

Development Consent

Section 4.16 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation executed on 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



Louise Densmore
Director
Regional Assessments

Sydney

14 November 2025

File: EF22/1307

SCHEDULE 1

Application Number:	DA 22/1307
Applicant:	Matthew Wales
Consent Authority:	Minister for Planning and Public Spaces
Site:	Lot A and B in DP 312912 53-55 Donnison Street West, Gosford
Development:	Construction of a part 7 / part 8 storey residential flat building containing 26 apartments, two basement levels, 31 basement car parking spaces and communal rooftop terrace, tree removal, associated infrastructure and utilities, and landscaping works.

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DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW)
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW)
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> (NSW) acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent.
Applicant	Matthew Wales, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i> (NSW)
BFEMEP	Bush Fire Emergency Management and Evacuation Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
CEMP	Construction Environmental Management Plan
Certifier (or private certifier)	Professionals who are accredited by the Building Professionals Board to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the EP&A Act, <i>Strata Schemes Development Act 2015</i> (NSW) and <i>Strata Schemes Management Act 2015</i> (NSW) ,or, in the case of Crown development, a person qualified to conduct a Certification of Crown Building works.
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website
Conditions of this consent	Conditions contained in Schedule 2 of this consent
Construction	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.
Council	Central Coast Council
Day	The period from 7 am to 6 pm Mondays to Saturdays, and 8 am to 6 pm Sundays and public holidays.
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the SEE, accompanying documents and Response to Submissions, as modified by the conditions of this consent.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i> (NSW)
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage, including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> (NSW), and assessed as being of local, State and/or National Heritage Significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> (NSW), the World Heritage List, the <i>National Heritage List</i> or the <i>Commonwealth Heritage List</i> (the latter three) under the <i>Environment Protection and Biodiversity Conservation Act</i>

	1999 (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause a, non-compliance Note: "material harm" is defined in this consent
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act (NSW)
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to, or during those impacts occurring
Night	The period from 10 pm to 7 am on Mondays to Saturdays, and 10 pm to 8 am on Sundays and public holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the development upon completion of construction.
Planning Secretary	The Planning Secretary of the Department of Planning, Housing and Infrastructure or their nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to Submissions	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.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
SEE	Statement of Environmental Effects titled <i>Proposed Residential Flat Building Lots A & B in DP312912 #53 – 55 Donnison Street at West Gosford</i> , prepared by Matthew Wales from Wales & Associates Urban Design Partners, dated 24th October 2024, submitted with the application for consent for the development, including additional reports and documentation provided by the Applicant in support of the application.
Subject site / site	Land referred to in Schedule 1 of this consent.
TfNSW	Transport for New South Wales

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) in accordance with the SEE, RtS and BASIX Certificate No 1137691M_02;
 - (d) in accordance with the management and mitigation measures;
 - (e) in accordance with the approved plans in the table below (except where modified by the conditions of this consent):

Architectural drawings prepared by ELK Architects			
Drawing No.	Revision	Name of Plan	Date
DA000	D	Cover Page	22/06/2023
DA010	D	Site Analysis	22/06/2023
DA011	D	Site Analysis	22/06/2023
DA020	D	Demolition Plan	22/06/2023
DA030	D	Site Plan	22/06/2023
DA031	D	Schedule of Areas	22/06/2023
DA035	D	Site Coverage Plan	22/06/2023
DA040	D	Massing Perspective 01	22/06/2023
DA041	D	Massing Perspective 01 W/Envelope	22/06/2023
DA042	D	Massing Perspective 02	22/06/2023
DA043	D	Massing Perspective 02 W/Envelope	22/06/2023
DA044	D	Massing Perspective	22/06/2023
DA050	D	Rendered Perspective 01	22/06/2023
DA051	D	Rendered Perspective 02	22/06/2023
DA052	D	Rendered Perspective 03	22/06/2023
DA053	D	Rendered Perspective 04	22/06/2023
DA054	D	Rendered Perspective 05	22/06/2023
DA100	D	Basement 2	22/06/2023
DA110	D	Basement 1	22/06/2023
DA120	D	Ground Floor	22/06/2023
DA130	D	First Floor	22/06/2023
DA140	D	Second Floor	22/06/2023
DA150	D	Third Floor	22/06/2023
DA160	D	Fourth Floor	22/06/2023
DA170	D	Fifth Floor	22/06/2023
DA180	D	Sixth Floor	22/06/2023
DA300	D	Northern Elevation	22/06/2023
DA301	D	Eastern Elevation	22/06/2023
DA302	D	Southern Elevation	22/06/2023
DA303	D	Western Elevation	22/06/2023
DA350	D	External Finishes	22/06/2023

DA400	D	Section A-A	22/06/2023
DA401	D	Section B-B	22/06/2023
DA900	D	External Shadow Diagrams	22/06/2023
DA901	D	External Shadow Diagrams	22/06/2023
DA902	D	Shadow Analysis – 2 Wilhelmina Street	22/06/2023
DA903	D	Shadow Analysis – 2 Wilhelmina Street	22/06/2023
DA950	D	Cross Ventilation Diagrams	22/06/2023
DA960	D	Sediment Control	22/06/2023
DA970	D	FSR Calculation	22/06/2023
DA980	D	Storage Calculation	22/06/2023

