

Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation dated 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Keiran Thomas
Director
Regional Assessments

Sydney

6 October 2022

SCHEDULE 1

Application Number:	DA 21/14808
Applicant:	Brisbane Water (NSW) Legacy
Consent Authority:	Minister for Planning
Site:	Lot 51 DP 732632 and Lot 8 DP 218157 51-57 & 59 Masons Parade, Point Frederick
Development:	The redevelopment of the existing Legacy Seniors Living Village involving demolition of existing buildings, construction of a residential flat building containing 54 self-contained apartments, an office, community facilities, landscaping, carparking, signage and subdivision of the land.

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DEFINITIONS

Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but which do not form a part of this consent
Applicant	Brisbane Water (NSW) Legacy or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Certifier	A Council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	The carrying out of works for the purpose of the development, and erection of buildings and other infrastructure permitted by this consent
Council	Central Coast Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in Schedule 1, the SEE, Response to Submissions and additional information, for the redevelopment of a seniors living facility, as modified by the conditions of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i> (now <i>Environmental Planning and Assessment Regulation 2021</i>)
Feasible	Means what is possible and practical in the circumstances
GFA	Gross Floor Area
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An item as defined under the Heritage Act 1977, and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the National Parks and Wildlife Act 1974, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, Material Harm and which may or may not be, or cause, a non-compliance
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)

Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction
Operational readiness work	Use of the completed areas of the development by school staff to prepare for the operation of the development
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the Application, titled ' <i>Response to Request for Further Information Proposed Redevelopment of Brisbane Water Legacy Seniors Village</i> ' prepared by JW Planning dated 11 March 2022.
SEE	The Statement of Environmental Effects titled ' <i>Proposed Redevelopment of Existing Legacy Seniors Living Village involving Demolition, Construction of 54 Self Contained Apartments including Administration and Community Facilities, Landscaping and Car Parking, and Subdivision of the Land</i> ', prepared by JW Planning dated October 2021, submitted with the application for consent for the development, including any additional information or reports provided by the Applicant in support of the application.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1
Site Auditor	A site auditor accredited pursuant to section 4 of the Contaminated Land Management Act 1997
Site Audit Report	A site audit report prepared pursuant to section 4 of the Contaminated Land Management Act 1997
TfNSW	Transport for New South Wales
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

Terms of Consent

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the SEE, Response to Submissions and additional information;
 - (d) in accordance with the management and mitigation measures; and
 - (e) in accordance with the approved plans in the table below (except where modified by the conditions of this consent):

Architectural Plans prepared by Integrated Design Group			
Dwg No.	Rev	Name of Plan	Date
0002	A	Site Analysis	21/9/21
0003	A	BASIX Commitments	10/9/21
0004	A	BASIX Commitments	10/9/21
0100	U	Site Plan	17/6/22
0200	A	Demolition Plan	10/9/21
1100	W	Ground Floor Plan	19/9/22
1101	T	First Floor Plan	10/9/21
1102	S	Second Floor Plan	10/9/21
1103	S	Third Floor Plan	10/9/21
1104	S	Fourth Floor Plan	10/9/21
1105	S	Fifth Floor Plan	10/9/21
1106	Q	Sixth Floor Plan	10/9/21
1107	B	Roof Plan	10/9/21
2000	M	West Elevation	19/9/22
2001	M	North Elevation	16/6/22
2002	K	South Elevation	10/9/21
2003	L	East Elevation	10/9/21
3000	E	Section A	10/9/21
3001	E	Section B	10/9/21
9100	E	Shadow Diagrams	10/9/21
9101	E	Sunlight Study 01	12/7/22
9102	C	Sunlight Study 02	10/9/21
9103	C	Sunlight Study 03	10/9/21
9104	C	Sunlight Study 04	10/9/21
9300	C	External Finishes Schedule	10/9/21
9211	1	Signage	19/9/22

Survey Plan prepared by Bannister & Hunter			
Dwg No.	Rev	Name of Plan	Date
16195-02c Sheet 1	B	Plan of Detail Survey of Lot 51 DP 732632	21/7/2020
16195-02c Sheet 2	B	Plan of Detail Survey of Lot 51 DP 732632	21/7/2020
Subdivision Plans prepared by Bannister & Hunter			
Dwg No.	Rev	Name of Plan	Date
16195-03c Sheet 1	A	Lot Layout with Proposed Demolition	31/8/2021
16195-03c Sheet 2	A	Lot Layout with Proposed Architectural Site Plan	31/8/2021
Landscape Plans prepared by Site Design + Studios			
Dwg No.	Rev	Name of Plan	Date
L-0100	L	Site Plan	20/6/21
L-0101	L	Hose Location	20/6/21
L-1100	L	Ground Floor Landscape Plan	20/6/21
L-1101	L	Rear Park Landscape Plan	20/6/21
L-1102	L	First Floor Landscape Plan	20/6/21
L-1103	L	Second Floor Landscape Plan	20/6/21
L-1104	L	Third Floor Landscape Plan	20/6/21
L-1105	L	Fourth Floor Landscape Plan	20/6/21
L-1106	L	Fifth Floor Landscape Plan	20/6/21
L-1107	L	Sixth Floor Landscape Plan	20/6/21
L-2100	L	Planting Schedules & Details	20/6/21
L-2101	L	Material Intent Images	20/6/21
Stormwater Management Plans prepared by Northrop			
Dwg No.	Rev	Name of Plan	Date
C1.1	B	Cover Sheet, Drawing List and Locality Plan	15/9/21
C2.1	E	Concept Sediment & Erosion Control Plan	21/6/21
C2.2	B	Sediment and Erosion Control Details	15/9/21
C4.1	F	Stormwater Management & Levels Plan	21/6/21
C5.1	C	Long Sections & Cross Sections Sheet 1	17/6/21
C6.1	D	Vehicle Swept Paths	21/6/21

- (f) generally in accordance with the following documents:
- (i) Proposed Redevelopment of Existing Legacy Seniors Living Village Statement of Environmental Effects prepared by JW Planning Pty Ltd dated October 2021;
 - (ii) Urban Design Analysis prepared by Integrated Design Group dated 5 August 2021;
 - (iii) Concept Stormwater Management Plan prepared by Northrop dated 15 September 2021;
 - (iv) Detailed Site Contamination Investigation prepared by Alliance Geotechnical dated 30 June 2020;
 - (v) Geotechnical Investigation and Hydrogeological Report prepared by Alliance Geotechnical dated 14 September 2021;
 - (vi) Acid Sulfate Soils Management Plan prepared by Alliance Geotechnical dated 26 October 2021;
 - (vii) Acid Sulfate Soils Assessment prepared by Alliance Geotechnical dated 29 July 2020;
 - (viii) Targeted Groundwater Assessment prepared by Alliance Geotechnical dated 25 October 2021;
 - (ix) Hazardous Materials Survey and Management Plan prepared by Safe Work & Environments dated 24 March 2021;
 - (x) Traffic Impact Assessment prepared by SECA Solution dated 20 September 2021;
 - (xi) Acoustic Assessment prepared by Harwood Acoustics dated 20 September 2021;
 - (xii) Building Code of Australia Compliance Assessment prepared by Group DLA dated 22 September 2021;
 - (xiii) Crime Risk Assessment prepared by JW Planning Pty Ltd dated July 2021;

- (xiv) Disability Access Assessment prepared by Access-i dated 16 September 2021;
- (xv) Social Impact Assessment prepared by JW Planning Pty Ltd dated July 2021;
- (xvi) Operational Waste Management Plan prepared by Universal Foodservice Designs dated 22 September 2021;
- (xvii) Response to Request for Further Information (Response to Submissions) prepared by JW Planning Pty Ltd dated 11 March 2022;
- (xviii) Response to 2nd and 3rd Request for Further Information prepared by JW Planning Pty Ltd dated 4 July 2022;
- (xix) Flood Emergency Response and Evacuation Plan prepared by Northrop dated 20 June 2022;
- (xx) Flood Impact Assessment Memorandum prepared by Northrop dated 19 May 2022; and
- (xxi) BASIX Certificate as follows:

Certificate Number	Date	Project Name	Address
1208019M	16 September 2021	16073	51-57 Masons Parade Point Frederick 2250

*Where a new BASIX certificate is issued for the project (following detailed design), the old and new certificates must be presented to the Certifier for comparison. The new BASIX certificate must equal or exceed the energy and water targets on the old certificate.

