



Land and Environment Court New South Wales

Case Name:	Waluya Pty Ltd v Minister for Planning and Public Spaces (No 2)
Medium Neutral Citation:	[2025] NSWLEC 1197
Hearing Date(s):	7-8 November 2024: submissions on 20, 28 February 2025 and 5 March 2025
Date of Orders:	02 April 2025
Date of Decision:	02 April 2025
Jurisdiction:	Class 1
Before:	Horton C
Decision:	<p>The Court orders that:</p> <ol style="list-style-type: none">(1) The appeal is upheld.(2) Development consent is granted to development application 23/1084 seeking consent for a bus depot transport facility including a bus driveway and bus parking for 96 vehicles; an at-grade car park with 110 car spaces and 4 disabled car spaces, a two-storey administration building for staff and visitors, two storeys workshop for bus maintenance and repairs, hardstand for bus parking with an awning in the north east of the site, bus washing and refuelling facilities, earthworks, site security including electric fencing around the site, landscaping, retaining walls, and signage at 1-3 Faunce Street; 7A Racecourse Road; 9 Racecourse Road; 9A-11 Racecourse Road; 38 Young Street, and 50 Young Street, West Gosford.(3) All exhibits are returned, except for Exhibit A.
Catchwords:	DEVELOPMENT APPLICATION – whether development permissible in B6 Enterprise Corridor zone – whether jurisdictional preconditions are satisfied – signage is consistent with objectives of Chapter 3 – signage satisfies assessment criteria in Schedule 5
Legislation Cited:	<i>Biodiversity and Conservation Act 2016</i> , ss 6.5, 7.13 <i>Environmental Planning and Assessment Act 1979</i> , s 7.12 <i>Land and Environment Court Act 1979</i> , s 39

Roads Act 1993

Biodiversity Conservation Regulation 2017, cl 6.7
Environmental Planning and Assessment Regulation 2021, s 38

State Environmental Planning Policy (Biodiversity and Conservation) 2021, Ch 4, Sch 2, ss 2.3, 4.9

State Environmental Planning Policy (Industry and Employment) 2021, Ch 3, ss 3.1, 3.6, Sch 5

State Environmental Planning Policy (Precincts – Regional) 2021, Ch 5, ss 5.25, 5.26, 5.36, 5.39, 5.40, 5.43, 5.45, 5.48, 5.53

State Environmental Planning Policy (Resilience and Hazards) 2021, ss 2.10, 4.6

State Environmental Planning Policy (Transport and Infrastructure) 2021, s 2.122

Cases Cited:

Toga Penrith Developments Pty Limited v Penrith City Council [2022] NSWLEC 117

Waluya Pty Ltd v Minister for Planning and Public Spaces [2025] NSWLEC 1062

Category:

Principal judgment

Parties:

Waluya Pty Ltd (Applicant)

Minister for Planning and Public Spaces (Respondent)

Representation:

Counsel:

A Pickles SC (Applicant)

F Berglund (Respondent)

Solicitors:

Mills Oakley (Applicant)

Department of Planning, Housing and Infrastructure (Respondent)

File Number(s):

2023/266853

Publication Restriction:

Nil

JUDGMENT

- 1 **COMMISSIONER:** On 6 February 2025, the Court published a preliminary decision [Waluya Pty Ltd v Minister for Planning and Public Spaces \[2025\] NSWLEC 1062](#) (Waluya No.1) in this matter relating to a facility to accommodate passenger buses and other uses on land known as 13 Faunce Street, 7A, 9 and 9A-11 Racecourse Road, 38 and 50 Young Street, West Gosford (the site).
- 2 The Court found that the proposed development is permitted with consent in the B6 Enterprise Corridor zone, when the provisions contained in Ch 5 of State Environmental Planning Policy (Precincts – Regional) 2021 (Regional SEPP) are read together with those at s 2.112 of State Environmental Planning Policy (Transport and Infrastructure) 2021.
- 3 However, the Court also directed that the Applicant in these proceedings, Waluya, should file and serve documents to describe the signage proposed, pursuant to Ch 3 of State Environmental Planning Policy (Industry and Employment) 2021 (Industry SEPP), and for the parties to file a supplementary joint expert report prepared by the traffic experts who were to confer on matters of signage and traffic safety.
- 4 On 20 February 2025, Waluya complied with the Court's directions, and filed a Wayfinding and Business Identification Signage Report prepared by DEM dated February 2025 (Signage Report), and an Assessment of the proposed signage prepared by Urbis, dated 19 February 2025 (Urbis Assessment).
- 5 On 28 February 2025, the parties filed a supplementary joint expert report prepared by the traffic experts, Mr Brett Maynard, on behalf of Waluya, and Mr Andrew Morse on behalf of the Minister for Planning and Public Spaces (the Minister). The experts agreed an additional sign type should be added, identified as WS-04.
- 6 A consequential amendment to the Signage Report is appended to the supplementary joint report of the traffic experts, identified as Wayfinding and Business Identification Signage Report prepared by DEM dated 27 February 2025 (the Amended Signage Report). The Amended Signage Report includes WS-04.

- 7 On 5 March 2025, Waluya provided to the Court a supplementary assessment of the proposed signage prepared by Urbis and directed to the additional sign type WS-04 dated 3 March 2025 (Amended Urbis Assessment).
- 8 Read together, the Urbis Assessment and the Amended Urbis Assessment describe the signage proposed as comprising two kinds of signage:
- (1) Firstly, Wayfinding/Direction signage:
 - (a) Two illuminated signs, 1.1m high adjacent to both the northern and southern driveways, four in total, visible to vehicles travelling north or south along Racecourse Road. These signs are designated 'WS-01', to the northern driveway, and 'WS-02' adjacent to the southern driveway.
 - (b) Regulation signage to restrict right turns for vehicles exiting the site at specific times, located on the northern side of the northern driveway.
 - (2) Secondly, building identification signage in the form of an illuminated 4.3m high structure located at the main pedestrian entry along Racecourse Road, identifying 'Busways Bus Depot'.
- 9 As stated in Waluya No.1, at [82], s 3.6 of the Industry SEPP precludes the grant of consent unless the Court is satisfied that the signage is consistent with the objectives of Ch 3 of the Industry SEPP, and that the signage proposed satisfies the assessment criteria in Sch 5 of the Industry SEPP.
- 10 The Urbis Assessment also provides an assessment of the proposed signage against, firstly, the objectives of Ch 3 of the Industry SEPP, and secondly, against the criteria at Sch 5 of the Industry SEPP.
- 11 In respect of the objectives at s 3.1(1) of the Industry SEPP, the Urbis Assessment is, in summary, that the signage will maintain the desired amenity and visual character of the locality, will provide effective communication as it is proposed in a location appropriate to guide drivers to the bus depot, and is of high quality design and materials.