Landscape drawings prepared by Concept Landscape Design			
Drawing No.	Revision	Name of Plan	Date
1	G	Hardscape/ Site Plan	26/11/24
2	G	Landscape Plan - GF & Basement	26/11/24
3	G	Landscape Plan	26/11/24
4	G	Landscape Plan - Roof	26/11/24
5	G	Specifications & Details	26/11/24
6	G	Details 2	26/11/24

Stormwater drawings prepared by Burgess, Arnott & Grava Pty. Ltd.			
Drawing No.	Revision	Name of Plan	Date
2020-205-H1	B	Stormwater Drainage Basement 2 Concept Plan	30/3/2021
2020-205-H2	B	Stormwater Drainage Basement 1 Concept Plan	30/3/2021
2020-205-H3	B	Stormwater Drainage Concept Ground Floor / Site Plan	30/3/2021
2020-000-H4	0	Stormwater Drainage Concept First Floor Plan	Oct 2020
2020-000-H5	0	Stormwater Drainage Concept Second Floor Plan	Oct 2020
2020-000-H6	0	Stormwater Drainage Concept Third Floor Plan	Oct 2020
2020-000-H7	0	Stormwater Drainage Concept Forth Floor Plan Fifth Floor Plan Similar	Oct 2020
2020-000-H8	0	Stormwater Drainage Concept Sixth Floor Plan	Oct 2020
2020-000-H9	0	Stormwater Drainage Concept Roof Plan	Oct 2020
2020-000-H10	0	Stormwater Drainage Concept Details	Oct 2020

Site soil management plan prepared by Burgess, Arnott & Grava Pty. Ltd.			
Drawing No.	Revision	Name of Plan	Date
2020-205-P1	A	Site Soil and Water Management Stage (1) Plan - Demolition	6/03/2025
2020-205-P2	A	Site Soil and Water Management Stage (2) Plan - Excavation	6/03/2025
2020-205-P3	A	Site Soil and Water Management Details Sheet	6/03/2025

- (f) generally in accordance with the following documents:
- (i) Building Code of Australia Compliance Report prepared by Vlz Construction Pty Ltd, revision R1.1, reference 22166B-R1.1, dated 24 May 2023;
 - (ii) Report on Preliminary Acid Sulfate Soil Assessment prepared by Douglas Partners, revision 0, reference R.001.Rev0, dated 22 July 2022;
 - (iii) Arboricultural Impact Assessment prepared by Michael Shaw, dated 14 October 2021; Aviation Impact Assessment prepared by AviPro, revision 1.1, dated 6 November 2023;

- (iv) Bushfire Assessment Report prepared by MJD Environmental, revision V2, reference 21001, dated 22 February 2021;
- (v) Detailed Site Investigation prepared by Australian GeoEnviro Pty Ltd, revision Rv0, reference AG-1625_1rv0, dated 30 October 2024;
- (vi) Disability Access Report prepared by Lindsay Perry Access, revision1, reference LP_20128, dated 3 March 2021;
- (vii) Noise Impact Assessment prepared by Spectrum Acoustic Pty Ltd, reference 202006-9044, dated 2 October 2020;
- (viii) Report on Preliminary Geotechnical Assessment and Preliminary Site Investigation for Contamination prepared by Douglas Partners, revision 0, reference R.001.Rev0, dated 5 May 2021;
- (ix) Waste Management Plan prepared by Wales & Associates Pty Ltd, revision 02-073/2019, reference #073/2019, dated 24 June 2021;
- (x) Detailed Survey Plan prepared by Clarke Dowdle & Associates, reference 22813, dated 13 November 2019;
- (xi) Traffic and Parking Assessment prepared by Transport and Traffic Planning Associates, revision C1, reference T20111, dated January 2024;
- (xii) Visual and View Impacts Report prepared by Dr Philip Pollard, dated 4 November 2020;
- (xiii) NatHERS Certificate prepared by Evergreen Energy Consultants Pty Ltd, No. 0009266050, dated 27 Feb 2024; and
- (xiv) BASIX Certificate prepared by Evergreen Energy Consultants Pty Ltd, No. 1137691M_02, dated 27 Feb 2024.

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; and
- (b) the implementation of any actions or measures contained in any such document referred to in Condition A3(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.

EVIDENCE OF CONSULTATION

A5. 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) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

A6. 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.

OPERATION OF PLANT AND EQUIPMENT

A7. All plant and equipment used on site, or to monitor the performance of the development, must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

A8. 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.

- A9. 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.

MONITORING AND ENVIRONMENTAL AUDITS

- A10. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent auditing.

Note: *For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

COMPLIANCE

- A11. 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

- A12. The Department must be notified in writing to 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.
- A13. The Applicant must give subsequent notification and submit reports in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

- A14. The Applicant must notify the Department in writing to 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 within seven days after they identify any non-compliance.
- A15. The notification required by Condition A14 must identify the development and its application number, set out the condition of consent with which the development is non-compliant, 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.
- A16. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

LIMITS ON CONSENT

- A17. This consent lapses five years after the date of consent unless work is physically commenced.