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in this consent, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.
- A6. This consent does not approve:
- (a) demolition of buildings other than those approved in the Demolition Plan dated 10/9/21 prepared by Integrated Design Group approved in Condition A2.
- Separate development application(s) must be lodged, and consent obtained, for the above works and uses (except where consent is not required under an Environmental Planning Instrument or exempt and complying development applies).

Prescribed Conditions

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the *EP&A Regulation*.

Long Service Levy

- A8. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Planning Secretary as Moderator

- A9. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

Evidence of Consultation

- A10. Unless otherwise agreed by the Planning Secretary, where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) The evidence must include:
 - (i) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;
 - (ii) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them;
 - (iii) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
 - (iv) outline of the issues raised by the identified party and how they have been addressed; and
 - (v) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.

Staging

- A11. The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).
- A12. A Staging Report prepared in accordance with condition A11 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A13. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A14. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

Staging, Combining and Updating Strategies, Plans or Programs

- A15. The Applicant may:
- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program); and
 - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans, including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans, including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development.
- A16. Any strategy, plan or program prepared in accordance with Condition A15, where previously approved by the Planning Secretary under this consent, must be re-submitted to the satisfaction of the Planning Secretary.

- A17. If the Planning Secretary agrees or directs, a strategy, plan (including management plan, architectural or design plan), or program, may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A18. Updated strategies, plans (including management plan, architectural or design plan), or programs, supersede their previous versions and must be implemented in accordance with the relevant condition(s) which require(s) the strategy, plan, program or drawing.

Structural Adequacy

- A19. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the Building Code of Australia (BCA).

Notes:

Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.

Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

External Walls and Cladding

- A20. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

External Materials

- A21. The external colours, materials and finishes of the buildings must be consistent with the approved plans referenced in Condition A2. Any minor changes to the colour and finish of approved external materials may be approved by the Certifier, provided that:
- (a) the alternative colour/material is of a similar tone/shade and finish to the approved, external colours/building materials;
 - (b) the quality and durability of any alternative material is the same standard as the approved, external building materials; and
 - (c) a copy of any approved changes to the external colours and/or building materials is provided to the Planning Secretary for information.
- A22. The building materials used on the facades of the buildings shall have a maximum, normal specular reflectivity of visible light of 20 per cent and shall be designed so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers. A report/statement demonstrating compliance with those requirements is to be submitted to the satisfaction of the Certifier prior to the issue of any relevant Construction Certificate for above ground façade works.
- A23. Prior to the issue of any relevant Construction Certificate, a report/statement demonstrating compliance with the recommendations for the roof, floors, walls, glazed doors and windows outlined in the Acoustical Assessment Rev. A, prepared by Harwood Acoustics, dated 20 September 2021, is to be submitted to the satisfaction of the Certifier.

Applicability of Guidelines

- A24. References in the conditions of this consent, to any guideline, protocol, Australian Standard, or policy, are to such guidelines, protocols, Standards or policies in the form as at the date of this consent.
- A25. Notwithstanding Condition A24, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Access to Information

- A26. At least 48 hours before the commencement of construction and until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in Condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;

- (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;
 - (ix) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary and publicly available for 24 months after the commencement of operation.

Compliance

A27. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

A28. The Applicant must notify the Planning Secretary in writing to compliance@planning.nsw.gov.au, immediately after they become aware of any incident. The notification must identify the development (including the development application number and the name of the development, if it has one) and set out the location and nature of the incident.

A29. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

Non-Compliance Notification

A30. The Applicant must notify the Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au, within seven days after they become aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au, within seven days after they identify any non-compliance.

A31. The notifications must identify the development and its application number, the condition of consent with which the development is non-compliant, the way in which it does not comply, the reasons for the non-compliance (if known), and the actions which have been, or will be, undertaken to address the non-compliance.

A32. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

A33. Within three months of:

- (a) the submission of an incident report under Conditions A28 and A29; or
- (b) the approval of any modification of the conditions of this consent; or
- (c) the issue of a direction of the Planning Secretary under Condition A2 which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.

A34. If necessary, to either, improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (but only where previously approved by the Certifier and if the condition allows). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the completion of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and incorporate any recommended measures to improve the environmental performance of the development.

Compliance Reporting

A35. A Pre-Construction Compliance Report must be prepared for the development and submitted to the Certifier for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Planning Secretary at compliance@planning.nsw.gov.au before the commencement of construction.

A36. The Pre-Construction Compliance Report must include:

- (a) details of how the terms of this consent that must be addressed before the commencement of

- construction have been complied with; and
 - (b) the expected commencement date for construction.
- A37. Construction Compliance Reports must be submitted to the Planning Secretary at compliance@planning.nsw.gov.au for information, every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six- month period for the duration of construction of the development, or such other timeframe as required by the Planning Secretary.
- A38. The Construction Compliance Reports must include:
- (a) results summary and analysis of environmental monitoring;
 - (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
 - (c) details of any review of the CEMP and associated sub-plans as a result of construction carried out during the reporting period;
 - (d) a register of any modifications undertaken and their status;
 - (e) a summary of all incidents notified in accordance with this consent; and
 - (f) any other matter relating to compliance with the terms of this consent or as requested by the Planning Secretary.

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE OR A SUBDIVISION WORKS CERTIFICATE

No Works Prior To Certification

- B1. Building work must not commence until a relevant Construction Certificate has been issued. Subdivision work must not commence until a relevant Subdivision Works Certificate is issued. Demolition may commence when the Certifier is satisfied that all pre-requisite conditions to demolition are met.

All Conditions Under This Section to be Met

- B2. All relevant conditions under this section must be met prior to the issue of any relevant Construction Certificate or Subdivision Works Certificate.

Appointment of Certifier

- B3. Prior to the issue of any relevant Construction Certificate or Subdivision Works Certificate, the Applicant must:
- (a) appoint a Certifier in accordance with the relevant provisions of the EP&A Act and EP&A Regulation, and
 - (b) The Certifier must submit to the Planning Secretary and Council, an "Appointment of Certifier".

Long Service Levy

- B4. Prior to the issue of any relevant Construction Certificate or Subdivision Works Certificate, the Applicant must provide evidence to the Certifier that any long service levy payable under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (NSW) (or, where such a levy is payable by instalments, the first instalment of the levy) has been paid.

Development Contributions

- B5. Prior to the issue of the first Construction Certificate or Subdivision Works Certificate, whichever occurs first for the proposed development, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act (former Section 94A). Certifiers are required to obtain a document from Council confirming the payment of infrastructure contributions prior to the issue of an occupation certificate.
- B6. A Construction Certificate or Subdivision Works Certificate shall not be issued unless Council and the Planning Secretary have confirmed in writing, that all contributions have been paid.

Special Infrastructure Contributions

- B7. The Applicant must obtain a determination from the Planning Secretary as to whether a special infrastructure contribution is required to be made under the Environmental Planning and Assessment (Special Infrastructure Contribution – Gosford City Centre) Determination 2018 (2018 Determination). The Applicant must obtain a determination before the time by which, a special infrastructure contribution, if made as a monetary contribution, would have to be paid under the 2018 Determination.