12 In respect of the criteria at Sch 5 of the Industry SEPP:

- (1) The proposed signage is consistent with the character of the area by virtue of it being confined to site access points, and at a low height. As such, visual clutter is avoided.
- (2) The site is not located in an area of a kind identified in criteria 2 as special, and is not proposed to obscure a view or vista of a kind in criteria 3. Instead, the signage is proposed in a landscape buffer, and is designed to remain below the line of the building envelope proposed in the development. For these reasons, the signage is also consistent with the streetscape, setting and landscape in the vicinity of the site, and compatible with the scale and characteristics of the buildings proposed on the site.
- (3) The proposed signage does not include associated devices, logos or advertisements or advertising structures.
- (4) To the extent the signage is proposed to be illuminated, this is predominantly at a low level to avoid glare to passing motorists and is considered a functional requirement to guide bus drivers to the depot in low light.
- (5) The signage is proposed to be located at an angle to ensure an unobstructed view for drivers approaching the site, and is setback 600mm from the outer edge of the driveway to avoid impact from vehicles and is supported by a suitably qualified traffic expert for safety.

Expert evidence

- 13 The experts agree the proposed signage raises no matter of traffic or road safety.
- 14 However, Mr Morse, traffic expert for the Minister, also notes that the signage proposed to the northern driveway of the site indicates the driveway is to be used by waste and other service vehicles.
- 15 In Waluya No.1, it was noted by the Court that the Operational Management Plan provides for the induction of drivers using the northern driveway. As the signage suggests the northern driveway is to be used also by waste and other service

vehicles, Mr Morse considers it necessary to amend the without prejudice conditions of consent to require the induction of all drivers, and not merely bus drivers.

- 16 The experts agree the text of an amendment to the conditions of consent to provide for the same, and also agree that an amendment to the signage is also appropriate to the effect that 'No entry – buses and authorised vehicles excepted'.
- 17 The Urbis Assessment supports the explanation of the signage proposed, at pp 20-23 of the Amended Statement of Environmental Effects, cited in Waluya No.1 at [83].
- 18 For the reasons set out in the Urbis Assessment, supported by statements in the Amended Urbis Assessment, I am satisfied that the signage proposed is consistent with the objectives of Ch 3 of the Industry SEPP, and that the signage satisfies the assessment criteria specified in Sch 5. I also accept the agreed position of the traffic experts that the signage proposed does not pose a risk to traffic or road safety.
- 19 In considering all of the issues arising in respect of traffic and road design, I also note there are matters of a jurisdictional kind to be considered at s 2.122 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport SEPP).
- 20 Written notice of the development application was given to Transport for NSW (TfNSW), in reply to which a response was received, dated 22 May 2023 (TfNSW Advice) (Exhibit E). The TfNSW Advice identifies Racecourse Road as an unclassified regional road, for which the Central Coast Council is the roads authority, in accordance with the *Roads Act 1993*.
- 21 The TfNSW also recommends consideration be given to equitable cost sharing of future road upgrade works, necessitated by the intensification of development within the Gosford CBD. I note that contributions under s 7.12 of the *Environmental Planning and Assessment Act 1979* (EPA Act) are provided for within the without prejudice conditions of consent.
- 22 For the reasons set out in Waluya No.1 at [79]-[81], I consider the accessibility of the site to be adequately addressed pursuant to s 2.122(4)(b)(ii) and, as stated above at [18], I find the potential traffic safety, road congestion and parking implications arising

from the proposed development to be satisfactory, pursuant to s 2.122(4)(b)(iii) of the Transport SEPP.

- 23 There are also other aspects of a jurisdictional kind that are necessary to consider prior to determining whether the application before the Court is deserving of the grant of consent. I will now consider those matters.

Jurisdictional considerations

- 24 No part of the proposed development is above the height standard of 12m that applies to the site when the relevant map at s 5.25(2) of the Regional SEPP is considered.
- 25 A floor space ratio (FSR) of 1.5:1 is permitted on the site by the relevant map at s 5.26(2) of the Regional SEPP. The FSR of the proposal is 1.15:1 and so complies.
- 26 The site is not identified as an item of heritage significance, and is not located within a heritage conservation area. An Aboriginal Heritage Due Diligence Assessment prepared by Travers Bushfire and Ecology dated 14 December 2022 (Exhibit A, Tab 10) found no record of aboriginal sites, objects or areas where objects are likely to be located. As such, the heritage conservation provisions at s 5.36 of the Regional SEPP does not apply.
- 27 The site is identified within an area of Class 5 Acid Sulfate Soils (ASS). However, a Preliminary ASS assessment undertaken as part of a Geotechnical Investigation by Stantec dated 19 July 2024 (Exhibit B, Tab 11) concludes that ASS will not be encountered on the site, and so an ASS Management Plan is not required. On the basis of the site elevation above sea level, the extent of excavation proposed by the development and conclusions of the Geotechnical Investigation, I accept an ASS Management Plans is not required under s 5.39 of the Regional SEPP.
- 28 A Flood Assessment prepared by AT&L dated 7 May 2024 (Exhibit B, Tab 14g) identifies the site as prone to inundation, and concludes, following flood modelling, that the probably maximum flood flows can be conveyed across the site in a safe manner as overland flow, except for a portion of the site in the proposed southern driveway. TUFLOW modelling, amended as explained in the letter from AT&L dated 16 July 2024 (Exhibit B, Tab 15) indicates that the flood hazard across the site does

not exceed Hazard value 'H1', which is considered generally safe for people, vehicles and buildings.