SUBDIVISION

- A18. Prior to the issue of a Construction Certificate, Lot A and Lot B in Deposited Plan 312912 must be consolidated into a single allotment. The Applicant must submit evidence of registration of the plan of consolidation with NSW Land Registry Services to the Certifying Authority.
- A19. Strata subdivision of the building is not permitted under this consent.

PRESCRIBED CONDITIONS

- A20. 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

- A21. For work costing \$25,000 or more, the Applicant must pay a Long Service Levy. For further information, please contact the Long Service Payment Corporation Helpline on 131 441.

SECURITY DEPOSIT

- A22. The Applicant must provide the following deposit to Council as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work and for remedying any defect on such public works, in accordance with section 4.17 of the EP&A Act:
- \$50,000 – Damage / Civil Works Security Deposit.

The deposit may be provided by way of cash, cheque, credit card payment or other method agreed to by Council. It is refundable upon a satisfactory inspection by Council upon the completion of civil works and the Council's confirmation in writing that there has been no damage to its infrastructure.

Prior to the commencement of any building/demolition works, the Applicant must advise Council in writing and/or through photographs, of any signs of existing damage to the roadway, footway, or verge.

PART B PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE

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

AMENDMENT TO STORMWATER DESIGN

- B2. Prior to the issue of any construction certificate, updated engineering stormwater and hydraulic plans must be prepared by a suitably qualified and experienced engineer and submitted to the satisfaction of the Certifier. The updated plans must:
- (a) reflect the latest approved architectural floor plans, including the rooftop terrace, revised basement parking layout, and any other relevant design changes; and
 - (b) ensure consistency with the stormwater drainage design and the final building footprint and levels; and
 - (c) demonstrate compliance with relevant Australian Standards and Council's stormwater design guidelines.

AMENDMENT TO DETAILED SURVEY PLAN – SITE AREA CLARIFICATION

- B3. Prior to the issue of any construction certificate, an updated Detailed Survey Plan must be prepared by a registered surveyor and submitted to the satisfaction of the Certifier. The updated plan must:
- (a) confirm the correct site area of the subject land based on verified boundary measurements; and
 - (b) amend the previously submitted Detailed Survey Plan prepared by Clarke Dowdle & Associates (Reference No. 22813, dated 13 November 2019), which incorrectly states a site area of 1,134.9m², a figure that does not align with the boundary dimensions shown on the plan; and
 - (c) ensure consistency with all other approved development documentation, including architectural and engineering plans.

ACOUSTIC PRIVACY

- B4. Prior to the issue of any construction certificate, an acoustic report must be prepared by a suitably qualified and experienced Acoustic consultant which assesses the acoustic impacts of the operation of the:
- (a) (including at night-time) driveway on the habitable rooms of apartments 02, 03 and 04 with respect to relevant standards; and
 - (b) lift on level 6 apartments with respect to relevant standards.
- B5. A copy of the acoustic report required by Condition B4, and (if required) updated plans incorporating the recommendations of the acoustic report, must be submitted to the satisfaction of the Certifier prior to issue of any construction certificate.

DIVERSION OF EXISTING SEWER MAIN

- B6. Prior to the issue of any construction certificate, updated engineering and sewer diversion plans must be prepared by a suitably qualified and experienced engineer, showing the proposed diversion of the existing 150 mm sewer main which traverses the rear of the site. The plans must:
- (a) reflect the latest approved architectural layout; and
 - (b) include details of the new sewer junction and termination of the UB Line at the western boundary of Lot A; and
 - (c) be prepared in consultation with Sydney Water and/or Central Coast Council, depending on asset the ownership; and
 - (d) demonstrate compliance with relevant standards and asset protection requirements.
- B7. A copy of the updated sewer diversion plans required by Condition B5 and written confirmation of approval or endorsement from Sydney Water and/or Council, must be submitted to the satisfaction of the Certifier prior to the issue of any construction certificate.
- B8. All works associated with the sewer diversion must be undertaken at no cost to Sydney Water or Council.

Note: Further approval under Section 68 of the Local Government Act 1993 (NSW) and/or a Section 73 Certificate from Sydney Water may be required to undertake sewer diversion works.

OTHER MINOR AMENDMENTS TO PLANS

- B9. Prior to the issue of any construction certificate, amended plans prepared by a suitably qualified Architect, must be submitted to the satisfaction of the Certifier which illustrate:
- (a) the courtyard front fences to Units 01 and 04, which are accessed from Donnison Street West, must have a maximum overall height of 1.8 m as measured from the finished footpath level with any part of the fence above 1.5 m (measured from footpath level) being constructed of transparent or permeable material;

- (b) the installation of sensor-activated lighting within the visitor parking area, designed to operate during night-time hours only, to enhance visibility and safety;
- (c) the provision of CCTV surveillance covering the visitor parking spaces and waste loading zone;
- (d) the installation of convex safety mirrors within the visitor parking area to improve visibility and reduce blind spots;
- (e) all uncovered parts of the driveway constructed of semi-pervious materials;
- (f) the materials and finishes of the mailbox are consistent with the appearance of the building and that the mailbox is large enough to accommodate newspapers;
- (g) the location of antenna on the roof so as not to be visible from surrounding public areas; and
- (h) the location of water and drainage facilities in the bin storage room.

