cost with the Council having the sole authority to release or modify.
- 5.9. The requirements of the BASIX certificate 517552M dated 2.12.2013 for development and shown on the approved plans must be complied with prior to the issue of any occupation certificate.
- 5.10. The development shall incorporate a stormwater retention system consisting of either rainwater tanks and/or stormwater tanks (as defined in DCP 2013 Chapter 6.7 -Water Cycle Management) with a minimum total capacity of 15,000 litres, capturing water from at least 90% of the total roof area. The water collected is to be suitably treated and connected to an external tap, all toilet cisterns and cold washing machine tap(s).
- 5.11. A material or device is to be installed to prevent the build up of flammable material (such as leaf matter) within the roof gutters is to be installed. The material or device must have a flammability index of not greater than 5 when tested in accordance with AS1530.2.
- 5.12. Prior to the issue of any occupation certificate, the internal engineering works within private property that formed part of any construction certificate shall be completed in accordance with the plans and details approved with any construction certificate.
- 5.13. Prior to the issue of any Occupation Certificate the Deposited Plan (DP) must be amended 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 shall be defined by bearings and distances shown on the plan.
 - a To create a 'Restriction as to User' over the lot containing on-site stormwater detention system/s and/or nutrient/pollution facilities 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/s 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.

Registered title documents showing the restrictive and positive covenants must be submitted to and approved by the Principal Certifying Authority prior to the issue of any occupation certificate.

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- 5.14. The applicant shall obtain a Notice of Decision to commence commercial operations from the Minister prior to the issue of an Occupation Certificate for the development.
- 5.15. Compliance with all recommendations contained within Section 6 of the Bushfire Protection Assessment prepared by G. L. Swain - Australian Bushfire Protection Planners Pty Ltd, ref: B132136-2, dated 04.12.2013 as follows:

Recommendation 6.1 Asset Protection Zones:

Asset Protection Zones to future dwellings within the Cluster Housing precinct shall be determined to maintain a maximum 29kW/m² radiant heat flux on the exterior of the buildings. This shall apply to the buildings located adjacent to the bushfire prone vegetation to the west. [Refer to Annexure 1 – Plan of Asset Protection Zones].

Recommendation 6.2 Management of the vegetation within the designated Asset Protection Zone:

The Asset Protection Zone to the west of Unit 17 shall be maintained as an Inner Protection Area in accordance with Appendix 5 of Planning for Bushfire Protection 2006 and the NSW Rural Fire Service “Standards for Asset Protection Zones”.

An 88B covenant shall be created on the title of the future strata lots and Community land to ensure the ongoing management of the Asset Protection Zone and residual vegetation within the Cluster Housing precinct.

Should the Cluster Housing precinct be developed prior to the commencement of the adjoining residential allotments the whole of the residual residential zoned land, except for those areas defined as habitat areas/riparian corridors, shall be managed by slashing/grazing to maintain a maximum grass height of 150mm during the designated Bushfire Danger Period [1st October – 31st March or as prescribed].

Recommendation 6.3: Construction Standards to future dwellings:

The future dwellings erected in the Cluster Housing precinct shall be located with a separation distance from unmanaged bushfire prone vegetation which maintains the maximum level of bushfire construction standard requirement to BAL 29.

All dwellings located within 100m of the bushfire prone vegetation shall be constructed to a minimum standard of BAL 12.5 and fitted with non combustible gutter ember protection device.

Recommendation 6.4: Fire-fighting access provisions:

Access roads within the Cluster Housing precinct shall be constructed to comply with the specifications of Section 4.1.3(1) of Planning for Bushfire Protection 2006 with a minimum pavement width of 5.5 metres for two-way internal roads and a minimum pavement width of 3.5 metres for the one-way internal roads. Parking Bays [minimum 2.6m wide] shall be designed and constructed clear of the road pavement and complying Passing Bays [20m long x 2.0m wide] provided in the locations shown on the Concept Plan.

Recommendation 6.5: Water Supplies for Fire-fighting Operations:

A fire-fighting water supply shall be provided to the Cluster Housing precinct with Hydrant spacing, sizing and pressure complying with the specifications of Australian Standard A.S. 2419.1 - 2005 and have a flow rate of 10 litres / second.