- 29 Where flooding is likely to impact the southern driveway, the Flood Assessment proposes automated gates to prevent access to the driveway whenever inundated.
- 30 A Flood Emergency Response Plan (FERP), also prepared by AT&L dated 18 July 2024 (Exhibit B, Tab 16) also identifies the flood behaviour originating from sources such as Narara Creek, stating the site itself is not prone to flooding in the 1% Annual Exceedance Probability event, but that Racecourse Road is. The FERP also outlines recommended responses to flood at Section 5.4. Reference to Flood Management is also made in the Operational Plan of Management (p 19).
- 31 On the basis of the above, pursuant to s 5.40 of the Regional SEPP, I am satisfied that the proposed development is compatible with the flood hazard of the land, and is not likely to significantly adversely affect flood behaviour of properties or the environment nor result in unsustainable costs to the community as a consequence of flooding.
- 32 Section 5.43 of the Regional SEPP precludes the grant of consent for a building on land in the B6 zone unless the building will have a street frontage of at least 24m. The proposed office building does not have a street frontage of at least 24m. In a jurisdictional statement provided to the Court during proceedings, Waluya submits that the site's shape, topography and extent of fall restricts the ability for the site to achieve the frontage required by s 5.43(2) of the Regional SEPP, but that the proposal is consistent with the aims of Ch 5 of the Regional SEPP in any event.
- 33 The Addendum Statement of Environmental Effects prepared by Urbis dated 18 July 2024 (Amended SEE) (Exhibit B, Tab 1) also states that standard parking and manoeuvring requirement for a bus depot are not compatible with a street frontage greater than that provided by the office building.
- 34 A careful read of the architectural plans reveals, in my view, that the provision is met, but not by the proposed office building in the first instance. To the north eastern corner of the site is a building identified as the Workshop building that is shown on the First Floor Plan (ar-1202 Rev a05) (Exhibit B, Tab 3) to be 73.4m in length. The northern

elevation is shown on the ground floor plan (ar-1200 Rev a05) at 32m in length. The Workshop building adopts the alignment of Young Street to the east of the site, and Faunce Street West to the north of the site, and clearly exceeds the minimum length of 24m, consistent with the objective at s 5.43(1) of the Regional SEPP to encourage the amalgamation of smaller lots to achieve the efficient development of land and design of buildings - albeit at a lower scale than may be considered common for a street frontage by virtue of the fall of the land and the excavation proposed in this corner of the site. The provision at s 5.43(2) of the Regional SEPP does not require the street frontage to have particular characteristics, such as an 'active street frontage' by the relevant map at s 5.48(1) of the Regional SEPP that identifies the location of such frontages.

- 35 As the proposed development involves the erection of a new building, development consent must not be granted unless the consent authority, or the Court on appeal, considers that the development exhibits design excellence, pursuant to s 5.45 of the Regional SEPP.
- 36 The Minister does not contend that the proposed development fails to exhibit design excellence, nor dispute the reasons set out on p 4 of the DA Design Report (Exhibit B, Tab 24) as to the grounds on which design excellence is achieved.
- 37 The DA Design Report provides detailed answers to each of the particular questions posed by the provisions at s 5.45 of the Regional SEPP by reference to sections within the DA Design Report, and does not merely consider the topics of those matters (*Toga Penrith Developments Pty Limited v Penrith City Council* [2022] NSWLEC 117, at [74]).
- 38 Having had regard to the detailed responses to those particular questions posed at s 5.45(4) of the Regional SEPP, I consider the proposal exhibits design excellence.
- 39 Key views and vistas are also identified in the DA Design Report, at p 21. A more comprehensive Visual impact Assessment (VIA), prepared by DEM Architects dated July 2024 (Exhibit B, Tab 6), also accompanies the amended development application, that according to Waluya demonstrates the proposal will protect and

enhance key vistas and view corridors in Gosford City Centre. The VIA sets out the assessment methodology adopted at Section 4.1, comprising both landscape character impact assessment and visual impact assessment in a manner consistent with practice note EIA-N04 prepared by TfNSW in 2023. Ten key viewpoints are identified at Section 4.3.2 of the VIA, that are represented in photomontage images on pp 17-36. The VIA satisfies me that the proposal will protect and enhance those vistas and views represented in the Visual Impact Assessment, absent any other vistas identified as key, or any view corridors to which regard should be had at s 5.53 of the Regional SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

- 40 Waluya advises that the site is identified on the relevant Coastal Environment Area Map as being within the 'coastal environment area' to which s 2.10 of State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience SEPP) is directed.
- 41 The Amended SEE sets out grounds by which the potential adverse impacts at s 2.10(1) of the Resilience SEPP have been considered. On the basis of the following grounds set out at pp 16-20 of the Amended SEE, I am satisfied that the development is designed, sited and will be managed to avoid, minimise or mitigate an adverse impact of a kind referred to in subs 2.10(1):
- (1) I accept the site is highly disturbed by past industrial and warehouse uses, diminishing the ecological values of the site that are more fully described in the Biodiversity Development Assessment Report prepared by Travers Bushfire & Ecology dated 19 July 2024 (BDAR) (Exhibit B, Tab 12), and for which credits are assessed. As such, adverse impacts on the biophysical and ecological environment are mitigated.
 - (2) In respect of surface and groundwater hydrology, I have considered the proposed stormwater drainage system set out in the Civil engineering drawings prepared by AT&L (Exhibit B, Tab 14b) and note stormwater is collected, stored and filtered before discharge to the nearby estuary. MUSIC modelling (Exhibit B, Tab 14d) predicts a reduction in post development flow, suspended solids, phosphorous, nitrogen and gross pollutants. Accordingly, I

accept that adverse impacts on the hydrological environment and on water quality of the marine estate are avoided. Relatedly, I also accept the avoidance, minimisation and mitigation measures detailed on pp 56-59 of the BDAR as a valid basis to form an opinion of satisfaction that the potential impact on native vegetation and fauna is avoided, minimised or mitigated.

