

# 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  
As delegate of the Minister for Planning

Sydney

16 October 2022

### **SCHEDULE 1**

<b>Application Number:</b>	DA 21/14779
<b>Applicant:</b>	Central Coast Council
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	Lot 100 DP 711850  123A Donnison Street, Gosford
<b>Development:</b>	Demolition of the existing two storey commercial building on site and construction of a four storey building for a new Regional Library, including: <ul style="list-style-type: none"><li>• innovation Hub</li><li>• Council customer service centre</li><li>• meeting rooms and public collaboration spaces</li><li>• staff work areas</li><li>• flexible multi-use hall accommodating up to 300 seats</li><li>• signage</li><li>• 21 parking spaces</li><li>• site works and remediation.</li></ul>

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## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the National Parks and Wildlife Act 1974
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the National Parks and Wildlife Act 1974
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the Building Professionals Act 2005 acting in relation to matters to which the accreditation applies.
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent.
<b>Applicant</b>	Central Coast Council, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Certification of Crown building work</b>	Certification under section 6.28(2) of the EP&A Act
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown building work
<b>Certifier (or private certifier)</b>	Professionals that are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, Strata Schemes (Freehold Development) Act 1973 and Strata Schemes (Leasehold Development) Act 1986 or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
<b>Compliance Reporting Post Approval Requirements</b>	Compliance Reporting Post Approval Requirements as available on the Department's website
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
<b>Council</b>	Central Coast Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in the SEE, accompanying documents, Response to Submissions and additional information as modified by the conditions of this consent.
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
<b>EHG Group</b>	Environment and Heritage Group of the Department of Planning and Environment (former Office of Environment and Heritage)
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Evening</b>	The period from 6pm to 10pm
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement

<b>Heritage Item</b>	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
<b>Incident</b>	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 Note: "material harm" is defined in this consent
<b>Independent Audit Post Approval Requirements</b>	Independent Audit Post Approval Requirements as available on the Department's website
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>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)</li> </ul>
<b>Minister</b>	NSW Minister for Planning (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Operational readiness work</b>	Use of the completed areas of the development by school staff to prepare for the operation of the development
<b>Planning Secretary</b>	The Planning Secretary of the Department of Planning and Environment, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	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.
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
<b>Response to Submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>SEE</b>	Statement of Environmental Effects titled <i>Demolition of All Existing Structures and Construction of a Four-Storey Building for Use as a New Regional Library for Central Coast Council</i> prepared by Milestone Pty Ltd, dated 22 September 2021, submitted with the application for consent for the development, including additional reports and documentation provided by the Applicant in support of the application.
<b>Subject site / site</b>	Land referred to in Schedule 1
<b>Site Auditor</b>	A site auditor accredited pursuant to section 4 of the Contaminated Land Management Act 1997
<b>Site Audit Report</b>	A site audit report prepared pursuant to section 4 of the Contaminated Land Management Act 1997
<b>TfNSW</b>	Transport for New South Wales

**Waste**

Has the same meaning as the definition of the term in the Dictionary to the POEO Act

**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; and
  - d) in accordance with the approved plans in the table below (except where modified by the conditions of this consent):

<b>Architectural drawings prepared by Stanton Lahznimmo Architects</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
A-DA-1001	A	External Finishes Board	23/07/21
A-DA-1100	B	Site Plan	11/04/22
A-DA-1200	B	Demolition Plan	14/09/21
A-DA-1400	B	Ground Floor Plan	11/04/22
A-DA-1401	B	Level 1 Plan	11/04/22
A-DA-1402	A	Level 2 Plan	23/07/21
A-DA-1403	A	Level 3 Plan	23/07/21
A-DA-1404	A	Roof Plan	23/07/21
A-DA-1700	A	Shadow Diagrams	23/07/21
A-DA-1701	A	Covered Landscaped Courtyard Shadow Diagram	23/07/21
A-DA-1702	B	3D Height Plan and Visual Analysis	11/04/22
A-DA-2000	B	Elevation- North	11/04/22
A-DA-2001	A	Elevation- South	23/07/21
A-DA-2002	B	Elevation- East	11/04/22
A-DA-2003	B	Elevation- West	11/04/22
A-DA-3000	A	Section- Neighbourhood Room	23/07/21
A-DA-3001	A	Section- Program Room	23/07/21
A-DA-3002	A	Section- Multi-Use Hall	23/07/21
A-DA-5300	B	Area Schedule + GFA + Site Coverage	19/07/22
A-CD-5301	A	Precast Schedule	22/06/22

<b>Landscape drawings prepared by SMM Landscape Architects</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
L-01	B	Landscape Design- Key Plan	19/04/22
L-02	B	Landscape Design- Neighbourhood Room	19/04/22
L-03	A	Landscape Design- Atrium	07/2021
L-04	A	Landscape Design- Sections	07/2021
L-05	A	Landscape Design- Precedents and Materials	07/2021
L-06	A	Landscape Design- Planting Palette	07/2021