To assist the Planning Secretary in making a determination, the Applicant is to provide the Planning Secretary with a current estimate of the proposed cost of carrying out the development, as referred to in the 2018 Determination.

If the Planning Secretary determines that a special infrastructure contribution is required to be made under the 2018 Determination, the Applicant must make a contribution in accordance with the Determination (as in force at the date of this consent).

A person may not apply for a construction certificate in relation to development the subject of this consent unless the person provides, in connection with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made, or that arrangements are in force for the making of the contribution.

In this condition:

developer means the person having the benefit of this development consent, and

Planning Secretary means the Secretary of the Department of Planning and Environment.

More information

A request for assessment by the Department of Planning and Environment, of the amount of the special infrastructure contribution required under this condition, can be made through the NSW Planning portal (<https://www.planningportal.nsw.gov.au/special-infrastructure-contributionsonline-service>). Please refer enquiries to SIContributions@planning.nsw.gov.au.

Building Code of Australia Compliance

- B8. The proposed works must comply with the applicable Performance Requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity, for the ongoing benefit of the community. Compliance with the Performance Requirements can only be achieved by:
- (a) compliance with the Deemed to Satisfy Provisions of the BCA; or
 - (b) Performance Solution which demonstrates:
 - (i) compliance with all relevant Performance Requirements of the BCA or
 - (ii) the solution is at least equivalent to the Deemed to Satisfy Provisions; or
 - (c) a combination of B8 (a) and (b) above.

Prior to the issue of the first Construction Certificate, a report detailing compliance with the BCA must be submitted to the satisfaction of the Certifier, including the office.

Maximum Height

- B9. The maximum height of the approved building/s must not exceed RL 26.550 m AHD, excluding plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details confirming compliance must be submitted to the Certifier prior to the issue of any relevant Construction Certificate.

Gross Floor Area (GFA) Certification

- B10. The GFA of the building must not exceed 4,573.25 m². Details confirming compliance prepared by a registered surveyor must be submitted to the Certifier prior to the issue of a relevant Construction Certificate.

Operational Noise – Design of Mechanical Plant and Equipment

- B11. Prior to the issue of any relevant Construction Certificate, the Applicant must prepare and submit a detailed noise assessment of mechanical plant and equipment to the satisfaction of the Planning Secretary and provide a copy to the Certifier.
- B12. Prior to installation of mechanical plant and equipment:
- (a) a detailed assessment of mechanical plant and equipment compliance with the relevant, project noise trigger levels, as recommended in the approved acoustic assessment required by Condition B11, must be undertaken by a suitably qualified person; and
 - (b) evidence must be submitted to the Certifier that any noise mitigation recommendations identified in the assessment carried out under Condition B12(a) have been incorporated into the design to ensure the development will not exceed the recommended project noise trigger levels identified in the noise assessment required by Condition B11.

Operational Waste Storage and Processing

- B13. Prior to the issue of any Construction Certificate which includes the operational waste storage and processing areas, the waste collection pick-up services proposed to be undertaken by Council and/or any private contractor for the development, are to be approved by Council's Waste Management Services. Full details are to be included in documentation for a Construction Certificate application, and evidence of the design and Council endorsement must be provided to the Certifier.

Car Parking and Service Vehicle Layout

- B14. Prior to the issue of any relevant construction certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to the Certifier that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the Site in a forward direction;
 - (b) 48 on-site car parking spaces are included for use during operation of the development, and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
 - (c) four (4) of the above car parking spaces are to be nominated for commercial use only;
 - (d) the swept path of the longest vehicle entering and exiting the Site in association with the new work, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2;
 - (e) the safety of vehicles and pedestrians accessing adjoining properties, where shared vehicle and pedestrian access occurs, has been addressed; and
 - (f) a 3 m wide, all-weather vehicle access is to be provided from the kerb and gutter to the building under construction, to reduce the potential for soil erosion. Sand shall not be stockpiled on the all-weather vehicle access.

Bicycle Parking

- B15. Prior to the issue of any relevant Construction Certificate, the following design details for the secure bicycle parking and motorcycle parking, must be submitted to the Certifier for approval:
- (a) the provision of a minimum of 2 bicycle parking spaces and 2 motorcycle spaces; and
 - (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of *AS 2890.3:2015 Parking facilities – Bicycle parking*.

Mechanical Plant Noise Mitigation

- B16. Details of noise mitigation measures for all mechanical plant are to be detailed on the relevant Construction Certificate drawings. Certification from an appropriately qualified acoustic engineer, that the proposed measures will achieve compliance with the requirements of the *NSW EPA Noise Policy for Industry*, must be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

Mechanical Ventilation

- B17. All mechanical ventilation systems shall be designed and installed in accordance with the BCA and shall comply with *Australian Standards AS1668.2 and AS3666 – Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details of all mechanical ventilation systems shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

Roadworks and Access

- B18. Prior to the issue of any relevant Construction Certificate or Subdivision Works Certificate for roadworks and access (if any), the Applicant must submit design plans to the satisfaction of the relevant roads authority for approval.

Outdoor Lighting

- B19. All outdoor lighting within the site shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. The Applicant must provide mitigation measures to manage any residual night lighting impacts, to protect properties adjoining or adjacent to the development, in consultation with affected landowners.
- B20. Details demonstrating compliance with the Condition B19, must be submitted to the Certifier prior to the issue of the relevant Construction Certificate or Subdivision Works Certificate.

Flood Level Plans

- B21. Prior to the issue of the first Construction Certificate, detailed plans are to be submitted to the satisfaction of the Certifier, which identify that the minimum floor level achieves the minimum floor level in Council's Flood Certificate for the site.
- B22. The floor level of occupiable rooms in all proposed buildings or building additions, is to be verified as no lower than 2.78 m Australian Height Datum, on plans for a Construction Certificate application.

Disability Access

- B23. The following instruments describe building standards relevant to promoting accessibility for persons with a disability:

- (a) the *Disability Discrimination Act 1992* (Cth);
- (b) the Disability (Access to Premises – Buildings) Standards 2010; and
- (c) the BCA,

(together, the 'relevant provisions').

Prior to the issue of any relevant Construction Certificate, the Applicant must provide the Certifier with appropriate plans and specifications demonstrating compliance with the above instruments, and that the works proposed as part of the Development will comply with the relevant provisions, in accordance with the approved use, as a seniors housing development.

A copy of the documents relied upon, shall be referenced in the Construction Certificate.

BASIX

- B24. The BASIX Commitments and specifications outlined in the BASIX certificate shall be shown on the Construction Certificate plans. The plans are to be amended prior to the issue of a Construction Certificate. Pursuant to clause 7A(3) of the EP&A Regulation, it is a condition of this consent, that all the commitments listed in the BASIX certificate for the development are fulfilled. All work is to be satisfactorily completed prior to the issue of the Occupation Certificate.

Seniors Living SEPP

- B25. Prior to the issue of any relevant Construction Certificate, details of compliance with the access and usability standards outlined in Schedule 3 of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* for the development, are to be submitted to the Certifier for approval.

Safer by Design

- B26. Prior to the issue of any relevant Construction Certificate, the Applicant must provide plans to the satisfaction of the Certifier, to implement the following Crime Prevention through Environmental Design (CPTED) principles and strategies, to minimise the opportunities for crime:
- (d) provide adequate lighting to common areas as required under *Australian Standard AS 1158: Lighting for roads and public spaces*
 - (e) paint the ceiling of the car park, white
 - (f) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
 - (g) design the development to avoid foot holes or natural ladders, to minimise unlawful access to the premises
 - (h) provide signage within the development, to identify all facilities, entry / exit points and direct movement within it
 - (i) install a system of Closed Circuit Television of a type, and in locations on the site, which will record high-quality images of all public areas on the site.