- (3) On the basis of the Geotechnical Investigation, I accept that groundwater management and earthworks have been considered in the site's context, and that the reasons at (1) and (2) above likewise assist in forming an opinion of satisfaction that any adverse impact on coastal environmental values and natural coastal process have been minimised.
- (4) For reasons identical to those at [26], I accept that the potential for adverse impacts on aboriginal cultural heritage, practices and places is addressed and I am satisfied that any adverse impact has been minimised by undertaking such an assessment.

- 42 The Court is also required to consider whether the site is contaminated pursuant to s 4.6 of the Resilience SEPP. A Preliminary Site Investigation prepared by Stantec dated 27 March 2023 (Exhibit A, Tab 56), and a Detailed Site Investigation also prepared by Stantec and dated 8 February 2024 (Exhibit B, Tab 8) concluded that the site was contaminated. A hazardous materials survey was undertaken on the site by Remedy Enviro Services in May 2024 (Exhibit B, Tab 9).
- 43 A remediation action plan was also prepared, authored by Stantec dated 19 July 2024 (Exhibit B, Tab 10) that concludes the land will be suitable after remediation, for the purpose for which development is proposed to be carried out, and that the land will be remediated before the land is used for that purpose.
- 44 The conclusions are not contested and so, absent evidence to the contrary, I accept the site is capable of remediation in terms required by s 4.6 of the Resilience SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

- 45 Chapter 4 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP) applies to the site by virtue of the local government area being nominated as a Koala management area in Sch 2 of the Biodiversity SEPP.
- 46 Where there is no approved koala plan of management in place, as is the case here, s 4.9 of the Biodiversity SEPP requires the relevant council, or the Court on appeal, to consider whether the development is likely to have an impact on koalas or their habitat.
- 47 The BDAR notes the nearest record of Koalas is over 2km from the site, documented in 2018, and where the highest concentration appears to be within Yengo National Park (p 42). Furthermore, while two tree species forming the habitat of koalas are found on the site, the BDAR concludes the site does not comprise core koala habitat.
- 48 A jurisdictional note prepared by Waluya states that the parties have considered the likely impact on koalas and agree that the proposed development will have no impact on koalas or on koala habitat.
- 49 On the basis of the assessment contained in the BDAR, and absent evidence to the contrary, I am satisfied that the development will have no impact on koalas or koala habitat, in accordance with s 4.9(3) of the Biodiversity SEPP.
- 50 The BDAR also assesses the impact of the proposal on other aspects of biodiversity, including threatened species, populations and ecological communities in accordance with the *Biodiversity and Conservation Act 2016* (BC Act), identifying vegetation consistent with two plant community types (PCTs), and habitats attributed to two threatened fauna species for which a Serious and Irreversible Impacts (SII) assessment is undertaken, in accordance with s 6.5 of the BC Act and the relevant principles at cl 6.7 of the Biodiversity Conservation Regulation 2017 (BC Regulation). The BDAR concludes there are no SII communities impacted by the proposal.
- 51 The BDAR argues that impacts are minimised and mitigated through landscaping buffers that are consistent with PCTs evident on the site, to replace exotic species with native species so as to increase native species biodiversity and reduce the

impact on native fauna, and concludes that biodiversity credits will offset any residual impacts. Pursuant to s 7.13 of the BC Act, I have considered the likely impact of the proposed development on biodiversity values as assessed in the BDAR. I note the Minister does not contend any deficiency in the BDAR. As such, I am satisfied that the applicable provisions of the BC Act and the BC Regulation have been satisfied, and that the agreed conditions of consent will meet the requirements of s 7.13(3) of the BC Act.

- 52 Finally, for completeness, I note Ch 2 of the Biodiversity SEPP, which deals with vegetation in non-rural areas, does not apply to land within Central Coast local government area (s 2.3(1)(a)) of the Biodiversity SEPP.

Conditions

- 53 On 20 February 2025, Waluya served a copy of proposed without prejudice conditions of consent on the Minister.
- 54 On 24 February 2025, the Minister proposed an amendment to Condition E26 to cite the relevant signage documentation at Condition A2, and the supplementary joint report of the traffic experts filed 28 February 2025 proposed further amendments to the conditions of consent that have been incorporated.
- 55 On 5 March 2025, Waluya provided to the Court further amended conditions of consent incorporating the Urbis Assessment, the Amended Urbis Assessment and Amended Signage Report, that were subsequently filed.

Conclusion

- 56 On the basis of the findings made in Waluya No.1, and those contained in this decision, I determine the proposed development to be deserving of the grant of development consent, subject to those conditions of consent at Annexure A to this decision.
- 57 To the extent the Wayfinding and Business Identification Signage Report prepared by DEM dated February 2025 at [4] amends the development application, and to the extent it is further amended by that amendment proposed at [6], the Court, exercising its power under s 39(6) of the *Land and Environment Court Act 1979*, approves the

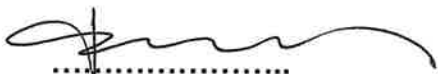
amending of development application 23/1084 in accordance with s 38 of the Environmental Planning and Assessment Regulation 2021.

Orders

58 The Court orders that:

- (1) The appeal is upheld.
- (2) Development consent is granted to development application 23/1084 seeking consent for a bus depot transport facility including a bus driveway and bus parking for 96 vehicles; an at-grade car park with 110 car spaces and 4 disabled car spaces, a two-storey administration building for staff and visitors, two storeys workshop for bus maintenance and repairs, hardstand for bus parking with an awning in the north east of the site, bus washing and refuelling facilities, earthworks, site security including electric fencing around the site, landscaping, retaining walls, and signage at 1-3 Faunce Street; 7A Racecourse Road; 9 Racecourse Road; 9A-11 Racecourse Road; 38 Young Street, and 50 Young Street, West Gosford.
- (3) All exhibits are returned, except for Exhibit A.

I certify that this and the preceding 11 pages are a true copy of my reasons for judgment.



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T Horton

Commissioner of the Court

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA23/1084

Development: Bus depot transport facility that will include the following; a bus driveway and bus parking for 96 vehicles; an at-grade car park with 110 car spaces and 4 disabled car spaces, a two storey administration building for staff and visitors, two storey workshop for bus maintenance and repairs, hardstand for bus parking with an awning in the north east of the site, bus washing and refuelling facilities, earthworks, site security including electric fencing around the site, landscaping, retaining walls, and signage.