Engineering drawings prepared by Northrop			
Drawing No.	Revision	Name of Plan	Date
DA1.21	3	General Arrangement Plan	26/07/21
DA2.01	3	Concept Sediment and Erosion Control Plan	26/07/21
DA2.11	3	Sediment and Erosion Control Details	26/07/21
DA3.01	3	Concept Stormwater Management Plan	26/07/21
DA3.11	3	OSD Details	26/07/21
DA5.01	2	Library Vehicle Turning Paths	26/07/21
DA5.02	2	Central Coast Council Waste Vehicle Turning Paths	26/07/21

- e) generally in accordance with the following documents:
- i) Statement of Environmental Effects Demolition of All Existing Structures and Construction of a Four-Storey Building for Use as a New Regional Library for Central Coast Council 123A Donnison Street, Gosford (Lot 100 DP 711850) prepared by Milestone (AUST) Pty Ltd dated September 2021;
  - ii) Response to Request for Further Information prepared by Milestone Pty Ltd, dated 21 April 2022;
  - iii) Accessibility Review Report prepared by ABE Consulting dated 2 August 2021;
  - iv) Development Application Acoustic Assessment prepared by Acoustic Logic dated 27 July 2021;
  - v) Desktop Construction Noise Assessment for Out of Hours Works prepared by Renzo Tonin & Associates, dated 15 July 2022
  - vi) Statement on ESD Targets prepared by Northrop, dated 6 September 2022
  - vii) BCA Assessment Report prepared by Steve Watson & Partners dated August 2021;
  - viii) Traffic Impact assessment prepared by TTPP Transport Planning dated 2 August 2021;
  - ix) Stormwater Management Report prepared by Northrop dated 28 July 2021;
  - x) Stormwater Management and Flooding DA Clarification prepared by Northrop dated 18 March 2022;
  - xi) Hydraulic Services Statement of Compliance prepared by Northrop dated 3 August 2021;
  - xii) Preliminary Site Investigation for Contamination prepared by Douglas Partners dated August 2018;
  - xiii) Detailed Site Investigation (Contamination) prepared by Douglas Partners dated April 2021;
  - xiv) DA Support Statement prepared by MCD Fire Engineering dated 25 July 2021;
  - xv) Development Application ESD Statement prepared by Northrop dated 2 August 2021;
  - xvi) Waste Management Plan prepared by SMEC dated 30 July 2021.

- 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 condition A2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### Limits on Consent

- A5. This consent lapses five years after the date of consent unless work is physically commenced.
- A6. This consent does not approve:
- a) the use of the facilities for events not covered by the Event Management Plan required under Condition F1
  - b) the fit out of any food or drinks premises.

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, unless an exemption is granted. For further information please contact the Long Service Payment Corporation Helpline on 131 441.

### **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);

- 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 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 the previous versions of them and must be implemented in accordance with the condition that requires 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 BCA.

#### *Notes:*

- *Under Part 6 of the EP&A Act, the Applicant is required to have building works certified prior to construction as complying with the Building Code of Australia.*
- *Part 13 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:
- 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.

### **Applicability of Guidelines**

- A22. 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 they are in as at the date of this consent.
- A23. However, 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.

### **Compliance**

- A24. 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**

- A25. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an 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.

- A26. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

### **Non-Compliance Notification**

- A27. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.
- A28. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A29. 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**

- A30. Within three months of:
- a) the submission of a compliance report under condition A32;
  - b) the submission of an incident report under condition A25 and A26;
  - c) the approval of any modification of the conditions of this consent; or
  - d) 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 Certifier must be notified in writing that a review is being carried out.
- A31. 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 Certifier. Where revisions are required, the revised document must be submitted to the Certifier for information within six weeks of the review.

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

### **Compliance Reporting**

- A32. 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](mailto:compliance@planning.nsw.gov.au) before the commencement of construction.
- A33. 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.
- A34. Construction Compliance Reports must be submitted to the Planning Secretary at [compliance@planning.nsw.gov.au](mailto: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.
- A35. 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) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
  - f) a summary of all incidents notified in accordance with this consent; and
  - g) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

## PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### No Works Prior to Certification

- B1. Building work must not commence until a Construction Certificate in respect of the work has been 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.

### Appointment of Certifier

- B3. Prior to the issue of any relevant Construction Certificate, the Applicant must:
- a) appoint a Principal Certifier in accordance with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
  - b) The Principal Certifier must submit to the Planning Secretary and Council an "Appointment of Principal Certifier".

### Long Service Levy

- B4. Prior to the issue of any relevant Construction 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 (or, where such a levy is payable by instalments, the first instalment of the levy) has been paid, or an exemption has been granted.

### Development Contributions

- B5. Prior to the issue of the first Construction Certificate 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) Contributions Plan applying to Gosford City Centre, known as the Civic Improvement Plan, unless Council otherwise agrees that this is not required. Certifiers are required to obtain a document from Council confirming the payment of infrastructure contributions, or that they are not required, prior to the issuing of an occupation certificate.
- B6. A Construction Certificate shall not be issued unless Council and the Planning Secretary has confirmed in writing all contributions, if required, have been paid.

### Special Infrastructure Contributions

- B7. The Applicant must obtain a determination by 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 do so 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 that determination, the Applicant is to provide the Planning Secretary with an up-to-date 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, a contribution must be made in accordance with that Determination (as in force when this consent takes effect).

A person may not apply for a construction certificate in relation to development the subject of this development 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 has been made or that arrangements are in force with respect to the making of the contribution.