OPERATIONAL WASTE STORAGE AND PROCESSING

- B10. Prior to the issue of any construction certificate, the Applicant must:
- a) where waste removal will be undertaken by Council, obtain agreement from Council for the design of the operational waste storage area/s;
 - b) where waste removal will be undertaken by a third party, provide evidence to the Certifier that the design of the waste storage area/s:
 - i) is constructed using solid, non-combustible materials;
 - ii) includes a cold water supply with a hose through a centralised mixing valve; and
 - iii) is naturally ventilated, or an air handling exhaust system is in place.

NOTIFICATION OF COMMENCEMENT

- B11. The Applicant must notify Department in writing of the date of commencement of physical work, at least 48 hours prior to commencement.
- B12. If the construction or operation of the development is to be staged, the Applicant must notify the Department 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

- B13. Prior to the issue of any construction certificate, the Applicant must submit, to the satisfaction of the Certifier, structural drawings prepared and signed by a suitably qualified practising Structural Engineer which demonstrate compliance with the relevant clauses of the BCA and this development consent.

EXTERNAL WALLS AND CLADDING

- B14. The external walls of all buildings, including additions to existing buildings must comply with the relevant requirements of the BCA.
- B15. Prior to the issue of any construction certificate, the Applicant must provide the Certifier with documentary 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.
- B16. The Applicant must provide a copy of the documentation given to the Certifier under Condition B14, to the Planning Secretary within seven days after the Certifier accepts it.

PRE-CONSTRUCTION DILAPIDATION REPORT

- B17. Prior to the issue of any construction certificate, 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.

SITE STABILITY, EXCAVATION AND CONSTRUCTION WORK

- B18. A report must be obtained from a suitability qualified and experienced professional engineer/s, which includes the following details, and be submitted to the Certifier for the development:
- (a) geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land;
 - (b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings;
 - (c) details which demonstrate that the proposed methods of excavation, support and construction are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration;

- (d) the adjoining land and buildings located upon the adjoining land must be adequately supported for the entirety of the demolition, excavation and building work of the development;
- (e) the written approval (and details) of the owners of the adjoining lands, to install any ground or rock anchors underneath that land (including any public roadway or public place, (for which the consent of the council will be required).

CONTAMINATION MANAGEMENT

- B19. Prior to the commencement of demolition works, a Hazardous Building Materials Survey must be undertaken by a suitably qualified professional to identify and locate any hazardous materials, including asbestos-containing materials and lead-based paints, within existing structures. The Applicant must manage and remove the Identified materials in accordance with relevant guidelines and regulations.
- B20. Updated remediation plans must be prepared by a suitably qualified environmental consultant, detailing the proposed remediation works at sample location BH5-0.1m, and submitted to the satisfaction of the Certifier.
- B21. Any imported or exported fill material must be assessed and classified in accordance with the *NSW EPA Waste Classification Guidelines* (dated November 2014) to ensure suitability for the intended use and to prevent cross-contamination. Documentation confirming compliance must be submitted to the Certifier prior to the issue of any construction certificate.

UNEXPECTED CONTAMINATION PROCEDURE

- B22. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with Condition B33. If any material identified as contaminated is to be disposed off-site, the Applicant must submit the disposal location and results of testing to the Planning Secretary prior to removal from the site.

OUTDOOR LIGHTING

- B23. All outdoor lighting within the site must comply with, where relevant, AS 1158.3.1-2005 *Pedestrian Area (Category P) Lighting* and AS 4282:2019 *Control of the Obtrusive Effects of Outdoor Lighting*.

Details demonstrating compliance with the requirements of Condition B22 must be submitted to the Certifier prior to the issue of any construction certificate.

MECHANICAL VENTILATION

- B24. The Development must be ventilated in accordance with the BCA, AS1668.1 and AS1668.2.
- B25. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2, the BCA and relevant Australian Standards, must be prepared by a suitably qualified person and certified in accordance with clause A2.2(a)(iii) of the BCA to ensure adequate levels of health and amenity to the occupants of the development and to ensure environmental protection. The Applicant must submit details to the satisfaction of the Certifier prior to the issue of any construction certificate.

REFLECTIVITY

- B26. The visible light reflectivity from the building materials used on the facades of any building or structure(s) must not exceed 20% and must be designed so as to minimise glare. A report/documentation demonstrating compliance with those requirements must be submitted to the satisfaction of the Certifier prior to the issue of any construction certificate.

ACCESS FOR PEOPLE WITH DISABILITIES

- B27. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of any construction certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the satisfaction of the Certifier.

ADAPTABLE UNITS

- B28. Prior to the issue of a construction certificate, a report prepared by a suitably qualified consultant must be obtained which demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards.

DEVELOPMENT CONTRIBUTIONS

- B29. Prior to the issue of any relevant Construction Certificate or Subdivision Works Certificate for the proposed development, whichever occurs first, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act (former Section 94A). Certifiers are required to obtain a document from Council confirming the payment of infrastructure contributions prior to the issue of an occupation certificate.

- B30. A Construction Certificate or Subdivision Works Certificate shall not be issued unless Council and the Planning Secretary have confirmed in writing, that all contributions have been paid

SPECIAL INFRASTRUCTURE CONTRIBUTIONS

- B31. The developer 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 developer 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 developer must 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 consent unless the person provides, in connection with the application, written evidence from the Department that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made, or that arrangements are in force with respect to the making of the contribution.