Amendments to Plans

- B27. Prior to the issue of any relevant Construction Certificate, plans must be submitted to the satisfaction of the Certifier demonstrating that one visible toilet is included in each dwelling, compliant with the requirements for sanitary facilities of AS 4299.
- B28. Prior to the issue of any relevant Construction Certificate, plans must be submitted to the satisfaction of the Certifier demonstrating that all units kitchens comply with the 1,550 mm clearance between benches, required by Clause 16 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
- B29. Prior to the issue of any relevant Construction Certificate, plans must be submitted to the satisfaction of the Certifier demonstrating that all units have laundry door circulation compliant with AS 1428.1.
- B30. Prior to the issue of any relevant Construction Certificate, plans must be submitted to the satisfaction of the Certifier, with details of the garbage storage room on each floor and their connection to an accessible path of travel.
- B31. Prior to the issue of any relevant Construction Certificate, plans must be submitted to the satisfaction of the Certifier demonstrating that the internal, car park garage door is a roller shutter or tilting door, in accordance with Control 4.5 of *Gosford City Centre Development Control Plan (2018)*.

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION OR WORKS

All Conditions Under this Section to be Met

- C1. All relevant conditions under this section must be met prior to the commencement of any relevant construction or works.

Notification of Commencement

- C2. The Applicant must notify the Planning Secretary in writing, of the dates of the intended commencement of construction and operation, at least 48 hours before those dates.
- C3. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- C4. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier, structural drawings prepared and signed by a suitably qualified, practising Structural Engineer which demonstrate compliance with the consent.

Certified Plans

- C5. Plans certified in accordance with section 6.16 of the EP&A Act are to be submitted to the Certifier and the Planning Secretary prior to commencement of each stage of the works and shall include all details required by any of the following conditions.
- C6. A copy of the Construction Certificate shall be submitted to the Planning Secretary and Council.

Demolition

- C7. Prior to the commencement of demolition and construction, demolition work plans required by AS 2601-2001 *The demolition of structures (Standards Australia, 2001)* must be accompanied by a written statement from a suitably qualified person, that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and statement of compliance must be submitted to the Certifier and Planning Secretary.
- C8. A copy of the demolition work plans required by Condition C7, shall be forwarded to the Department within seven days of submission to the Certifier.
- C9. Prior to the commencement of any demolition works, the Applicant must:
- (a) Provide and maintain a garbage receptacle at the work site until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for food scraps and papers.
 - (b) Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land, by:
 - erecting a silt fence and providing any other necessary sediment control measures to prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - diverting uncontaminated run-off around cleared or disturbed areas, and
 - preventing the tracking of sediment by vehicles onto roads, and
 - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
 - (c) disconnect, seal and make safe, all existing site services prior to the commencement of any demolition on the site. Sewer and water services must be disconnected by a licensed plumber and drainer, and a Start Work Docket submitted to Council's, Plumbing and Drainage Inspector, as the Water and Sewer Authority.
 - (d) erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and keep it in place until after the completion of the works, if the works:
 - (i) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - (ii) could cause damage to adjoining lands from falling objects, or
 - (iii) involve the enclosure of a public place or part of a public place.

Note 1: A structure on public land, or, on or over a public road, requires the prior approval of the relevant authority under the *Local Government Act 1993* or the *Roads Act 1993*, respectively.

Note 2: The *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011*, contain provisions relating to scaffolds, hoardings and other temporary structures.

- C10. Prior to any demolition works, the Applicant must prepare a dilapidation report identifying the condition of all heritage items in the vicinity of the site (including items of local heritage significance under clause 5.10,

Schedule 5 of the Gosford SEPP - Items 326, 327 and 145); and submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

External Walls and Cladding

- C11. The external walls of all buildings, including additions to existing buildings, must comply with the relevant requirements of the BCA.
- C12. Prior to the commencement of construction, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use, or used in the construction of external walls, including finishes and claddings, such as synthetic or aluminium composite panels, comply with the requirements of the BCA.
- C13. The Applicant must provide a copy of the documentation given to the Certifier under Condition C12, to the Planning Secretary, within seven days after the Certifier accepts it.

Protection of Public Infrastructure

- C14. Prior to the commencement of construction, the Applicant must:
 - (a) consult with the relevant owner and provider of services which are likely to be affected by the development, to make suitable arrangements for access to, diversion, protection, and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters, and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- C15. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.

Pre-Construction Survey – Adjoining Properties

- C16. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential and heritage listed buildings that are likely to be impacted by the development.
- C17. Where the offer for a pre-construction survey is accepted (under Condition C16), the Applicant must arrange for a survey to be undertaken by a suitably qualified and experienced expert, prior to the commencement of vibration generating works which could impact on the identified buildings.
- C18. Prior to the commencement of any vibration generating works which could impact on the buildings surveyed under Condition C17, the Applicant must:
 - (e) provide a copy of the relevant survey to the owner of each residential building surveyed, in the form of a Pre-Construction Survey Report;
 - (f) submit a copy of the Pre-Construction Survey Report to the Certifier; and
 - (g) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

Community Communication Strategy

- C19. A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, Council and the community (including adjoining, affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development, and for a minimum of 12 months following the completion of construction.
- C20. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to, and approved by, the Planning Secretary prior to the commencement of construction, or within another timeframe agreed with the Planning Secretary. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, Council, and the community (including adjoining, affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.

The Community Communication Strategy must:

- (b) identify people to be consulted during the design and construction phases;
- (c) set out procedures and mechanisms for the regular distribution of accessible information about, or relevant to, the development;
- (d) provide for the formation of community-based forums, if required, which focus on key environmental management issues for the development;
- (e) set out procedures and mechanisms:
 - (i) through which the community can discuss or provide feedback to the Applicant;

- (ii) through which the Applicant will respond to enquiries or feedback from the community; and
 - (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.
- (f) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, and heritage.

The Community Communications Strategy must be submitted to the Planning Secretary no later than one month before the commencement of any work and must be implemented for a minimum of 12 months following the completion of construction.

- C21. A Community Liaison Officer is to be appointed prior to development works commencing, to act as a point of contact for adjacent occupiers throughout the construction phase of the development. The Community Liaison Officer is to be engaged until construction works are completed. Contact details of the Community Liaison Officer are to be provided to Council and adjoining occupiers via a letterbox drop/community newsletter and signage at the site.
- C22. A Complaints Management System must be prepared and implemented before the commencement of any work and maintained for the duration of construction, and for a minimum for 12 months following completion of construction.
- C23. The following information must be available to facilitate community enquiries and manage complaints, one (1) month before the commencement of work and for 12 months following the completion of construction:
- (a) a 24- hour telephone number for the registration of complaints and enquiries about the development;
 - (b) postal address to which written complaints and enquires may be sent;
 - (c) an email address to which electronic complaints and enquiries may be transmitted; and
 - (d) a mediation system for complaints unable to be resolved.
 - (e) This information must be accessible to all in the community, regardless of age, ethnicity, disability or literacy levels.
- C24. A Complaints Register must be maintained for recording information of all complaints received about the development, during the carrying out of any work, and for a minimum of 12 months following the completion of construction. The Complaints Register must record the:
- (a) number of complaints received;
 - (b) date and time of the complaint;
 - (c) method by which the complaint was made;
 - (d) any personal details provided by the complainant, or, if no such details were provided, a note to that effect;
 - (e) nature of the complaint;
 - (f) means by which the complaint was addressed and whether resolution was reached, with or without mediation; and
 - (g) if no action was taken, the reason(s) why no action was taken.
- C25. The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

Note: Complainants must be advised that the Complaints Register may be forwarded to Government agencies to allow them to undertake their regulatory duties.