*In this condition:*

**applicant** means the person having the benefit of this development consent

**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 that is 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](mailto: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 Building Code of Australia is to be submitted to the satisfaction of the Certifier.

## **Safer by Design**

- B9. 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 opportunity for crime:
- a) provide adequate lighting to common areas as required under Australian Standard AS 1158: Lighting for roads and public spaces
  - b) design of landscaping, adjacent to mailboxes and footpaths, must not provide concealment opportunities for criminal activity
  - c) design the development to avoid foot holes or natural ladders so as to minimise unlawful access to the premises
  - d) provide signage within the development to identify all facilities, entry / exit points and direct movement within the development
  - e) install a system of Closed Circuit Television of a type and in locations on the site that will record high-quality images of all public areas within the site.

## **Contamination**

- B10. Prior to the issue of a Construction Certificate for ground disturbing works, a Remediation Action Plan reviewed and approved by a site auditor accredited under the *Contamination Land Management Act 1997* shall be submitted to the Secretary for approval.

## **Gross Floor Area Certification**

- B11. The GFA of the building must not exceed 2,862.5 m<sup>2</sup>. Details confirming compliance prepared by a registered surveyor must be submitted to the Certifier prior to the issue of a relevant Construction Certificate. A variation up to a maximum of 1% may be accepted if the Certifier is satisfied it is the result of an error or is a minor discrepancy.

## **Maximum Height**

- B12. The maximum height of the approved building/s must not exceed RL 29.05 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 Construction Certificate. A variation up to a maximum of 1% for errors or discrepancies. A variation up to a maximum of 1% may be accepted if the Certifier is satisfied it is the result of an error or is a minor discrepancy.

## **Operational Noise – Design of Mechanical Plant and Equipment**

- B13. Prior to the issue of any relevant Construction Certificate, an acoustic report shall be prepared by a suitability qualified and experienced Acoustic consultant:
- a) assessing the acoustic impacts (including at night-time) of the operation of the plant
  - b) recommending and implementing noise mitigation measures required to ensure the amenity of the surrounding receivers, and to ensure the development meets relevant standards.

A copy of the acoustic report and (if required) updated plans incorporating the recommendations of the acoustic report, shall be submitted to the satisfaction of the Certifier prior to the commencement of construction.

## **Construction Noise – Out of Standard Hours**

- B14. Prior to the issue of any relevant Construction Certificate, the Applicant must carry out noise measurements of the proposed plant and equipment listed in Table 5.1 of the *Desktop Construction Noise Assessment for Out of Hours*

Works prepared by Renzo Tonin & Associates, dated 15 July 2022 to establish the actual noise levels and to confirm that they are in line with those presented in Table 5.1 for the corresponding plant items. Details must be submitted to the satisfaction of the Planning Secretary.

- B15. If noise levels significantly differ to the values presented in Table 5.1, a review of the plant and equipment should be undertaken, and details of alternative plant and equipment must be submitted to the satisfaction of the Planning Secretary, or construction must be undertaken within standard hours.

### **Operational Waste Storage and Processing**

- B16. 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**

- B17. 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) 21 on-site car parking spaces and 1 motorcycle space 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 car parking spaces identified in (b) above are to be dedicated for innovation hub 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.

### **Bicycle Parking and End-Of-Trip Facilities**

- B18. Prior to the issue of any relevant construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:
- (a) the provision of a minimum 12 visitor and 6 staff bicycle parking spaces outlined in plans listed in condition A2;
  - (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; and
  - (c) the provision of end-of-trip facilities for staff.

### **Mechanical Ventilation**

- B19. 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.

### **External Materials**

- B20. The building materials used on the facades of the buildings shall have a maximum normal specular reflectivity of visible light of 20% 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 these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of any relevant Construction Certificate for above ground façade works.
- B21. Prior to the issue of any relevant Construction Certificate, a report/statement demonstrating compliance with the external façade treatments outlined in the Acoustic Assessment prepared by Acoustic Logic dated 27 July 2021 is to be submitted to the satisfaction of the Certifier.

### **Access for People with Disabilities**

- B22. 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.

#### **Vehicular Access**

- B23. Vehicular access to the site (including, but not limited to, the ramp grades, ramp width and height clearances) are to be in accordance with the requirements of AS2890.1. Plans demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifier prior to commencement of construction.

#### **Flood Management**

- B24. Prior to the issue of any relevant Construction Certificate, the Certifier must be provided with evidence to be satisfied that:
- a) all floor levels are no lower than the 1% Annual Exceedance Probability flood plus 500mm of freeboard and any structures below the 1% Annual Exceedance Probability plus 500mm of freeboard are constructed from flood compatible building components, or
  - b) Central Coast Council has confirmed that compliance with the above is not required.
- B25. Prior to the issue of any relevant Construction Certificate an Overland Flow Study must be submitted to the satisfaction of the Secretary confirming that:
- a) regrading at the interface between the loading dock and vehicular access at the south eastern corner of the site to discourage overland flows from the existing car park on the adjoining site to the rear entering the loading dock, and
  - b) the raised hump at the top of the vehicle crossing for the proposed loading dock and the re-instatement of the existing kerb at the rear of the proposed building to redirect overland flows away of the ingress of the building, and
  - c) any other measures proposed to mitigate overland flow impacts on development would not have any impacts on surrounding properties.