In this condition:

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

Planning Secretary means the Secretary of the Department of Planning, Housing and Infrastructure.

More information

Please contact the Department of Planning, Housing and Infrastructure by email to:

SIContributions@planning.nsw.gov.au.

ENVIRONMENTAL MANAGEMENT PLAN REQUIREMENTS

- B32. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environment performance of the development;
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce the levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and report any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaints;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review / update of the plan and any updates in response to incidents or matters of non-compliance.

Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- B33. Prior to the issue of any construction certificate, the Applicant must submit a Construction Environmental Management Plan (CEMP) for the development in accordance with the requirements of condition B32 and to the satisfaction of the Certifier, and provide a copy to the Planning Secretary.
- B34. As part of the CEMP required under condition B33 of this consent, the Applicant must include the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hours contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with *AS/NZS 4282-2023 Control of the obtrusive effects of outdoor lighting*;
 - (viii) community consultation and complaints handling;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see Condition B36);
 - (c) Construction Noise and Vibration Management Sub-Plan (see condition B37);
 - (d) Construction Waste Management Sub-Plan (see condition B38);
 - (e) Construction Soil and Water Management Sub-Plan (see condition B39);
 - (f) an unexpected finds protocol for contamination and associated communications procedure;
 - (g) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
 - (h) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in those areas of the site.
- B35. The Applicant must
- (a) not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary; and
 - (b) carry out the construction of the development in accordance with the CEMP approved by the Certifier, including any revisions approved by the Certifier from time to time, and submit a copy of such revision to the Planning Secretary.
- B36. 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:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and (if relevant) Transport for NSW (TfNSW);
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
 - (d) details of heavy vehicle routes, access and parking arrangements.
- B37. The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in the *Interim Construction Noise Guideline* (DECC, dated July 2009) and *Draft Construction Noise Guideline* (Environment Protection Authority, dated November 2020);
 - (c) describe the measures to be implemented to manage high noise generating works, such as piling in close proximity to sensitive receivers;
 - (d) include strategies developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies required by Condition B37(d);
 - (f) include a complaints management system that will 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 B32(d).
- B38. 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 issue any construction certificate.
- B39. The Applicant must prepare a Construction Soil and Water Management Plan which addresses, but is not 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) provide a plan of how all construction works will be managed in wet-weather events (i.e., storage of equipment, stabilisation of the Site);
 - (d) detail all off-Site flows from the Site; and
 - (e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to the 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI.
- B40. 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.

IMPLEMENTATION OF MANAGEMENT PLANS

- B41. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

SOIL AND WATER

- B42. Prior to the issue of any construction certificate, the Applicant must install erosion and sediment controls on the site to manage wet weather events.
- B43. Prior to the issue of any construction certificate, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (Landcom, 4th edition, March 2004), commonly referred to as the 'Blue Book'.

BASIX CERTIFICATION

- B44. The development must be implemented, and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No 1137691M_02, and an updated certificate issued if amendments are made. The BASIX certificate must be submitted to the Certifier with all commitments clearly shown on the construction plans prior to the issue any construction certificate.

VEHICULAR ACCESS

- B45. The vehicular access driveway (including, but not limited to, the ramp grades, ramp width and height clearances) must be in accordance with the requirements of AS2890.1 - 2004 *Parking facilities Part 1: Off-street car parking*. Plans demonstrating compliance with these requirements must be submitted to the satisfaction of the Certifier prior to the issue of any construction certificate.
- B46. The vehicle access crossing connecting to the building basement ramp must incorporate suitable profile transitions on each side of the access crossing over the footway and comply with Council's standard Vehicle Entrance Designs. Plans detailing levels, gradients, transitions and retaining walls must be prepared in consultation with Council. A copy of the plans and Council's correspondence must be submitted to the satisfaction of the Certifier prior to the issue of any construction certificate.

ACCESS TO INFORMATION

- B47. 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 complaints 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 such 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.