Environmental Management Plan Requirements

- C26. Management plans required under this consent must be prepared having regard to the relevant guidelines, including but not limited to, the Environmental Management Plan Guideline: Guideline for Infrastructure Projects (DPIE April 2020).

Note:

- The Environmental Management Plan Guideline is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/major-projects/assessment/post-approval>
- The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

Construction Environmental Management Plan

- C27. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary for information. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;

- (iii) management of dust and odour to protect the amenity of the neighbourhood;
- (iv) stormwater control and discharge;
- (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
- (vi) external lighting in compliance with *AS 4282-2019 Control of the obtrusive effects of outdoor lighting*;
- (vii) community consultation and complaints handling as set out in the Community Communication Strategy required by Condition C19;
- (viii) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
- (b) an unexpected finds protocol for contamination and an associated communications procedure to ensure that potentially contaminated material is appropriately managed;
- (c) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and an associated communications procedure;
- (d) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in those areas of the site;
- (e) Construction Traffic and Pedestrian Management Sub-Plan (see Condition C28);
- (f) Construction Noise and Vibration Management Sub-Plan (see Condition C29);
- (g) Construction Waste Management Sub-Plan (see Condition C30);
- (h) Construction Soil and Water Management Sub-Plan (see Condition C31);
- (i) Flood Emergency Response Sub Plan (see Condition C32).

The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.

- C28. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be submitted to Council for approval, be prepared to achieve the objective of ensuring safety and efficiency of the road and pedestrian network, and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
 - (d) detail heavy vehicle routes, access and parking arrangements.
- C29. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in the EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (c) describe the measures to be implemented to manage high, noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies developed with the community, for managing high, noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in Condition C29(d);
 - (f) include a complaints management system implemented for the duration of construction; and
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of Condition C26.
- C30. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste, comprising:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
 - (b) information regarding the recycling and disposal locations; and
 - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- C31. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) which must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in

accordance with *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004), commonly referred to as the 'Blue Book';

- (c) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas.
 - (d) provide a plan of how all construction works will be managed in wet-weather events (i.e., storage of equipment, stabilisation of the Site);
 - (e) detail all off-site flows from the Site; and
 - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to, the 1 in 5-year ARI and 1 in 100-year ARI.
- C32. The Flood Emergency Response Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the Floodplain Risk Management Guidelines (EESG);
 - (c) include details of:
 - (i) the flood emergency responses for the construction phase of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (vi) awareness training for employees and contractors, and users/visitors.
- C33. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must include measures to:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;
 - (c) minimise road traffic noise; and
 - (d) ensure truck drivers use specified routes.

Flood Management

- C34. Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction:
- (a) flood warning and notification procedures for construction workers on site; and
 - (b) evacuation and refuge protocols.
- C35. Prior to the commencement of construction, the Certifier must be satisfied that all floor levels will be no lower than the 1 % Annual Exceedance Probability flood plus 500mm of freeboard.
- C36. Prior to the commencement of construction, the Certifier must be satisfied that any structures below the 1 % Annual Exceedance Probability, plus 500 mm of freeboard, will be constructed from flood compatible building components.

Construction Parking

- C37. Prior to commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities, or other travel arrangements for construction workers, in order to minimise demand for parking on nearby public streets or at public parking facilities. A copy of the strategy must be provided to the Planning Secretary for information.

Soil and Water

- C38. Prior to the commencement of construction, the Applicant must:
- (a) install erosion and sediment controls on the site to manage wet weather events; and
 - (b) divert existing, clean surface water around operational areas of the site.
- C39. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004), commonly referred to as the 'Blue Book'.
- C40. Prior to the commencement of construction, the Applicant must describe the measures which must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to, the 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.

- C41. Prior to the commencement of construction, the Applicant must implement measures to manage Acid Sulfate Soils. Measures must include the handling, treatment, monitoring of water quality at treatment areas and disposal of Acid Sulfate Soils.

Stormwater Management System

- C42. Prior to the commencement of the relevant construction stage / commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the conceptual design in the SEE;
 - (c) be in accordance with applicable Australian Standards;
 - (d) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016), and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines; and
 - (e) be designed not to exceed the capacity of the Central Coast Highway stormwater drainage system.

Building Over Sewer

- C43. Prior to the commencement of any work involving building over and/or adjacent to sewer mains, the Applicant must Submit engineering details prepared and certified by a practising structural engineer that comply with *Council's Building Over or Adjacent to Sewer and Water Main Guidelines* to the satisfaction of Council. Engineering details must be submitted to Council's Water Assessment Team for approval. Plan assessment fees apply.

Contamination

- C44. Prior to the commencement of works, an Unexpected Contamination Finds Protocol (UFP) shall be prepared by a suitably qualified and experienced expert. The protocol should include detailed procedures for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The Applicant should ensure that the protocol includes details of who will be responsible for implementing the unexpected finds protocol and the roles and responsibilities of all responsible parties. The UFP must be submitted to the satisfaction of Certifier and implemented for the duration of construction works.
- C45. Details demonstrating compliance with the requirements of Condition C44 must be submitted to the Certifier. A copy of the documentation required by Condition C44 must be submitted to the Planning Secretary.

Public Domain Works

- C46. Prior to the commencement of works for any footpath or public domain works, the Applicant must consult with Council; and demonstrate to the Certifier that the streetscape design and treatment has addressed the requirements of Council, including pedestrian management.
- C47. Prior to the commencement of works, a separate application must be lodged, and consent obtained from Council, for any works within the road reserve pursuant to section 138 of the *Roads Act 1993* (NSW). Consent must be obtained, or other satisfactory arrangements confirmed in writing, from Council.

Installation of Dual Flush or Vacuum Toilets

- C48. Prior to the issue of the relevant Construction Certificate, the details of dual flush or vacuum toilets must be submitted for the approval of the Certifier. All toilets installed within the development must be of water efficient, dual flush capacity or vacuum design with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS).

Installation of Water Efficient Taps

- C49. Prior to the issue of any relevant Construction Certificate, the details of all taps and showerheads are to be submitted for the approval of the Certifier. All taps and shower heads installed must be water efficient with at least a 4-star rating under the WELS, where available.

Operational Waste Storage

- C50. Prior to the commencement of construction of the waste storage areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Where waste removal will be undertaken by a third party, evidence must be provided to the Certifier that the design of the waste storage area:
- (a) is constructed using solid, non-combustible materials;
 - (b) includes a cold water supply with a hose through a centralised mixing valve; and
 - (c) is naturally ventilated, or an air handling exhaust system is in place.

PART D DURING CONSTRUCTION OR WORKS

All Conditions Under this Section to be Met

D1. All relevant conditions under this section must be met during works.

Site Notice

- D2. A site notice(s) must be prominently displayed at the boundaries of the site during construction, for the purpose of informing the public of project details, and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must be 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice(s) must be durable and weatherproof and displayed throughout the works period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints, must be displayed on the site notice(s); and
 - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing, and state that unauthorised entry to the site is not permitted.

Approved Plans to be On-Site

- D3. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times, and be readily available for perusal by any officer of the Department, Council or the Certifier.

Demolition

- D4. Demolition work must comply with the provisions of *Australian Standard AS 2601-2001 Demolition of Structures*. The Demolition work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person, that the proposals contained in the Demolition work plan comply with the safety requirements of the Standard. The Demolition work plans and statement of compliance must be submitted to the Certifier before the commencement of works.
- D5. Demolition involving asbestos must be undertaken in accordance with the *Work Health and Safety Act 2011* (NSW). The removal of:
- (a) more than 10 m² 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, and
 - (b) friable asbestos of any quantity must be removed by a licensed removalist with a friable (Class A) asbestos removal licence.
- D6. The licensed asbestos removalist must give notice to the regulator before work commences, in accordance with clause 466 of the *Work Health and Safety Regulation 2011* (NSW).