#### **Installation of Dual Flush or Vacuum Toilets**

- B26. 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). The details must be submitted for the approval of the Certifying Authority, prior to the issue of the relevant Construction Certificate.

#### **Installation of Water Efficient Taps**

- B27. All taps and shower heads installed must be water efficient with at least a 4-star rating under the WELS, where available. The details are to be submitted for the approval of the Certifying Authority, prior to the issue of the relevant Construction Certificate.

## 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 Department must be notified in writing of the date of commencement of physical work at least 48 hours prior to commencement.
- C3. If the construction or operation of the development is to be staged, the Department 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 that demonstrates compliance with this development 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 details as required by any of the following conditions.

A copy of the Construction Certificate shall be submitted to the Planning Secretary and Council.

### Access to Information

- C6. At least 48 hours before the commencement of construction 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) a complaint register, updated monthly;
    - (ix) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - b) keep such information up to date, to the requirements of the Planning Secretary.

### Demolition

- C7. Prior to the commencement of any 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 the statement of compliance must be submitted to the Certifier and Planning Secretary.
- C8. A copy of the demolition work plans required by 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. BU011
  - (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 that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
    - diverting uncontaminated run-off around cleared or disturbed areas, and

- preventing the tracking of sediment by vehicles onto roads, and
  - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- (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 with 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 must be kept 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 by 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.

### **External Walls and Cladding**

- C10. The external walls of all buildings, including additions to existing buildings, must comply with the relevant requirements of the BCA.
- C11. 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.
- C12. The Applicant must provide a copy of the documentation given to the Certifier under Condition C11, to the Planning Secretary, within seven days after the Certifier accepts it.

### **Protection of Public Infrastructure**

- C13. Prior to the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that 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**

- C14. 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**

- C15. 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.
- C16. Where the offer for a pre-construction survey is accepted (as required by condition C15), 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 that could impact on the identified buildings.
- C17. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by condition C16, 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**

- C18. A community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant 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.

- C19. No later than two weeks before the commencement of construction, a Community Communication Strategy must be submitted to the Planning Secretary for approval 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.
- C20. The Community Communication Strategy must:
- a) identify people to be consulted during the design and construction phases;
  - b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;
  - c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;
  - d) 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.
  - e) include any specific requirements around traffic, noise and vibration, visual impacts, amenity, flora and fauna, soil and water, contamination, 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) a 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.

This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level.

- C24. A Complaints Register must be maintained recording information on 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 of the complainant which were 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.*

### **Ecologically Sustainable Development**

- C26. Prior to the commencement of construction, unless otherwise agreed by the Planning Secretary, the Applicant must demonstrate that ESD is being achieved by either:
- meeting the ESD Initiatives and Targets - Summary Matrix prepared by Northrop, dated 6 September 2022, and submit evidence to the Certifier; or
  - seeking approval from the Planning Secretary for an alternative certification process.

### **Environmental Management Plan Requirements**

- C27. 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**

- C28. 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. The CEMP must include, but not be limited to, the following:
- Details of:
    - hours of work;
    - 24-hour contact details of site manager;
    - management of dust and odour to protect the amenity of the neighbourhood;
    - stormwater control and discharge;
    - measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
    - groundwater management plan including measures to prevent groundwater contamination;
    - external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
    - community consultation and complaints handling;
  - Construction Traffic and Pedestrian Management Sub-Plan (see condition C29);
  - Construction Noise and Vibration Management Sub-Plan (see condition C30);
  - Construction Waste Management Sub-Plan (see condition C31);
  - Construction Soil and Water Management Sub-Plan (see condition C32);
  - Construction Flood Emergency Management Sub-Plan (see condition C33);
  - an unexpected finds protocol for contamination and associated communications procedure;
  - an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
  - waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.

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

- C29. The Construction Traffic and Pedestrian Management Sub-Plan must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- be prepared by a suitably qualified and experienced person(s);
  - be prepared in consultation with Council and (if relevant) TfNSW(RMS);

- 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.
- C30. 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 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 that have been developed with the community for managing high noise generating works;
  - e) describe the community consultation undertaken to develop the strategies in condition C30d);
  - f) include a complaints management system that would be implemented for the duration of the construction; and
  - g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition C27.
- C31. The Construction Waste Management Sub-Plan must address, but not be limited to, the following:
- a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; and
  - b) 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 in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of construction.
- C32. The Applicant must prepare a Construction Soil and Water Management Plan and the plan 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;
  - c) include an Acid Sulfate Soils Management Plan, if it becomes evident during construction that acid sulfate soils will be disturbed, 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 a 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 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI, if relevant.
- C33. Unless otherwise agreed by the Planning Secretary, the Applicant must prepare a Construction Flood Emergency Management 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 (EHG);
  - c) include details of:
    - (i) the flood emergency responses for both construction phases 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.
- C34. Unless otherwise agreed by the Planning Secretary, a Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- 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.

### **Long Term Environmental Management Plan**

- C35. Prior to the commencement of construction of the building, the Applicant must submit a long-term environmental management plan to the Certifier, and a copy provided to the Secretary that:
- a) identifies the presence of asbestos containing material (ACM) impacted soils
  - b) establishes the necessary protocols to manage future potential exposure scenarios (i.e. penetration of the proposed new ground floor level slab).