BUSHFIRE CONSTRUCTION STANDARDS

- B48. New construction on the entire roof, and all northern and western facing elevations must comply with section 3 and section 7 (BAL 29) of the Australian *Standard AS3959-2018 Construction of buildings in bushfire-prone areas*, or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015)*. New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019* (NSW Rural Fire Service, dated November 2019).
- B49. New construction on the southern and eastern facing elevations must comply with section 3 and section 6 (BAL 19) of *Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas*, or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas (incorporating Amendment A - 2015)*. New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019* (NSW Rural Fire Service, dated November 2019).
- B50. The provision of water supply, gas services and electricity services must comply with the following, in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019* (NSW Rural Fire Service, dated November 2019):
- (a) a reticulated water provided to the development where available;
 - (b) fire hydrant, spacing, design and sizing compliant with the relevant clauses of Australian *Standard AS 2419.1:2005*;
 - (c) hydrants not be located within any road carriageway;
 - (d) reticulated water supply to urban subdivisions using a ring main system for areas with perimeter roads;
 - (e) fire hydrant flows and pressures compliant with the relevant clauses of *AS 2419.1:2005*;
 - (f) all above-ground water service pipes are metal, including and up to, any taps;
 - (g) where practicable, electrical transmission lines are underground;
 - (h) where overhead, electrical transmission lines are proposed, as follows:
 - I. lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas; and
 - II. no part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines* (dated December 2005).
 - (i) reticulated or bottled gas is installed and maintained in accordance with *AS/NZS 1596:2014* and the requirements of relevant authorities, and metal piping is used;
 - (j) reticulated or bottled gas is installed and maintained in accordance with *AS/NZS 1596:2014 The storage and handling of LP Gas*, the requirements of relevant authorities, and metal piping is used;
 - (k) all fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side;
 - (l) connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
 - (m) above-ground gas service pipes are metal, including, and up to, any outlets.
- B51. All exposed piping must be of metal. Pipes of other materials should be buried to a depth of at least 300 mm below the finished ground level.
- B52. All new fencing and gates must be constructed in accordance with the NSW Rural Fire Service guideline: *Fast Fact-Fences or Gates in Bushfire Prone Areas*.
- B53. Property access roads must comply with the following requirements of Table 7.4a of *Planning for Bush Fire Protection 2019*:
- (a) property access roads are two-wheel drive, all-weather roads;

- (b) the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), and bridges and causeways clearly indicate load rating;
- (c) minimum 4 m carriageway width;
- (d) a minimum vertical clearance of 4 m to any overhanging obstructions, including tree branches;
- (e) curves have a minimum inner radius of 6 m and are minimal in number to allow for rapid access and egress;
- (f) the minimum distance between inner and outer curves is 6 m;
- (g) the cross fall is not more than 10 degrees;
- (h) maximum grades for sealed roads do not exceed 15 degrees, and not more than 10 degrees for unsealed roads.

B54. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019* (NSW Rural Fire Service, dated November 2019) and incorporate the following principles:

- (a) a minimum one metre wide area (or to the property boundary where the setbacks are less than one metre),
- (b) suitable for pedestrian traffic, and provided around the immediate curtilage of the building;
- (c) planting limited in the immediate vicinity of the building;
- (d) planting which does not provide a continuous canopy to the building (i.e. instead trees or shrubs are isolated or located in small clusters);
- (e) landscape species are chosen to that ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- (f) avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- (g) use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- (h) avoid planting of deciduous species that may increase fuel at surface/ground level (i.e., leaf litter);
- (i) avoid climbing species to walls and pergolas;
- (j) locate combustible materials, such as woodchips/mulch, and flammable fuel stores away from the building;
- (k) locate combustible structures, such as garden sheds, pergolas, and materials, such as timber garden furniture, away from the building; and
- (l) low flammability vegetation species are used.

B55. A report/documentation demonstrating compliance with Conditions B57 to B53, prepared by a suitably qualified and experienced bushfire consultant, must be submitted to the satisfaction of the Certifier prior to the issue of any construction certificate.

PART C DURING CONSTRUCTION

SITE NOTICE

- C1. 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 and 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 must be durable and weatherproof and 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) must be mounted at eye level on the perimeter hoardings/fencing and state that unauthorised entry to the site is not permitted.

DEMOLITION

- C2. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The 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 work plan comply with the safety requirements of AS 2601-2001. The work plans and the statement of compliance must be submitted to the Certifier before the commencement of works.

OPERATION OF PLANT AND EQUIPMENT

- C3. 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

- C4. Construction, including the delivery of materials to and from the site, may be carried out only between the following hours:
- (a) between 7 am and 6 pm, Mondays to Fridays inclusive; and
 - (b) between 8 am and 1 pm, Saturdays.
- C5. No work may be carried out on Sundays or public holidays.
- C6. 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; or
 - (c) where a variation is approved in advance in writing by the Planning Secretary or nominee if appropriate justification is provided for the works.
- C7. Notification of such activities must be given to affected residents before undertaking the activities, or as soon as is practical afterwards.
- C8. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may be carried out only between the following hours:
- (a) 9.00 am to 12.00 midday, Mondays to Fridays;
 - (b) 2.00 pm to 5.00 pm Mondays to Fridays; and
 - (c) 9.00 am to 12.00 midday, Saturdays.

CONSTRUCTION TRAFFIC

- C9. All construction vehicles (excluding site personnel vehicles) must be contained wholly within the site, 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

- C10. The applicant must comply with the following hoarding requirements:
- (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 two business days of its application.

NO OBSTRUCTION OF PUBLIC WAY

- C11. 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.

CONTAMINATION MANAGEMENT

- C12. Following demolition, the applicant must conduct an asbestos clearance inspection and validation of soils to confirm the removal of asbestos-containing materials and demolition debris. A validation report must be submitted to the satisfaction of the Certifier.
- C13. Remediation works must be undertaken at the location of sample BH5-0.1m to address elevated levels of lead, copper, zinc, and chrysotile asbestos. The remediation must be carried out in accordance with the recommendations of the Detailed Site Investigation (Australian GeoEnviro Pty Ltd, revision Rv0, reference AG-1625_1rv0, dated 30 October 2024) and relevant EPA guidelines.

CONSTRUCTION NOISE LIMITS

- C14. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, dated July 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- C15. The Applicant must ensure that construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside the construction hours of work outlined under Condition C4.
- C16. 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 that noise impacts on surrounding noise sensitive receivers are minimised.