Operation of Plant and Equipment

- D7. All construction plant and equipment used on site must be operated in a proper and efficient manner.

Construction Hours

- D8. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (c) between 7 am and 6 pm, Mondays to Fridays, inclusive; and
 - (d) between 8 am and 1 pm, Saturdays.

No work may be carried out on Sundays or public holidays.

- D9. Construction activities may be undertaken outside of the hours in Condition D8, if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property, or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers; or
 - (d) where a variation is approved in advance in writing, by the Planning Secretary or his nominee, if appropriate justification is provided for the works.
- D10. Notification of such construction activities as referenced in Condition D9 must be given to affected residents before undertaking the activities, or as soon as practical afterwards.
- D11. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9 am to 12 noon, Mondays to Fridays;

- (b) 2 pm to 5 pm Mondays to Fridays; and
- (c) 9 am to 12 noon, Saturdays.

Implementation of Management Plans

D12. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

Construction Traffic

D13. All construction vehicles are to be contained wholly within the site, except if located in an approved, on-street work zone.

Hoarding Requirements

D14. The following hoarding requirements must be complied with:

- (a) no third party advertising is permitted to be displayed on the subject hoarding/ fencing; and
- (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area, within 48 hours of the application of graffiti.

No Obstruction of Public Way

D15. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips, or the like, under any circumstances.

Construction Noise Limits

D16. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline (DECC, 2009)*. All feasible and reasonable noise mitigation measures must be implemented, and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.

D17. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work under Condition D8.

D18. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' (or comparable technology) to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

D19. Vibration caused by construction at any residence or structure outside the site must be limited to:

- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999)*; and
- (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).

D20. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in Condition D19.

D21. The limits in Conditions D19 and D20 apply, unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP, required by Condition C27 of this consent.

Tree Protection

D22. For the duration of the construction works:

- (a) street trees must not be trimmed or removed unless it forms part of this consent, or prior written approval from Council is obtained, or it is required in an emergency to avoid the loss of life or damage to property;
- (b) all street trees immediately adjacent to the property boundaries, must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
- (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the Landscape Plans prepared by Site Design + Studios dated June 2021; and
- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required by the arborist. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and avoid both, direct mechanical injury to the structure of the tree, and soil compaction within the canopy, or the limit of the former protective fencing, whichever is the greater.

Air Quality

D23. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D24. During construction, the Applicant must ensure that:

- (a) activities are carried out in a manner that minimises dust, including emission of windblown, or traffic generated dust;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads in the vicinity of the Site used by trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Imported Soil

D25. The Applicant must:

- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, are brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make those records available to the Certifier upon request.

Disposal of Seepage and Stormwater

D26. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management

D27. The Applicant must prepare and implement awareness training for employees and contractors, including locations of assembly points and evacuation routes, for the duration of construction.

Unexpected Finds Protocol – Aboriginal Heritage

D28. In the event that surface disturbance identifies a new Aboriginal object:

- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
- (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
- (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) managed by Heritage NSW, and the management outcome for the site is to be included in the information provided to AHIMS;
- (d) the Applicant must consult with Aboriginal community representatives, archaeologists and Heritage NSW, to develop and implement management strategies for all objects/sites; and
- (e) works shall recommence only with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Historic Heritage

D29. If any unexpected archaeological relics are uncovered during the work:

- (a) all works must cease immediately in that area and notice given to Heritage NSW and the Planning Secretary within two business days;
- (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area, as determined in consultation with Heritage NSW; and
- (c) works may recommence only with the written approval of the Planning Secretary.

Waste Storage and Processing

D30. All waste generated during construction must be secured and maintained within designated waste storage areas on the site, at all times and must not leave the site onto neighbouring public or private properties.

D31. All waste generated during construction must be assessed, classified and managed in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014).

D32. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.

D33. The Applicant must record the quantities of each waste type generated during construction, and the proposed reuse, recycling and disposal locations, for the duration of construction.

- D34. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility, are in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Contamination

- D35. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.
- D36. Any new information obtained during construction works with the potential to alter previous conclusions about site contamination, must be immediately notified to the relevant authority.

Fill

- D37. Any excavated material to be removed from the site is to be assessed, classified, transported, and disposed of in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (Department of Environment and Climate Change).
- D38. Any fill material imported into the site is to be Virgin Excavated Natural Material, or material subject to a Resource Recovery Exemption for use as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997 (NSW)* and the *Protection of the Environment (Waste) Regulation 2005 (NSW)*.
- D39. Any fill material subject to a Resource Recovery Exemption received at the site, must be accompanied by documentation demonstrating compliance with the conditions of the exemption. The documentation must be provided to the Department or the Certifier upon request.

Operational Readiness Work

- D40. Operational readiness work must not commence on site, until the following details have been submitted to the Certifier:
- (a) a plan and description of the area(s) of the site to be used for operational readiness work (including pedestrian access) and areas still under construction (including construction access);
 - (b) the maximum number of staff to be involved in operational readiness work on site at any one time;
 - (c) arrangements to ensure the safety of staff and residents on the site, including how:
 - (i) areas to be used for operational readiness work will be clearly and securely separated from areas of the site still under construction;
 - (ii) pedestrian access to, and within the site, will be managed to ensure no conflict with construction vehicle movements; and
 - (d) access and parking arrangements to minimise impacts on the surrounding street network, having regard to the number of staff involved in operational readiness work on site at any one time, and on-site parking arrangements for construction workers.
- D41. Operational readiness work must be undertaken only in accordance with the details submitted under Condition D40, and the following requirements:
- (a) no staff or residents are permitted; and
 - (b) the Applicant has implemented appropriate arrangements to ensure the safety of staff and residents.

PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE / SUBDIVISION CERTIFICATE

All Conditions Under this Section to be Met

- E1. All relevant conditions under this section must be met prior to the issue of any relevant Occupation Certificate or Subdivision Certificate.

Notification of Occupation

- E2. At least one month before commencement of operation, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Occupation Certificate

- E3. An Occupation Certificate must be obtained from the Certifier prior to commencement of occupation, or use of the whole, or any part of the approved building. A copy of the Occupation Certificate shall be submitted to the Planning Secretary.

Works as Executed Plans

- E4. Prior to the issue of the first Occupation Certificate, works-as-executed drawings signed by a registered surveyor, demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, and that all works have been carried out within the property boundaries, must be submitted to the Certifier.

External Walls and Cladding

- E5. Prior to commencement of operation, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls, including finishes and claddings, such as synthetic or aluminium composite panels, comply with the requirements of the BCA.
- E6. The Applicant must provide a copy of the documentation given to the Certifier under Condition E5, to the Planning Secretary within seven days after the Certifier accepts it.

Developer Contributions

- E7. Prior to issue of the first Occupation Certificate or Subdivision Certificate, the Certifier must confirm that there are no outstanding infrastructure contributions or levies.

Certifiers are required to obtain a document from Council confirming the payment of infrastructure contributions; and from the Department, confirming the payment of the Special Infrastructure Contributions, prior to the issue of an Occupation Certificate or Subdivision Certificate. An Occupation Certificate or Subdivision Certificate shall not be issued unless Council has confirmed in writing that all contributions have been paid.

GFA and Height Certification

- E8. A Registered Surveyor is to certify that the GFA of the building does not exceed 4,573.25 m², and that the height of the building does not exceed RL 26.550 m AHD, excluding plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Details shall be provided to the Certifier demonstrating compliance with this condition, prior to the issue of any Occupation Certificate.