### **Construction Parking**

- C36. 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 in nearby public streets or public parking facilities. A copy of the strategy must be provided to the Planning Secretary for information.

### **Soil and Water**

- C37. Prior to the commencement of construction, the Applicant must
- a) install erosion and sediment controls on the site to manage wet weather events
  - b) divert existing clean surface water around operational areas of the site.
- C38. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4<sup>th</sup> edition, Landcom 2004) commonly referred to as the 'Blue Book'.

### **Stormwater Management System**

- C39. 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**

- C40. 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.

### **Outdoor Lighting**

- C41. Prior to the installation of outdoor lighting, evidence must be submitted to the satisfaction of the Certifier demonstrating that all outdoor lighting has been designed to comply with AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

### **Public Domain Works**

- C42. 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.

### **Contamination**

- C43. Prior to commencement of operation, the Applicant must submit a Validation Report for the development to the Certifier. The Validation Report must:
- a) be prepared, or reviewed and approved, by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contate Assessment and Management (CPSS CSAM) scheme;
  - b) be prepared in accordance with the relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;

- c) include, but not be limited to:
  - (i) comment on the extent and nature of the remediation undertaken;
  - (ii) if material is to remain in-situ and capped, describe the location, nature and extent of any remaining contamination on site as well as any ongoing management requirements;
  - (iii) sampling and analysis plan and sampling methodology undertaken as part of the remediation;
  - (iv) if treated material is to remain on the subject site, results of sampling of treated material, compared with the treatment criteria in the most updated RAP;
  - (v) results of any validation sampling, compared to relevant guidelines/criteria;
  - (vi) comment on the suitability of the area for the intended land use; and
- d) be submitted to the Planning Secretary for information.

- C44. Prior to commencement of operation, the Applicant must obtain confirmation from the Certifier in writing that the requirements of condition C43 have been met.
- C45. Where changes are made to the Remedial Action Plan, prepared under Condition B10, prior to the commencement of operation the Applicant must submit a Section A1 Site Audit Statement or a Section A2 Site Audit Statement accompanied by an Environmental Management Plan prepared by a NSW EPA accredited Site Auditor. The Section A1 or A2 Site Audit Statement must verify the relevant part of the site is suitable for the intended land use and be provided, along with any Environmental Management Plan to the Planning Secretary and the Certifier.
- C46. If work is to be carried out / completed in stages, a NSW EPA-accredited Site Auditor must confirm satisfactory completion of each stage by the issuance of Interim Audit Advice(s).
- C47. Prior to the commencement of works, an Unexpected Contamination Finds Protocol (UFP) prepared by a suitably qualified and experienced expert shall be prepared. The protocol should include detailed procedures for identifying and dealing with unexpected contamination, asbestos and other unexpected finds. The Applicant should ensure that the procedure includes details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The UFP must be submitted to the satisfaction of Certifier. The UFP must be implemented for the duration of construction works.
- C48. Prior to the commencement of works, other than site clearing works, the Applicant must engage an EPA-accredited auditor to prepare a Section B Site Audit Statement or Interim Site Audit Advice that confirms that the remediation action plan is appropriate for the site and that the site can be made suitable for the proposed use.
- Details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of all the documentation outlined in the above requirements must be submitted to the Planning Secretary.

### **Car Parking and Access**

- C49. The car park is to be designed to comply with AS/NZS 2890.1:2004: Parking facilities – Off-street car parking and AS/NZS 2890.6:2009: Parking facilities – Off-street parking for people with disabilities and is to be set out generally in accordance with the minimum parking layout standards indicated in Section 7.4 'On-Site Parking of the Gosford City Centre DCP and the plans listed in Condition A2. Full details are to be included in documentation for a Construction Certificate application.
- C50. All proposed driveways, parking bays, loading bays and vehicular turning areas are to be constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.

### **Acoustic Privacy**

- C51. Prior to installation of mechanical plant and equipment:
- a) a detailed assessment of mechanical plant and equipment with compliance with the relevant project noise trigger levels as recommended in the approved noise assessment required by Condition B13 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 (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 B13.

### **Operational Waste Storage**

- C52. 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.

#### **Works Within Road Reserve**

C53. Prior to the commencement of works within the road reserve, the Applicant must submit plans and technical specifications under section 138 of the *Roads Act 1993*, to the relevant roads authority, for any works within the road reserve.

*Notes:*

- *Approval must be obtained for roadworks under section 138 of the Roads Act 1993.*
- *All costs associated with the proposed road upgrade works must be borne by the Applicant.*
- *In accordance with Section 4.42 of the Environmental Planning and Assessment Act 1979, an approval under Section of the 138 Roads Act 1993 cannot be refused if it is necessary for carrying out state significant development that is authorised by a development consent and is substantially consistent with the consent.*

## **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):

- a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Building Contractor, Certifier and Structural Engineer is to satisfy the following requirements;
- b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
- c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
- d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
- e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to 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 shall be readily available for perusal by any officer of the Department, Council or the Certifying Authority.

#### **Demolition**

D4. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). 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 the 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. The removal of:

- (a) more than 10m<sup>2</sup> 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.