Site: 1-3 Faunce Street (Lot 6 in Deposited Plan 801261); 7A Racecourse Road (Lot 74 in Deposited Plan 810836); 9 Racecourse Road (Lot 73 in Deposited Plan 810836); 9A-11 Racecourse Road (Lots 71 and 72 in Deposited Plan 810836); 38 Young Street (Lot 1 in Deposited Plan 651249, Lot 11 in Section 82 of Deposited Plan 758466, Lot 12 in Deposited Plan 1100110, Lot 13 in Deposited Plan 1100206, Lot 14 in Deposited Plan 1100206, Lot 15 in Deposited Plan 1100216, Lot 16 in Deposited Plan 1079150), and 50 Young Street, West Gosford (Lot 18 in Deposited Plan 1100223, and Lot 20 in Section 82 of Deposited Plan 758466), West Gosford.

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 02 April 2025

Date from which consent takes effect: Date of determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the "site" means the land known as 1-3 Faunce Street (Lot 6 in Deposited Plan 801261); 7A Racecourse Road (Lot 74 in Deposited Plan 810836); 9 Racecourse Road (Lot 73 in Deposited Plan 810836); 9A-11 Racecourse Road (Lots 71 and 72 in Deposited Plan 810836); 38 Young Street (Lot 1 in Deposited Plan 651249, Lot 11 in Section 82 of Deposited Plan 758466, Lot 12 in Deposited Plan 1100110, Lot 13 in Deposited Plan 1100206, Lot 14 in Deposited Plan 1100206, Lot 15 in Deposited Plan 1100216, Lot 16 in Deposited Plan 1079150), and 50 Young Street, West Gosford (Lot 18 in Deposited Plan 1100223, and Lot 20 in Section 82 of Deposited Plan 758466), West Gosford.

The conditions of consent are as follows:

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>
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCD	Biodiversity and Conservation Division of the NSW Department of Climate Change, Energy, the Environment and Water
CEMP	Construction Environmental Management Plan
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 3 (EPA January 2022) or any subsequent policies as in force from time to time
Certifier	Means a council or registered certifier
Conditions of this consent	The conditions contained in this document
Construction	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • Archaeological Salvage; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with relevant NSW government agencies</p>
Council	Central Coast Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the SEE and Response to Submissions, including the works and activities comprising demolition, construction and operation of the bus depot, as modified by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings

EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
Evening	The period from 6pm to 10pm
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 NSW	Heritage NSW, the NSW Department of Climate Change, Energy, the Environment and Water
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 <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning 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 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NSW RFS	New South Wales Rural Fire Service
OEMP	Operational Environmental Management Plan
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
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.
Registered Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building and Development Certifiers Act 2018</i> acting in relation to matters to which the accreditation applies.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
SEE	Statement of Environmental Effects prepared by Urbis dated 19 December 2022, submitted with the application for consent for the development, including any additional information or reports provided by the Applicant in support of the application, as amended by the addendum Statement of Environmental Effects titled 'Addendum to Statement of Environmental Effects' prepared by Urbis dated 18 July 2024.

Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
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 1**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 that are consistent with the terms of this consent;
 - (c) generally in accordance with the Statement of Environmental Effects prepared by Urbis dated 19 December 2022 and the addendum Statement of Environmental Effects titled 'Addendum to Statement of Environmental Effects' prepared by Urbis dated 18 July 2024.
 - (d) in accordance with the approved plans in the table below:

Architectural Plans prepared by DEM (Aust) Pty Ltd			
Dwg No.	Rev	Name of Plan	Date
ar-0200	A07	Site Plan	15 July 2024
ar-0201	A01	Site Analysis	16 December 2022
ar-0300	A03	Demolition Plan	13 February 2024
ar-1200	A05	Ground Floor Plan – Part 1	15 July 2024
ar-1201	A04	Ground Floor Plan – Part 2	15 July 2024
ar-1202	A05	First Floor Plan – Part 1	15 July 2024
ar-1203	A04	First Floor Plan – Part 2	15 July 2024
ar-1204	A05	Roof Plan – Part 1	15 July 2024
ar-1205	A04	Roof Plan – Part 2	15 July 2024
ar-2200	A05	Sections	15 July 2024
ar-2210	A05	Building Sections – Sheet 1	15 July 2024
ar-2211	A04	Building Sections – Sheet 2	15 July 2024
ar-2600	A02	Site Elevations	15 July 2024
ar-2610	A03	Building Elevations – Sheet 1	15 July 2024
ar-2611	A03	Building Elevations – Sheet 2	15 July 2024
ar-2612	A03	Building Elevations – Sheet 3	15 July 2024
Landscape Plans prepared by Studio IZ Pty Ltd			
Dwg No.	Rev	Name of Plan	Date
LA-000	F	Cover Sheet	15 July 2024
LA-001	F	Legend and General Notes	15 July 2024
LA-101	F	General Arrangement Plan – Sheet 1	15 July 2024
LA-102	F	General Arrangement Plan – Sheet 2	15 July 2024
LA-201	F	Planting Plan – Sheet 1	15 July 2024
LA-202	F	Planting Plan – Sheet 2	15 July 2024
LA-500	F	Specification Notes	15 July 2024

- (e) generally in accordance with the following documents:

Name of Document	Date
Building Code of Australia 2019 Amdt 1 Pre-Construction Certificate Capability Statement for DA Submission prepared by Phillip Chun Building Compliance	14 December 2022
Operation Waste Management Plan prepared by Elephants Foot Consulting	14 December 2022
Aboriginal Heritage Due Diligence Assessment prepared by Travers Bushfire and Ecology	14 December 2022
Construction Management Plan prepared by AT&L	16 December 2022
Access Review prepared by MGAC	15 December 2022
Noise and Vibration Impact Assessment prepared by E-LAB Consulting	16 December 2022
Bushfire Protection Assessment prepared by Travers Bushfire and Ecology	14 December 2022
Construction and Demolition Waste Management Plan prepared by Elephants Foot Consulting	5 May 2023
Historic Heritage Assessment prepared by Travers Bushfire and Ecology	16 June 2023
Site Investigation prepared by Stantec	8 February 2024
Architectural Design Report prepared by DEM (Aust) Pty Ltd	13 February 2024
Civil Stormwater Management Report prepared by AT&L	19 April 2024
Flood Impact Assessment prepared by AT&L	7 May 2024
Preliminary Operational Management Plan prepared by Urbis	30 October 2024
Traffic Impact Assessment	17 July 2024
Visual Impact Assessment prepared by DEM (Aust) Pty Ltd	July 2024
Supplementary advice on extent of earthworks prepared by Urbis dated 11 July 2024	11 July 2024
Arboriculture Impact Assessment Report prepared by Travers Bushfire and Ecology	18 July 2024
Remediation Action Plan prepared by Stantec	19 July 2024
Geotechnical report prepared by Stantec	19 July 2024
Biodiversity Development Assessment Report prepared by Travers Bushfire and Ecology	19 July 2024
Flood Impact Assessment prepared by AT&L	7 May 2024
Flood Emergency Response Plan prepared by AT&L	18 July 2024
Hazardous Materials Survey prepared by Remedy Enviro Services	17 May 2024
<u>Wayfinding & Business Identification Signage Report prepared by DEM (Aust) Pty Ltd</u>	<u>27 February 2025</u>
<u>Assessment of Proposed Signage for Racecourse Road Bus Depot prepared by Urbis</u>	<u>19 February 2025</u>

Assessment of Proposed Signage for Racecourse Road Bus Depot Supplementary Advice re Wayfinding Sign Type 4, R4-4N prepared by Urbis
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3 March 2025

- A3. Consistent with the terms of 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 **Condition A3(a)**.

For avoidance of doubt, this condition is imposed under section 4.17(2) of the EP&A Act.

- A4. The conditions of this consent and directions of the Planning Secretary given under condition A3 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 of Consent

- A5. This consent lapses five years after this consent becomes operational unless work is physically commenced.

Prescribed Conditions

- A6. The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the EP&A Regulation.

Planning Secretary as Moderator

- A7. 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. Any such determination must be consistent with the terms of this consent.

Evidence of Consultation

- A8. 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 to the person who is charged with receiving the information or giving the approval, 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.

Staging

- A9. 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).

- A10. A Staging Report prepared in accordance with **Condition A9** 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.
- A11. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.
- A12. 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, as identified in the Staging Report.

Staging, Combining and Updating Strategies, Plans or Programs

- A13. 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:
 - (i) the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies;
 - (ii) the relationship of the stage to any future stages, and;
 - (iii) 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).
- A14. Any strategy, plan or program prepared in accordance with **Condition A13**, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A15. If the Planning Secretary agrees, 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.
- A16. 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

- A17. 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:

- *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

Applicability of Guidelines

- A18. 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.

Incident Notification, Reporting and Response

- A19. The Department must be notified 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.
- A20. Subsequent notification must be given, and reports submitted, in accordance with the requirements set out in **Appendix 1**.

Revision of Strategies, Plans and Programs

- A21. Within three months of:
- (a) the submission of an incident report under **Condition A20**;
 - (b) the approval of any modification of the conditions of this consent; or
 - (c) the issue of a direction of the Planning Secretary under **Condition A2** which requires a review,
- the relevant strategies, plans and programs required under this consent must be reviewed, and the Department and the Certifier must be notified in writing that a review is being carried out.
- A22. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (but only where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the 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.

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

No Works Prior To Certification

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

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 commencement of building work, 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.

Building Code of Australia (BCA) Compliance

- B5. The proposed construction works (where relevant) 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) a 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 B5 (a) and (b) above.

Structural Adequacy

- B6. All new buildings and structures, including retaining walls and earthworks 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.
- B7. Prior to the issue of the any Construction Certificate for structural works, excavation or earthworks, the Applicant must submit, to the satisfaction of the Certifier:
- (a) structural drawings prepared and signed by a suitably qualified practising Structural Engineer or Civil Engineer (where appropriate) which demonstrate:
 - (i) Compliance with Section B, and where relevant Section C, of the BCA; and
 - (ii) Compliance with this development consent
 - (iii) Construction of driveways, ramps in accordance with the requirements of the current edition Australian Standard AS/NZS 2890: Parking Facilities and other applicable Australian Standards.
 - (iv) Construction of footings for structures that are designed in accordance with the requirements of Council's Guidelines for Building Adjacent to a Drainage Easement.
 - (v) Construction of retaining walls where indicated on development approval documentation. Retaining wall design must not conflict with existing or proposed services or utilities. Retaining walls designs for wall greater than 600mm in height

must be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

Detailed design drawings and design reports acceptable to Certifier must be included in the Construction Certificate documentation.

External Walls and Cladding

- B8. Prior to the issue of any Construction Certificate, 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. 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.

Public Domain Works

- B9. Prior to the issue of any Construction Certificate for footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifier that the streetscape design and treatment meets the requirements of Council, including achieving an appropriate materiality and interface with Council's public domain and addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifier.

- *Note: Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works, including underground anchors, within the public domain.*

Stormwater Management System

- B10. Prior to the issue of any Construction Certificate for any excavation or earthworks, 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 approved documentation;
 - (c) be development in consultation with Council;
 - (d) be in accordance with applicable Australian Standards; and
 - (e) 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.
 - (f) ensure that any Stormwater Drawings prepared and signed by a suitably qualified practicing civil engineer are provided to the satisfaction of the Certifier which demonstrate:
 - (i) Construction of a stormwater detention system. Design in accordance with Council's Civil Works Specifications. The stormwater detention system must limit post development peak flows from the proposed development to less than or equal to predevelopment peak flows for all storms events up to and including the 1% Annual Exceedance Probability (AEP) storm event. A runoff routing model/method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design. On-site stormwater detention is not permitted within private courtyards, drainage easements, and / or secondary flow paths.
 - (ii) Construction of nutrient and pollution control measures. Design in accordance with *Chapter 6.7 - Water Cycle Management* of the *Gosford Development Control Plan 2013*. A nutrient and pollution control report including an operation and maintenance plan must accompany the design.
 - (iii) Construction of on-site stormwater retention measures. Design in accordance with *Chapter 6.7 - Water Cycle Management* of the *Gosford Development Control Plan 2013*. A report detailing the method of stormwater harvesting, sizing of retention tanks for re-use on the site and an operation and maintenance plan must accompany the design.