Stormwater Drainage Design Plan(s)

- E9. A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated, shall be submitted to the Certifier and the Council prior to the issue of any Occupation Certificate. The plans shall be prepared by a Practising Professional Engineer, or Registered Surveyor experienced in the design of stormwater drainage systems.

Post-construction Dilapidation Report

- E10. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. The report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - (b) to ascertain whether the construction created any damage to heritage items in the vicinity of the site;
 - (c) to be submitted to the Certifier, who, in ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, must:
 - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Conditions C16 and E10; and
 - (ii) have written confirmation from the relevant authority, that there is no adverse structural damage to the authority's infrastructure and roads.
 - (d) to be forwarded to Council for information.

Protection of Public Infrastructure

E11. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing any public infrastructure damaged by the carrying out of the development; and
- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to any damage to roads caused as a result of general road usage, or otherwise addressed by contributions required by Condition B5 of this consent.

Road Reserve Works

- E12. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be repaired immediately following the damage, to a satisfactory state which provides for safe use by pedestrians and vehicles. Full restoration of the damage is to be carried out to the satisfaction of Council, prior to the completion of the demolition works, or prior to the issue of any Occupation Certificate in respect of the development involving building work.
- E13. Prior to the issue of any Occupation Certificate, the construction works in the road reserve are to be implemented and completed to the satisfaction of Council.
- E14. Any redundant existing vehicular crossing (or section thereof) is to be removed at no cost to Council; and the public footway and kerb restored to match the existing infrastructure, and completed prior to the issue of an Occupation Certificate for the proposed development.

Protection of Property

- E15. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property damaged as a result of the carrying out of the development.

Utilities and Services

- E16. Prior to the issue of any Occupation Certificate or Subdivision Certificate, a compliance certificate under the section 307 of the *Water Management Act 2000* (NSW), must be obtained from Council and submitted to the Certifier.
- E17. Prior to the issue of the Occupation Certificate or Subdivision Certificate, written advice shall be obtained from the relevant wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant), stating that satisfactory arrangements have been made to ensure provision of adequate services to each approved lot.
- E18. Prior to the release of the subdivision plan, the following service authority clearances must be obtained, unless documentation is submitted to the satisfaction of the Certifier demonstrating that they are not required:
- (a) a compliance certificate under Section 307 of the *Water Management Act 2000* (NSW) from Council, prior to the issue of the Subdivision Certificate; and
 - (b) a letter from Ausgrid, stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements;
 - (c) a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements; and
 - (d) a letter from an approved gas service provider that satisfactory arrangements have been made for gas supply, if available, to all proposed allotments in the subdivision, including any necessary easements.

The clearances, or documentation demonstrating that they are not required, are to be submitted to the Certifier and copies provided to the Planning Secretary, prior to the release of the subdivision plan.

Roadworks and Access

- E19. Prior to the issue of any Occupation Certificate, the Applicant must complete the construction of all proposed driveways, car parking and service vehicle parking / loading / unloading areas to the satisfaction the Certifier.

Fire Safety Certification

- E20. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all of the Essential Fire or Other Safety Measures forming part of this consent; and be prominently displayed in the building. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. .

Mechanical Ventilation

- E21. Prior to the issue of any relevant Occupation Certificate, the Applicant must provide evidence to the satisfaction of the Certifier, that the installation and performance of the mechanical ventilation systems comply with:
- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings*, and other

- relevant codes; and
- (b) any dispensation granted by Fire and Rescue NSW.

Operational Noise – Design of Mechanical Plant and Equipment

- E22. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier, that the noise mitigation recommendations in the assessment undertaken under Condition B11, have been incorporated into the design of mechanical plant and equipment, to ensure the development will not exceed the recommended project noise trigger levels identified in the noise assessment required by Condition B12.

Car Parking, Service Vehicles and Bicycle Parking Arrangements

- E23. Prior to the issue of any relevant Occupation Certificate, or other timeframe agreed to in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Certifier, which demonstrates that:
- (a) the car-parking, service vehicle areas and bicycle parking facilities comply with Conditions B14 and B15;
 - (b) appropriate pedestrian and cyclist advisory signs have been provided;
 - (c) all works/regulatory signposting associated with the proposed development have been undertaken at no cost to the relevant roads authority; and
 - (d) The bicycle parking spaces are located in easy to access, well-lit areas which incorporate passive surveillance.

Road Damage

- E24. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the Site as a result of construction works associated with the approved development, must be met in full by the Applicant.

Structural Inspection Certificate

- E25. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate, or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate, with an electronic set of final drawings (contact the approval authority for specific electronic format) must be submitted to the approval authority and the Council, after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works are deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked against those listed on the final Design Certificate/s.

Stormwater Quality Management Plan

- E26. Prior to the issue of any relevant Occupation Certificate, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier, with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective, and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Warm Water Systems and Cooling Systems

- E27. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010* (NSW)) must comply with the *Public Health Act 2010* (NSW), *Public Health Regulation 2012* (NSW), Part 1 (or Part 3, if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance*, and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Outdoor Lighting

- E28. Prior to the issue of any Occupation Certificate, the Applicant must submit evidence, from a suitably qualified practitioner to the Certifier which demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers, and:
- (a) complies with the latest version of *AS 4282-2019 - Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage

- E29. Prior to the issue of any relevant Occupation Certificate, the Applicant must provide evidence to the Certifier, demonstrating that the business identification signage must be installed in accordance with the plans in Condition A2 and as updated by conditions of this consent.
- E30. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- E31. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

Operational Waste Management Plan

- E32. Prior to the commencement of operation, the Applicant must submit the *Operational Waste Management Plan* prepared by Universal Food Service Designs, dated 22 September 2021. The Certifier must be satisfied with the management and mitigation measures included in the plan and provide a copy to Council.

Landscaping

- E33. Prior to the commencement of operation, landscaping of the site must be completed in accordance with landscape plan(s) listed in Condition A2.
- E34. Prior to the commencement of operation, the Applicant must Provide the Certifier with written certification from a qualified landscape designer, certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.
- E35. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan to manage the landscaping on site and provide a copy to the Planning Secretary. The plan must describe the ongoing monitoring and maintenance measures to manage landscaping.

Stormwater Operation and Maintenance Plan

- E36. Prior to the commencement of operation, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the Certifier. The SOMP must ensure that the proposed stormwater quality measures remain effective, and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Operational Flood Emergency Response and Evacuation Plan

- E37. Prior the commencement of the operation, unless otherwise agreed by the Planning Secretary, the Flood Emergency Response and Evacuation Plan must be resubmitted to the Planning Secretary for approval which:
- (a) is prepared by a suitably qualified and experienced person(s);
 - (b) addresses the provisions of the Floodplain Risk Management Guidelines (EESG);
 - (c) includes details of:
 - (i) the flood emergency responses for the operational phase of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (d) awareness training for residents, employees and contractors, and visitors.

Parking and Signage

- E38. All parking and loading bays are to be permanently marked on the pavement surface, with loading bays and visitor parking facilities clearly indicated by signs, prior to occupation of the building.
- E39. The vehicular entrance and exit driveways and the direction of traffic movement within the site, are to be clearly indicated by means of reflective signs and pavement markings. The traffic and parking signs, line markings and required traffic and safety devices, as indicated in the approved architectural plans and traffic report, are to be completed prior to occupation of the site.

Screening

- E40. All external items of air conditioning plant are to be screened or positioned in such a manner so as not to detract from the visual presentation of the building.

Lighting

- E41. Pathway lighting must be designed and located to avoid glare for pedestrians and adjacent dwellings; and provide at least 20 lux at ground level.

Water Management

- E42. The water management measures as indicated on the submitted plans and in the Statement of Environmental, Effects and/or as modified under the conditions of this consent, are to be implemented; and the nominated fixtures and appliances are to be installed and be operational prior to the issue of an Occupation Certificate.