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*.

D6. Following removal of the existing building, the site must be inspected by a suitably qualified contamination, geotechnical or environmental specialist to review the site condition and the proposed development plans (including the excavation plan). Any new recommendations following this review shall be incorporated into a revised Remediation Action Plan required under Condition B10 and submitted to the Secretary and Council.

#### **Operation of Plant and Equipment**

D7. All construction plant and equipment used on site must be maintained in a proper and efficient condition and 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:

- a) between 7 am and 6 pm, Mondays to Fridays inclusive; and
- b) between 8 am and 1 pm, Saturdays
- c) Extended hours between 6am and 10pm, Mondays to Fridays inclusive, subject to:
  - i. the works and associated mitigation measures undertaken during the extended hours must align with those identified in Section 7 of the *Desktop Construction Noise Assessment for Out of Hours Works* prepared by Renzo Tonin & Associates, dated 15 July 2022
  - ii. any complaints being recorded in the register required under Condition C24

- d) Extended hours permitted under (c) above may be terminated at any time by the Planning Secretary if the Planning Secretary deems unreasonable construction impacts are being generated through during the extended construction hours or if complaints are not being managed appropriately.
- D9. No work may be carried out on Sundays or public holidays.
- D10. Activities may be undertaken outside of these hours 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
  - c) where a variation is approved in advance in writing by the Planning Secretary or its nominee if appropriate justification is provided for the works.
- D11. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D12. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
  - a) 9.00 am to 12.00 pm, Monday to Friday;
  - b) 2.00 pm to 5.00 pm Monday to Friday; and
  - c) 9.00 am to 12.00 pm, Saturday
  - d) Extended hours between 6am and 12pm, and 2pm and 10pm Mondays to Fridays inclusive, subject to:
    - i. the works and associated mitigation measures undertaken during the extended hours must align with those identified in Section 7 Section 7 of the *Desktop Construction Noise Assessment for Out of Hours Works* prepared by Renzo Tonin & Associates, dated 15 July 2022
    - ii. any complaints being recorded in the register required under Condition C24
  - (e) the extended hours permitted under (d) above may be terminated at any time by the Planning Secretary if the Planning Secretary deems unreasonable construction impacts are being generated during the extended construction hours or if complaints are not being managed appropriately.

#### **Implementation of Management Plans**

- D13. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

#### **Construction Traffic**

- D14. All construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site (including the car park), except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

#### **Hoarding Requirements**

- D15. 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 2 business days of its application
  - c) if construction works outside of standard hours are occurring, 3m high solid hoarding along the boundaries is required. The hoarding should give regard to the following to maintain acoustic integrity and for the hoarding to perform as noise screens:
    - i. Any penetrations through the hoarding should be sealed air tight
    - ii. All joints and gaps between sheets / panels should be sealed air tight
    - iii. Any gaps between hoarding and the ground should be filled to ensure that the
    - i. hoarding provides appropriate noise attenuation.

#### **No Obstruction of Public Way**

- D16. 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**

- D17. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009), unless in accordance with Condition D8(c) or D11(d). 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.

- D18. 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 outlined under condition D8.
- D19. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

#### **Vibration Criteria**

- D20. 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).
- D21. 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 D20.
- D22. The limits in conditions D20 and D21 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C30 of this consent.

#### **Tree Protection**

- D23. For the duration of the construction works:
- a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
  - b) all street trees immediately adjacent to the site boundary 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 approval of Council.

#### **Air Quality**

- D24. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D25. During construction, the Applicant must ensure that:
- a) exposed surfaces and stockpiles are suppressed by regular watering;
  - 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 used by these trucks are kept clean; and
  - e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

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

- D26. All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4<sup>th</sup> edition, Landcom, 2004) commonly referred to as the 'Blue Book'.

#### **Imported Soil**

- D27. The Applicant must:
- a) ensure that only material approved in writing by EPA is brought onto the site;
  - b) keep accurate records of the volume and type of fill to be used; and
  - c) make these records available to the Certifier upon request.

#### **Disposal of Seepage and Stormwater**

- D28. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifier. Council must be consulted regarding adequacy of works prior to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

#### **Emergency Management**

- D29. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction

### **Unexpected Finds Protocol – Aboriginal Heritage**

- D30. 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**

- D31. 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.

### **Unexpected Finds Protocol – Asbestos**

- D32. If any unexpected contamination, asbestos or other unexpected finds are uncovered during the work, then all works must cease immediately and the protocol outlined in the UFP required under Condition C47 shall be implemented.

### **Waste Storage and Processing**

- D33. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D34. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D35. 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.
- D36. 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.
- D37. 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 is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

### **Outdoor Lighting**

- D38. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Contamination**

- D39. The Applicant must ensure the proposed development does not result in contamination on the site that is inconsistent with the Remediation Action Plan.
- D40. Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the relevant authority.

### **Fill**

- D41. Any excavated material to be removed from the site is to be assessed, classified, transported, and disposed of in accordance with the Department of Environment and Climate Changes' (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'
- D42. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used 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).

- D43. Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to Department officers or the Principal Certifying Authority on request.

#### **Safework NSW Requirements**

- D44. 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 NSW requirements.