Hydrant locations shall be delineated by blue markers placed on the hydrant side of the centreline of the road pavement.

- 5.16. Council will require an indemnity 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 prior to the issue of any Occupation Certificate

together with the creation of a S88B instrument under the Conveyancing Act to this effect and at the applicant's cost.

6.. ONGOING OPERATION

- 6.1. No materials, waste matter or products shall be stored outside the building or the approved waste storage area, at any time.
- 6.2. All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads.
- 6.3. Fourteen (14) car parking spaces are to be physically identified on site, and maintained free of obstruction. These spaces are not to be used for the storage of goods or waste products.
- 6.4. No cooking facilities or sanitary fittings other than those indicated on the approved plan being installed in the building.
- 6.5. The operation of all mechanical plant equipment and machinery (i.e. air conditioning unit and/or heat pump) shall not give rise to offensive noise as defined in the Protection of the Environment Operation Act 1997.
- 6.6. Maintenance of the on-site stormwater detention facility in accordance with the operation & maintenance plan.
- 6.7. Maintenance of the nutrient/pollution control facilities in accordance with the operation & maintenance plan.
- 6.8. Waste and recycling bulk waste bins and MGB's to be presented for collection/servicing adjacent to the waste truck servicing location prior to servicing by the residents, caretaker or other internal management arrangement and returned to the screened waste storage enclosures immediately after servicing.
- 6.9. Use of private water supply shall comply with Australian Drinking Water Guidelines. The NSW Health Private Water Supply Guidelines should be followed to assist the operator in managing their water supplies and ensuring the water is safe to use.

7.. OTHER APPROVALS

RFS Requirements

Asset Protection Zones

- 7.1. At the issue of subdivision certificate and in perpetuity, all lots within proposed Stage 1 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'.
- 7.2. At the issue of subdivision certificate and in perpetuity, all residual land zoned as residential within the remainder of the future development shall be managed as an asset protection zone (APZ) 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'.

Water and Utilities

7.3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

7.4. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

7.5. Temporary "T" turning heads shall be provided at the terminus of dead-end roads created in the construction of the individual development designs.

Design and Construction

7.6. Any existing buildings within proposed Stage 1 are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

8.. ADVICE

8.1. The public authorities may have separate requirements and should be consulted 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 *Energy Australia* 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 *Gosford City Council* in respect to the location of water, sewerage and drainage services.

8.2. All work carried out under this Consent should be done 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.

8.3. Any water or sewer works are to be undertaken with the consent of Council. Application is to be made with Council under the provisions of Section 68 of the Local Government Act 1993 prior to commencement of any works on the site.

8.4. 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.111.1100.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.

- 8.5. All work carried out under this Consent should be done in accordance with WorkCover requirements including the Occupational Health and Safety Act 2000 No 40 and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
- 8.6. It is an offence under the National Parks and Wildlife Act 1974 to knowingly disturb an Aboriginal object or artifact without consent.
- 8.7. It is the sole responsibility of the owner, builder and developer, to ensure that the proposed building or works complies 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. Whilst this development consent issued by Council is in accordance with the relevant provisions of the current *Building Code of Australia*, it does not indicate nor confirm that the application complies with the requirements of the DDA.

- 8.8. Developers should make early application for a Section 307 Certificate under the Water Management Act 2000 from the Water Authority (Council). For a copy of the application form 'Application for Certificate under Section 305' contact Customer Service on (02) 4325 8200 or visit Council's web site www.gosford.nsw.gov.au to download a form from the Water & Sewerage forms index.
- 8.9. Should the proponent fail to obtain a Licence and Notice of Decision under WICA and require connection to Council's water supply and sewerage reticulation systems then the proponent would need to lodge a section 96 application to modify the development consent.

The following conditions shall apply:

- Connection of the proposed development to Council's water and sewer reticulation systems shall be subject to the existing water and sewer systems having sufficient capacity to accommodate the proposed development. The applicant shall be responsible for undertaking a water and sewer systems capacity analysis. The analysis shall extend to a point within the water supply and sewerage reticulation systems where proposed demands / loads from the development represent 5% or less of the total capacity of the respective systems. The analysis shall assess the impact of the proposed development on Council's existing water and sewerage reticulation systems. The capacity analysis shall be carried out in accordance with the WSAA method for determining system capacity and shall be based upon full development of the area serviced by the water and sewer systems utilising the current land zonings without the development and a second analysis with the inclusion of additional demands / loads created by the proposed development.