VIBRATION CRITERIA

- C17. 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* (Department of Environment and Conservation NSW, dated February 2006) (as may be updated or replaced from time to time).
- C18. 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 C17.
- C19. The limits in Conditions C17 and C18 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by Condition B33 of this consent.

TREE PROTECTION

- C20. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms 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 boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree which is damaged or removed during construction due to an emergency, must be replaced, to the approval of Council;
 - (c) all trees on the site which are not approved for removal must be suitably protected during construction in accordance with the recommendations of the *Arboricultural Impact Assessment*, prepared by Koala Arbor Consulting Arborists, dated 26/2/2020; and
 - (d) if access to the area within any protective barrier is required during construction works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. Following completion of the works, the removal of tree protection measures must be carried out under the supervision of a qualified arborist and must avoid, both, direct mechanical injury to the structure of the tree and soil compaction within the canopy, or the limit of the existing protective fencing, whichever is the greater.

CRANE CONSTRUCTION

- C21. During construction, all cranes must be fitted with aviation lighting in accordance with NSW Health GL2020_014 Guidelines for Hospital HLS in NSW. The aviation lighting shall be operable and maintained in place for the entire duration of the use of any crane.

SHORING AND ADEQUACY OF ADJOINING PROPERTY

- C22. If the development involves an excavation which extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the Applicant must:
- (a) protect and support the building, structure or work from possible damage from the excavation; and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage, unless the Applicant owns the adjoining land, or the owner of the adjoining land has given consent in writing to that Condition C22 does not apply.
- C23. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.

AIR QUALITY

- C24. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- C25. 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

- C26. 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. At a minimum, erosion and sediment control techniques, must be in accordance with the *Managing Urban Stormwater: Soils & Construction* (Landcom, 4th edition, March 2004) commonly referred to as the 'Blue Book'.

IMPORTED SOIL

- C27. 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 those records available to the Certifier upon request.

DISPOSAL OF SEEPAGE AND STORMWATER

- C28. Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of the Certifier. Prior to connection or discharge of site stormwater to Council's stormwater drainage system or street gutter, the Applicant must consult with Council regarding the adequacy of works.

EMERGENCY MANAGEMENT

- C29. The Applicant must prepare and implement awareness training for employees and contractors, including locations of assembly points and evacuation routes, for the duration of construction.

UNEXPECTED FINDS PROTOCOL – ABORIGINAL HERITAGE

- C30. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts on the object(s). The Applicant must contact a suitably qualified archaeologist and the registered Aboriginal representatives to determine the significance of the objects. The site must be registered in the Aboriginal Heritage Information Management System (AHIMS), which is managed by EES Group, and the management outcome for the site must be included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, archaeologists and EES Group to develop and implement management strategies for all objects/sites. Works can recommence only with the written approval of EES Group.

UNEXPECTED FINDS PROTOCOL – HISTORIC HERITAGE

- C31. If any unexpected archaeological relics are uncovered during the work, all works must cease immediately in that area and Heritage NSW contacted. 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. Works may recommence only with the written approval of Heritage NSW.

WASTE STORAGE AND PROCESSING

- C32. All waste generated during construction must be secured and maintained within designated waste storage areas at all times. All such waste must not leave the site onto neighbouring public or private properties.
- C33. All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, dated November 2014).
- C34. 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.
- C35. 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.
- C36. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility are in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

OUTDOOR LIGHTING

- C37. 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*.

ASSET PROTECTION ZONES

- C38. Upon commencement of the development, the site must be maintained as an inner protection zone (IPA) in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019* (NSW Rural Fire Service, dated November 2019) and *Standards For Asset Protection Zones* (NSW Rural Fire Service, undated). When establishing and maintaining an IPA, the following requirements apply:
 - (a) tree canopy cover should be less than 15% at maturity;
 - (b) trees at maturity should not touch or overhang the building;
 - (c) lower limbs should be removed up to a height of two m above the ground;
 - (d) tree canopies should be separated by two to five metres;
 - (e) preference should be given to smooth-barked and evergreen trees;
 - (f) large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
 - (g) shrubs should not be located under trees;
 - (h) shrubs should not form more than 10% ground cover;
 - (i) clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
 - (j) grass should be kept mown (as a guide, grass should be kept to no more than 100 mm in height); and
 - (k) leaves and vegetation debris should be removed regularly.

SAFework NSW REQUIREMENTS

- C39. 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.

PART D PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

PROTECTION OF PUBLIC INFRASTRUCTURE AND ROADS

- D1. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure or road that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure or road that needs to be relocated as a result of the development.

OCCUPATION CERTIFICATE

- D2. An Occupation Certificate must be obtained from the Certifier prior to the commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

NOTIFICATION OF OCCUPATION

- D3. At least one month before the issue of the occupation certificate, the date of commencement of the occupation of the development must be notified to the Planning Secretary in writing. If the occupation 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.

EXTERNAL WALLS AND CLADDING

- D4. Prior to the issue of the occupation certificate, 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.
- D5. 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.