#### **Operational Readiness Work**

- D45. 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 on the site, including how:
    - (i) areas to be used for operational readiness work will be clearly and securely separated from the 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 number of staff involved in operational readiness work on site at any one time and parking arrangements for construction workers on site.
- D46. Operational readiness work must only be undertaken in accordance with the details submitted under condition D44 and the following requirements:
- a) no patrons are permitted; and
  - b) the Applicant has implemented appropriate arrangements to ensure the safety of Library and Council staff.

#### **Compliance**

- D47. 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.

## **PART E PRIOR TO OCCUPATION CERTIFICATE/ COMMENCEMENT OF OPERATION**

### **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.

### **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 PCA 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 commencement of operation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

### **External Walls and Cladding**

- E5. Prior to occupation, 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 to the Planning Secretary within seven days after the Certifier accepts it.

### **Development Contributions**

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

Certifiers are required to obtain a document from Council and the Planning Secretary confirming the payment of infrastructure contributions prior to the issuing of an occupation certificate. An Occupation Certificate shall not be issued unless Council has confirmed in writing 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 2,862.5 m<sup>2</sup> and the height of the building does not exceed RL 29.05 m AHD, excluding plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. A variation up to a maximum of 1% may be accepted if the Certifier is satisfied it is the result of an error or is a minor discrepancy. 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 Principal Certifying Authority 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 occupation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
  - to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
    - have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
  - to be forwarded to Council.

### **Road Reserve Works**

- E11. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be immediately repaired following the damage, to a satisfactory state that 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.

- E12. Prior to the issue of any Occupation Certificate, the construction works in the road reserve are to be implemented and completed to satisfaction of Council.
- E13. Any redundant existing vehicular crossing (or section of) is to be removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure and be completed prior to the issuing of an Occupation Certificate for the proposed development.

#### **Protection of Property**

- E14. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

#### **Utilities and Services**

- E15. Prior to occupation, a compliance certificate under the section 307 of the *Water Management Act 2000* must be obtained from Council and submitted to the Certifier.
- E16. Prior to occupation, 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.

#### **Green Travel Plan**

- E17. Prior to the commencement of operation, a Green Travel Plan (GTP) for employees working at the library and multi-use hall and people using the innovation hub, must be submitted to the satisfaction of the Planning Secretary, to include:
- a) objectives and modes share targets (i.e. Site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - b) specific tools and actions to help achieve the objectives and mode share targets;
  - c) measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP;
  - d) details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development; and
  - e) public transport routes and bicycle network.

The GTP is to be made available to site users and the public transport routes and bicycle network are to be installed in common areas prior to the issue of the Final Occupation Certificate. A copy should be provided to the certifier and Council.

- E18. The Green Travel Plan is to be approved and implemented prior to the issue of an Occupation Certificate.

#### **Mechanical Ventilation**

- E19. Prior to occupation, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies 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.

#### **Fire Safety Certification**

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

#### **Operational Noise**

- E21. Prior to the commencement of operation, the Applicant must submit evidence to the Certifier that
- (a) the noise mitigation recommendations in the Acoustic Assessment prepared by Acoustic Logic dated 27 July have been incorporated into the design of the building to ensure the development will not exceed the recommended project noise trigger levels.
  - (b) the noise mitigation recommendations in the assessment undertaken under Condition B13 have been incorporated into the design of the 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 B13.



### **Car Parking, Service Vehicles and Bicycle Parking Arrangements**

- E22. Prior to the issue of any relevant occupation certificate, or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Certifier that demonstrates that:
- a) the car-parking, service vehicle areas, bicycle parking facilities comply with conditions B17 and B18;
  - b) appropriate pedestrian and cyclist advisory signs have been provided;
  - c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
  - d) The bicycle parking spaces are located in easy to access, well-lit areas that incorporate passive surveillance; and
  - e) end-of-trip facilities for staff are provided.

### **Road Damage**

- E23. 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 Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

### **Structural Inspection Certificate**

- E24. Prior to occupation, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the approval authority and the Council after:
- a) the site has been periodically inspected and the Certifier has been provided with evidence that the structural works is deemed to comply with the final design drawings and requirements of the BCA; and
  - b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **Stormwater Quality Management Plan**

- E25. Prior to occupation, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along 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 outlined in the Stormwater Management Report prepared by Northrop dated 28 July 2021
  - b) record and reporting details;
  - c) relevant contact information; and
  - d) Work Health and Safety requirements.

### **Stormwater Drainage**

- E26. Prior to occupation, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.
- E27. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the:
- a) onsite detention/infiltration system is maintained and that no works which could affect the design function of the detention/infiltration system are undertaken without the prior consent (in writing) of Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

*Note1: The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's required wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.*

*Note2: The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.*

- E28. The Applicant shall submit to the Certifier and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage), Council's policies and conditions of this development consent. The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers.

### **Operational Flood Emergency Response and Evacuation Plan**

- E29. Prior the commencement of the operation, unless otherwise agreed by the Planning Secretary, a Flood Emergency Response and Evacuation Plan must be submitted 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.

### **Outdoor Lighting**

- E30. Prior to occupation, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that 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.

### **Screening**

- E31. All external items of air conditioning plant are to be screened or positioned in such a manner as to not detract from the visual presentation of the building.