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- The developer shall be responsible for the design and full cost of augmentation to both water supply and sewerage reticulation systems required as a result of extra loading from proposed development. In addition, augmentation works may need to be completed before Council could allow connection of the development to the water supply and sewerage systems.
 - Payment of the current water and sewer headworks and augmentation contributions, in accordance with Council's policy.
 - The applicant shall be responsible for the design and construction of water supply and sewerage works required to connect the development to Council's existing water supply and sewerage systems. The water and sewer designs must be submitted to Council for approval and shall be in accordance with Council's water and sewer design standards.
 - The applicant shall be responsible for the design and construction of water supply and sewerage works within the development site. The water and sewer designs must be submitted to Council for approval and shall be in accordance with Council's water and sewer design standards.

9.. 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.

10.. REVIEW OF DETERMINATION

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

11.. RIGHT OF APPEAL

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

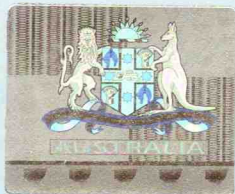


Narara Ecovillage Co-operative Ltd
25 Research Road Narara NSW 2250
ABN 86 789 868 574

Appendix 3.5.1.5

Narara Dam Water Access Licence

BOX 1W
(AH936187)



NEW SOUTH WALES

CERTIFICATE OF TITLE

WATER MANAGEMENT ACT, 2000



WAL TITLE REFERENCE	
WAL16886	
EDITION	DATE OF ISSUE
3	5/6/2014
CERTIFICATE AUTHENTICATION CODE	
SD97-TG-DDPC	

This certificate is issued under s87B of the Water Management Act, 2000.



WARNING NOTE: INFORMATION ON THIS REGISTER IS NOT GUARANTEED

TENURE TYPE: CONTINUING

HOLDER(S)

NARARA ECOVILLAGE CO-OPERATIVE LIMITED

(T AH936187)

ENCUMBRANCES

1. TERM TRANSFER: NIL

ACCESS LICENCE DETAILS

CATEGORY: UNREGULATED RIVER

SHARE COMPONENT:

SHARE - 29 UNITS

WATER SOURCE - BRISBANE WATER WATER SOURCE

WATER SHARING PLAN - CENTRAL COAST UNREGULATED WATER SOURCES 2009

EXTRACTION COMPONENT:

TIMES/RATES/CIRCUMSTANCES - SUBJECT TO THE CONDITIONS OF THE WATER
ACCESS LICENCE

EXTRACTION FROM - RIVER, LAKE OR SURFACE WATER RUNOFF

EXTRACTION ZONE - BRISBANE WATER MANAGEMENT ZONE

NOMINATED WORKS:

WORK APPROVAL NUMBER(S) - 20CA205551

INTERSTATE TAGGING ZONE - NIL

CONDITIONS

LICENCE CONDITIONS FORM A PART OF THIS LICENCE AND AFFECT THE SHARE
AND EXTRACTION COMPONENTS. CONDITION STATEMENTS ARE AVAILABLE FROM
THE NSW OFFICE OF WATER (NOW).

NOTES

A WATER LICENCE INFORMATION SHEET IS AVAILABLE FROM THE NSW OFFICE OF
WATER (NOW) AND SHOULD BE REFERRED TO IN INTERPRETING THIS LICENCE.
NOW WEBSITE WWW.WATER.NSW.GOV.AU, PHONE 1800 353 104, EMAIL
INFORMATION@WATER.NSW.GOV.AU
NOW REFERENCE NUMBER: 20AL205550
PREVIOUS WATER ACT LICENCE NUMBER(S): 20SL045159.

**** END OF CERTIFICATE ****

ANY ATTEMPT TO ALTER THIS CERTIFICATE COULD RESULT IN HEAVY FINES OR IMPRISONMENT (S.141 REAL PROPERTY ACT).