- (iv) Construction of a secondary stormwater flow path where shown on the approved plans. The secondary flow path must be capable of conveying the 1% Annual Exceedance Probability (AEP) flood flow and designed in accordance with Council's Civil Works Specification.

Operational Noise – Design of Mechanical Plant and Equipment

B11. Prior to the issue of any Construction Certificate for the 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 Noise and Vibration Impact Assessment dated 16 December 2022 and prepared by E-LAB Consulting 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 project noise trigger levels identified in the Noise and Vibration Impact Assessment dated 16 December 2022 and prepared by E-LAB Consulting.

Operational Waste Storage and Processing

B12. Evidence must be provided to the Certifier that the design of the operational waste storage area:

- (a) is constructed using solid non-combustible materials;
- (b) is designed to ensure the door/gate to the waste storage area is vermin proof and can be openable from both inside and outside the storage area at all times;
- (c) includes a hot and cold water supply with a hose through a centralised mixing valve;
- (d) is naturally ventilated or an air handling exhaust system must be in place; and
- (e) includes signage to clearly describe the types of materials that can be deposited into recycling bins and general garbage bins.

Car Parking and Service Vehicle Layout

B13. Prior to the issue of a Construction Certificate for car parking and service vehicle parking / loading / unloading areas, evidence must be submitted to and approval obtained from 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) 110 on-site car parking spaces (inclusive of 4 accessible parking spaces) are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6; and
- (c) a maximum of 96 on site bus parking spaces are included for use during operation of the development and designed in accordance with the latest version of AS 2890.2;
- (d) the swept path of the longest vehicle entering and exiting the Site in association with the new works, as well as manoeuvrability through the Site, are in accordance with the latest version of AS 2890.2.

Bicycle Parking and End-of-Trip Facilities

B14. Prior to the issue of a Construction Certificate for bicycle parking/storage, car parking or service vehicle parking / loading / unloading areas, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to and approval obtained from the Certifier, demonstrating that:

- a) the provision of a minimum 12 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 in accordance with the Traffic Impact Assessment prepared by Stantec dated 17 July 2024.

Geotechnical

- B15. Prior to the issue of the relevant Construction Certificate for any excavation or earthworks, evidence must be provided and be approved by the Certifier, demonstrating that the Construction Certificate plans include the design recommendations of the Geotechnical Report prepared by Stantec dated 19 July 2024.

Site Stability, Excavation and Construction Work

- B16. Prior to the issue of the relevant Construction Certificate for any excavation or earthworks, a report must be obtained from a suitability qualified and experienced professional engineer/s, which includes the following details, and 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 to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should 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 always be adequately supported throughout the demolition, excavation and building work;
 - (e) appropriate written approvals must be obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place) and details must be provided to the Certifier.

Roadworks/Intersection Works and Access

- B17. Prior to the issue of any Construction Certificate for roadworks and access, the Applicant must submit design plans to and obtain approval from Council, for the required road works within the road reserve. The application is to be lodged using an Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works form.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional in accordance with Council's Civil Works Specifications.

Design drawings, reports and documentation will be required to address the following works within the road reserve:

- (a) A CHR type treatment at the vehicle access to the development, in accordance with the latest edition of Austroads Guides to Road Design/Traffic Management and NSW Transport Roads and Maritime Services (RMS) supplements to Austroads Guides if applicable. Lane widths are to comply with the minimum widths for Bus routes.
- (b) Construction of a vehicle access crossing for the car park location. A structural design is to be submitted with the Roads Act application based on all anticipated vehicles loads using this access.
- (c) Construction of an industrial/commercial vehicle access crossing for the Bus access location. Detailing a heavy-duty gutter crossing and road pavement adjacent to the gutter crossing. A structural design to cater for anticipated loadings and detailing all concrete element must be provided.
- (d) Removal of all redundant vehicle gutter crossings / laybacks and replacement with kerb.
- (e) Construction of any works required to transition new works into existing infrastructure and the surrounding land formation.
- (f) Installation of roadside furniture and safety devices as required by design e.g. fencing, signage, guide posts, chevrons, directional arrows, and/or safety barriers in accordance with Austroads Guides, NSW Transport Roads and Maritime Services Supplements and Australian Standards and manufacturers requirements.

- (g) Installation of road signage and pavement marking in accordance with Austroads guides, Transport for NSW Roads and Maritime Services Supplements and Australian Standards.
- (h) Construction of a storm water drainage connection from the development site to Council's storm water drainage system within the road reserve. The design is to be certified by a registered practising Civil or Structural engineer as being in accordance with Australian Standards.

The section 138 Roads Act Works Approval (**Road Act Works Approval**) must be issued by Council and all relevant conditions of that approval must be addressed prior to occupying and commencing any works in the road reserve.

Note:

- 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.

Road Safety Audit

B18. Submit to Council as part of the Roads Act Works Approval for works within Racecourse Road, a Road Safety Audit Report prepared by a minimum Level 3 and Level 2 Road Safety Auditor who is registered on the NSW Register of Road Safety Auditors. No recommendations are to be made in the Road Safety Audit to address any identified deficiencies. Resolution of the identified deficiencies are to be carried out in consultation with Council and Council is to be satisfied as to the corrective actions. The Roads Act Works Approval must be obtained prior to the issue of a Construction Certificate.

B19. This condition must be identified in the Road Safety Audit Report.

Trade Waste Application

B20. Submit a trade waste application for approval to Council as the Water and Sewer Authority in order to discharge liquid trade waste into the sewerage system. This form can be found on Council's website: www.centralcoast.nsw.gov.au

Section 305

B21. Submit an application to Council under section 305 of the Water Management Act 2000 for a section 307 certificate of compliance. The Application form can be found on Council's website www.centralcoast.nsw.gov.au. Early application is recommended.