Public Domain Works

- E43. Prior to the issue of any relevant Occupation Certificate, evidence must be provided to the satisfaction of the Certifier, that the public domain works have been completed in accordance with Condition C46.

Building Code of Australia (BCA) Compliance

- E44. Prior to the issue of any relevant Occupation Certificate, evidence must be provided to the satisfaction of the Certifier, that the proposed works have been completed in accordance with the Building Code of Australia (BCA) and Condition B8.

Restriction on use

- E45. Prior to commencement of occupation of any part of the development approved pursuant to this consent, or prior to the issue of an Occupation Certificate, the Applicant must execute an instrument under the *Conveyancing Act 1919* (NSW), for the following restrictive covenants; with Council as the sole beneficiary and with the sole authority to release and modify the covenants.

The approved development is to be occupied only by:

- (a) people aged 55 years or over, or people with a disability as defined by the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*;
 - (b) people who live with such people as defined in sub-clause (a) above; and
 - (c) staff employed to assist in the administration of, and provision of services to, housing provided in the development.
- E46. The instrument required by Condition E45, shall be prepared by the Applicant at its own expense, duly executed by the Applicant, or the owner of the property, and submitted to the Council for approval. The Applicant shall pay the costs of the instrument and provide proof of registration of the instrument to the Council, prior to occupation, or issue of an Occupation Certificate.

Design Verification Statement

- E47. Prior to the issue of an Occupation Certificate the Applicant must provide to the Certifier, a design verification statement from a qualified designer, which verifies that the residential flat building achieves the design quality as shown on the plans and specifications for the Construction Certificate, with regard to the Design Quality Principles set out in Part 2 of *State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development*.
- E48. Prior to the issue of an Occupation Certificate, the Applicant must provide to the satisfaction of the Certifier, evidence that the development has implemented the CPTED strategies outlined in Condition B26.

Easements

- E49. An Instrument under the *Conveyancing Act 1919* (NSW) for the following restrictive covenants, with Council as the beneficiary with sole authority to release and modify, must be included on the Deposited Plan. Wherever possible, the extent of land affected by the covenants must be defined by bearings and distances shown on the plan. The Deposited Plan and instrument must:
- (a) Create a 'Restriction on the use of Land' which requires a minimum floor level on proposed Lot one (1) and Lot two (2) for any dwelling (related to Australian Height Datum), must be 500 mm above the 1% Annual Exceedance Probability (AEP) flood level.
 - (b) Create a right of access and an easement for services as indicated on the approved plans.

Subdivision

- E50. The Plan of Subdivision shall not be lodged for registration with NSW Land Registry Services, until:
- (a) a Subdivision Certificate has been issued, certifying that all works under the Subdivision Works Certificate have been completed;
 - (b) the Certifier is satisfied that the matters specified in section 6.15 of the EP&A Act have been addressed; and
 - (c) any other matters prescribed in the development consent for the subdivision and the EP&A Act and EP&A Regulation have been complied with.

A copy of the Subdivision Certificate must be submitted to the Department and Council no later than seven business days from the date of issue.

All drainage easements, rights of way, restrictions and covenants are to be included on the subdivision plan. All dedications of roads/drainage are to be undertaken at no cost to the Department.

PART F POST OCCUPATION / ONGOING CONDITIONS

Operation of Plant and Equipment

- F1. All plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Warm Water Systems and Cooling Systems

- F2. The operation and maintenance of warm water systems and water cooling systems (as defined under the *Public Health Act 2010* (NSW)) must comply with the *Public Health Act 2010* (NSW), *Public Health Regulation 2012* (NSW), Part 2 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance*, and the *NSW Health Code of Practice for the Control of Legionnaires' Disease*.

Community Communication Strategy

- F3. The Community Communication Strategy, as approved by the Planning Secretary pursuant to Condition C20, must be implemented for a minimum of 12 months following the completion of construction.

Operational Noise Limits

- F4. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Acoustic Assessment, prepared by Harwood Acoustics, dated 20 September 2021, and any recommendations of the noise assessment required by Condition B11.
- F5. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry (2017, NSW EPA)*, and collect valid data following the commencement of use of each stage of the development.
- (a) The monitoring program must be carried out by an appropriately qualified person.
 - (b) A monitoring report must be submitted to the Planning Secretary within two months of commencement of use of each stage of the development, or other timeframe agreed to by the Planning Secretary.
 - (c) The monitoring program must verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in the Acoustic Assessment prepared (Harwood Acoustics, dated 20 September 2021).
 - (d) Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant must implement appropriate noise attenuation measures, so that operational noise levels do not exceed the recommended noise levels, or provide attenuation measures at the affected noise sensitive receivers.

The use and occupation of the premises, including all plant and equipment installed thereon, is not to give rise to any offensive noise, as defined under the *Protection of the Environment Operations Act 1997* (NSW).

Should Council or the Planning Secretary consider that offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant. The acoustic assessment must recommend appropriate acoustic measures necessary to ensure future compliance with Condition F4, and the implementation of such measures within a nominated period. Written certification from the consultant confirming that the recommended acoustic measures have been satisfactorily implemented, will be required to be submitted to Council prior to the expiration of the nominated period.

Unobstructed Driveways and Parking Areas

- F6. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment. They must be used solely for vehicular and/or pedestrian access and the parking of vehicles associated with the use of the premises.

Outdoor Lighting

- F7. Should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners, to reduce the impacts to an acceptable level.

Landscaping

- F8. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Operational Landscape Management Plan required by Condition E35, for the duration of occupation of the development.

Air Quality

- F9. The use and occupation of the premises is not to give rise to the emission of any 'air impurity' as defined under the *Protection of the Environment Operations Act 1997* (NSW), which interferes unreasonably with the amenity of neighbouring premises and/or other sensitive receivers.

Should Council consider that unreasonable levels of air impurities have been emitted from the premises, the owner/occupier will be required to engage a suitably qualified consultant to recommend measures to control emissions of air impurities to an acceptable level and implement those measures within a nominated time period. Written certification from a suitably qualified consultant, will be required to be submitted to Council confirming that air impurity emissions from the premises do not interfere unreasonably with air quality.

Hours of Operation

- F10. The hours of operation of the office shall be Mondays to Fridays 8:30 am to 5 pm.

Implementation of the Operational Flood Emergency Response and Evacuation Plan

- F11. The Flood Emergency Response and Evacuation Plan approved under Condition E37 must be implemented during operation.

APPENDIX 1 ADVISORY NOTES

General

AN1. All licences, permits, approvals and consents as required by law, must be obtained and maintained, as required, for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

Long Service Levy

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information, please contact the Long Service Payments Corporation Helpline on telephone 131 441.

Legal Notices

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

Access for People with Disabilities

AN4. The works the subject of this consent, must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition is provided by an appropriately qualified person, and that the BCA requirements are referenced on any certified plans.

Utilities and Services

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground works, written advice must be obtained from the electricity supply authority, an approved telecommunications carrier, and an approved gas carrier (where relevant), stating that satisfactory arrangements have been made to ensure provision of adequate services.

Road Design and Traffic Facilities

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

Road Occupancy Licence

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works which impact on traffic flows during construction activities.

SafeWork Requirements

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel; and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserves.

Handling of Asbestos

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* (NSW), particularly, Part 7 – 'Transportation and management of asbestos waste', must be complied with.

Fire Safety Certificate

AN12. The owner must submit to Council, an Annual Fire Safety Statement, every 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification, addressing the requirements set out below, must be emailed to the Planning Secretary through the Planning Portal, within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition, even if the Applicant fails to give the notification required under Condition A28, or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred, and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred, or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary, and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.