### **Water Management**

- E32. The water management measures as indicated on the submitted plans and Statement of Environmental Effects and/or as modified under the terms of this consent are to be implemented and the nominated fixtures and appliances are to be installed and operational prior to issue of an Occupation Certificate.

### **Public Domain Works**

- E33. 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 approved plans under Condition A2 and to the satisfaction of Council.

### **Building Code of Australia (BCA) Compliance**

- E34. 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).

### **Contamination**

- E35. A notation on the property title (including Council's database) must be made identifying the presence of asbestos impacted fill materials, if required.

### **Signage**

- E36. Prior to the issue of any relevant Occupation Certificate, the Applicant must provide evidence to the Certifier, demonstrating that the business identification signage has been provided in accordance with the plans in Condition A2 and as updated by conditions of this consent.
- E37. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- E38. 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.

### **Landscaping**

- E39. Prior to the issue of a final Occupation Certificate, landscaping of the site must be completed in accordance with landscape plan(s) listed in Condition A2.

- E40. Prior to the issue of a final Occupation Certificate , 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.

Prior to the issue of a final Occupation Certificate , the Applicant must prepare an Operational Landscape Management Plan to manage the landscaping on site, to the satisfaction of the Planning Secretary. The plan must describe the ongoing monitoring and maintenance measures to manage landscaping.

#### **Ecologically Sustainable Development**

- E41. Prior to the issue of a final Occupation Certificate, evidence of compliance and implementation of the ESD measures required under condition C26, must be provided to the Planning Secretary and Certifier.

## **PART F DURING OCCUPATION/ ONGOING CONDITIONS**

### **Event Management Plan**

- F1. Prior to the commencement of the first event on the site that involves 50 or more people, the Applicant is to prepare an Event Management Plan in consultation with Council and submit it to the Council for approval and Planning Secretary for information. The plan must include the following:
- a) the number of attendees, time and duration;
  - b) arrival and departure times and modes of transport;
  - c) where relevant, a schedule of all annual events;
  - d) measures to encourage non-vehicular travel to the venue and promote and support the use of alternate travel modes (i.e. public transport);
  - e) measures to minimise localised traffic and parking impacts; and
  - f) measures to minimise noise impacts on any sensitive residential receivers, including the preparation of acoustic management plan
  - g) measures to ensure patrons enter and leave the premises in a quiet and orderly manner whenever the premises are open to the public
  - h) include a program to monitor the effectiveness of these measures.
- F2. The Event Management Plan must be implemented by the Applicant for the duration of the identified community event or use.

### **Green Travel Plan**

- F3. The Green Travel Plan required by condition E17 of this consent must be updated annually and implemented unless otherwise agreed by the Planning Secretary.

### **Operation of Plant and Equipment**

- F4. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

### **Warm Water Systems and Cooling Systems**

- F5. The operation and maintenance of warm water systems and water-cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2012 and 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**

- F6. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

### **Unobstructed Driveways and Parking Areas**

- F7. 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 and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### **Ecologically Sustainable Development**

- F8. Unless otherwise agreed by the Planning Secretary, within twelve months of commencement of operation, evidence of compliance and implementation of the ESD measures required under condition C26, must be provided to the Planning Secretary and Certifier.

### **Outdoor Lighting**

- F9. Notwithstanding condition E30, 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.

### **Air Quality**

- F10. 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), that 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 such measures being implemented within a nominated time period. Furthermore, written certification from the 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.

#### **Landscaping**

- F11. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Plans required by Condition A2 for the duration of occupation of the development.

#### **Hours of Operation**

- F12. The hours of operation shall be within the hours as specified in the table below, unless a variation is approved in writing by the Planning Secretary or its nominee if appropriate justification is provided.

LAND USE/ACTIVITY	HOURS OF OPERATION
Library	Monday – Wednesday and Friday: 9:00am – 6:00pm Thursday: 9:00am – 8:00pm Saturday – Sunday: 10:00am – 2:00pm
Multi-use hall*	Monday – Sunday: 8:00am – 12:00am

\*Events within the multi-use hall require compliance with the Event Management Plan required under Condition F1

#### **Car Parking**

- F13. Car and motorcycle parking is to be provided in accordance with condition B17, and four (4) spaces must be available at all times for the innovation hub use.

#### **Operational Noise**

- F14. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in the Acoustic Assessment prepared by Acoustic Logic dated 27 July 2021 and any recommendations of the noise assessment required by Condition B13.

- F15. 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 offensive noise has emanated from the premises, or complaints and enquiries received in relation to operational noise generated by the development with 12 months of occupation, the owner/occupier of the premises will be required to submit an acoustic assessment prepared by a suitably qualified acoustical consultant recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the consultant confirming the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to the Secretary prior to the expiration of the nominated period.

## **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, or an exemption granted. For further information please contact the Long Service Payments Corporation Helpline on 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 that are the subject of this application 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 from an appropriately qualified person is provided and that the 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 provisions 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 (RMS) (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 that 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 reserve.

### **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 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

### **Fire Safety Certificate**

- AN12. The owner must submit to Council an Annual Fire Safety Statement, each 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**

A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) 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 A26 or, having given such notification, subsequently forms the view that an incident has not occurred.

### **Written Incident Notification Requirements**

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.

### **Incident Report Requirements**

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.

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.