POST-CONSTRUCTION DILAPIDATION REPORT

- D6. Prior to the issue of the occupation certificate, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report upon completion of construction. The report must:
- a) ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - b) be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to the authority's infrastructure and roads.
 - c) be forwarded to Council.

CONTAMINATION MANAGEMENT

- D7. A final contamination validation report must be prepared by a suitably qualified environmental consultant confirming that the site has been remediated and validated in accordance with the approved remediation strategy and is suitable for residential use. The report must be submitted to the satisfaction of the Certifier prior to the issue of the occupation certificate.

UTILITIES AND SERVICES

- D8. Prior to the issue of the occupation certificate, a compliance certificate under Section 307 of the *Water Management Act 2000* (NSW), must be obtained from Council and submitted to the Certifier.
- D9. Prior to the issue of the occupation certificate, written advice must be obtained from the relevant wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and approved gas carrier (where relevant), stating that satisfactory arrangements have been made to ensure provision of adequate services.

BUSHFIRE EVACUATION AND EMERGENCY PLANNING

- D10. Prior to the issue of the occupation certificate, a Bush Fire Emergency Management and Evacuation Plan (BFEMEP) must be prepared by a suitably qualified and experienced bushfire consultant, consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*, and *Australian Standard AS3745:2010 Planning for emergencies in facilities*. The plan must include information on, but not be limited to:
- (a) under what conditions and circumstances the complex would be evacuated;
 - (b) where occupants will be evacuated to;
 - (c) roles and responsibilities of persons co-ordinating an evacuation;
 - (d) roles and responsibilities of persons remaining on site after an evacuation; and

- (e) the procedure to contact emergency services (e.g., NSW Rural Fire Service) and inform them of an evacuation and the location(s) of evacuation areas/centres.

MECHANICAL VENTILATION

- D11. Prior to the issue of an occupation certificate, 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

- D12. Prior to the issue of an occupation certificate, a Fire Safety Certificate must be obtained for all of 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.

STRUCTURAL INSPECTION CERTIFICATE

- D13. Prior to the issue of the occupation certificate, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate, including 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 are 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

- D14. Prior to the issue of an occupation certificate, an Operation and Maintenance Plan (OMP) must be submitted to the satisfaction of the Certifier with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices as per the recommendations of the *Water Cycle Management Report/Strategy*, (prepared by Quantum Engineers, dated 16 December 2019);
 - (b) recording and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

STORMWATER DRAINAGE

- D15. Prior to the issue of an occupation certificate, works-as-executed drawings, signed by a registered surveyor, demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.
- D16. A "restriction on the use of land" and "positive covenant" (under section 88E of the *Conveyancing Act 1919* (NSW)) must be placed on the title of the site 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 written consent 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.

- D17. The Applicant must 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 *National Construction Code*, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and the conditions of the consent. Certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers.
- D18. The Applicant must submit, to the Certifier and Council, certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater into the basement level/s, and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent

OUTDOOR LIGHTING

D19. Prior to the issue of the occupation certificate, the Applicant must submit to the Certifier evidence from a suitably qualified practitioner which demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- (a) complies with the latest version of AS/NZ 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.

ASSET PROTECTION ZONES

D20. Prior to the issue of the occupation certificate, the entire property must be managed as an inner protection zone (IPA) as outlined in Appendix 4 of *Planning for Bush Fire Protection 2019* (NSW Rural Fire Service, dated November 2019), and the *Standards For Asset Protection Zones* (NSW Rural Fire Service, undated).

REDUNDANT DRIVEWAY

D21. Prior to the issue of the occupation certificate, the Applicant must remove the redundant driveway on Batley Street and replace it with a new kerb and gutter. The footway must be reinstated with turf and a concrete footpath at a grade of 2% from the kerb and gutter.

DIVERSION OF EXISTING SEWER MAIN

D22. Prior to the issue of the occupation certificate, all works associated with the diversion of the existing sewer main (as required by Conditions B4 to B6) must be completed. Written confirmation must be provided to the Certifier by a suitably qualified person that the sewer diversion works have been completed in accordance with the approved plans and any relevant approvals or endorsements from Sydney Water and/or Council.

COMPLIANCE WITH BASIX CERTIFICATE

D23. Prior to the issue of the occupation certificate, the Applicant must implement the BASIX commitments in Condition B35.

PART E DURING OCCUPATION

LANDSCAPING

- E1. 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.
- E2. To ensure site lines along the footpath at the corner of Donnison and Batley Streets are not impeded, shrubs must be maintained to a height no greater than 1.2 metres and the branches of trees trimmed if they obstruct vision at head height.

ASSET PROTECTION ZONES

- E3. The asset protection zone required by Condition D19 must be maintained for the duration of occupation of the development.

APPENDIX 1 ADVISORY NOTES

GENERAL

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

LONG SERVICE LEVY

- AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information, please contact the Long Service Payments Corporation Helpline on 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 the provision of adequate services.

ROAD DESIGN AND TRAFFIC FACILITIES

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

ROAD OCCUPANCY LICENCE

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

SAFework REQUIREMENTS

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

HOARDING REQUIREMENTS

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

HANDLING OF ASBESTOS

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

FIRE SAFETY CERTIFICATE

- AN12. The Applicant must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be in the format of, or consistent with, 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 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 A14 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) 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.