The section 305 application will result in a section 306 letter of requirements which must be obtained prior to the issue of any Construction Certificate. The requirements letter will outline which requirements must be met prior to each development milestone e.g. prior to Construction Certificate, or Occupation Certificate.

Central Coast Regional Section 7.12 Contribution Plan 2024

B22. Pay to Council a section 7.12 contribution of \$218,997.27. The total amount to be paid must be indexed each quarter in accordance with the Consumer Price Index (All Groups index) for Sydney issued by the Australian Statistician as outlined in the contribution plan.

Contact Council's Contributions Planner on (02) 4306 7900 for an up-to-date contribution payment amount.

Any Construction Certificate must not be issued until the developer has provided the Certifier with a copy of a receipt issued by Council that verifies that the contributions have been paid. A copy of this receipt must accompany the documents submitted by the certifying authority to Council.

A copy of the Contribution Plan may be inspected at the office of Central Coast Council, 2 Hely Street, Wyong or on Council's website.

PART C PRIOR TO COMMENCEMENT OF BUILDING WORKS

Notification of Commencement

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Access to Information

- C3. 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 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) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary

All Approvals and Consent Required

- C4. Prior to the commencement of any given works, the applicant must ensure that all required approvals and consents are in place for the given works, including not limited to approvals under the Water Management Act 2000 and the Roads Act 1993.

Pre-Construction Dilapidation Report – Protection of Public Infrastructure

- C5. Prior to the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services and Infrastructure 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 Pre-Construction Dilapidation Report identifying the condition of all public (non-residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;
- (c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and
- (d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.

Pre-Construction Survey – Adjoining Properties

- C6. Prior to the commencement of any construction, the Applicant must offer a pre-construction survey to owners of residential or commercial buildings that are likely to be impacted by the development.
- C7. Where the offer for a pre-construction survey is accepted on reasonable terms (as required by **Condition C6**), 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.

- C8. Prior to the commencement of any vibration generating works that could impact on the buildings surveyed as required by **Condition C7**, the Applicant must:
- (a) provide a copy of the relevant survey to the owner of each residential building surveyed in the form of a Pre-Construction Survey Report;
 - (b) submit a copy of the Pre-Construction Survey Report to the Certifier; and
 - (c) provide a copy of the Pre-Construction Survey Report to the Planning Secretary when requested.

Demolition

- C9. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.

Outdoor Lighting

- C10. Prior to the installation of outdoor lighting, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Construction Environmental Management Plan

- C11. 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:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) groundwater management plan including measures to prevent groundwater contamination;
 - (v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see **Condition C13**);
 - (c) Construction Noise and Vibration Management Sub-Plan (see **Condition C14**);
 - (d) Construction Waste Management Sub-Plan (see **Condition C15**);
 - (e) Construction Soil and Water Management Sub-Plan (see **Condition C16**);
 - (f) Construction Flood Emergency Management Sub-Plan (see **Condition C17**);
 - (g) an unexpected finds protocol for contamination and associated communications procedure;
 - (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
- C12. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- C13. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) 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 TfNSW;

- (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
- (d) detail heavy vehicle routes, access and parking arrangements.
- (e) Include but not be limited to:
 - (i) Ingress and egress of construction related vehicles to the development site.
 - (ii) Details of the various vehicle lengths that will be used during construction and the frequency of these movements.
 - (iii) Use of swept path diagrams to demonstrate how heavy vehicles enter, circulate and exit the site or Works Zone in a forward direction.
 - (iv) Addressing deliveries to the site, including loading / unloading materials and requirements for work zones along the road frontage to the development site. A Plan is to be included that shows where vehicles stand to load and unload, where construction plant will stand, location of storage areas for equipment, materials and waste, locations of Work Zones (if required) and location of cranes (if required).
 - (v) Works Zones if heavy vehicles cannot enter or exit the site in a forward direction.
 - (vi) Control of pedestrian and vehicular traffic where pre-construction routes are affected.
 - (vii) Temporary Road Closures.
 - (viii) Haulage routes.

Where the plan identifies that the travel paths of pedestrians and vehicular traffic are proposed to be interrupted or diverted for any construction activity related to works inside the development site an application must be made to Council for a Road Occupancy Licence. Implementation of traffic management plans that address interruption or diversion of pedestrian and/or vehicular traffic must only take place following receipt of a Road Occupancy Licence from Council or the Roads and Maritime Service where on a classified road.

Where a dedicated delivery vehicle loading and unloading zone is required along the road frontage of the development site, a Works Zone Application must be lodged and approved by Council. A minimum of 3 months is required to allow Traffic Committee endorsement and Council approval.

The Construction Traffic and Pedestrian Management Plan must be reviewed and updated during construction of the development to address any changing site conditions.

A copy of the Construction Traffic and Pedestrian Management Plan must be held on site at all times and be made available to the Department and/or Council upon request.

- C14. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) 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 and vibration 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 and vibration generating works;
 - (e) describe the community consultation undertaken to develop the strategies in **Condition C14(d)**;
 - (f) include a complaints management system that would be implemented for the duration of the construction.
- C15. The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste comprising:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;

- (b) information regarding the recycling and disposal locations; and
 - (c) confirmation of the contamination status of the development areas of the site based on the validation results.
- C16. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP), 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, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
 - (c) 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);
 - (d) detail dust suppression to be implemented to comply with POEO Act;
 - (e) describe dewatering activities to be undertaken;
 - (f) detail all off-Site flows from the Site; and
 - (g) 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 5-year ARI and 1 in 100-year ARI.
- C17. The Construction Flood Emergency Management Sub-Plan (FEMSP) 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*;
 - (c) include details of:
 - (i) the flood emergency responses for both construction and operation 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.
- C18. 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.
- C19. 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* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.
- C20. Prior to the commencement of construction, the Applicant 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.

Flood Management

- C21. Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction:
- (a) flood warning and notification procedures for construction workers on site; and
 - (b) evacuation and refuge protocols.
- C22. Prior to the commencement of construction, the Certifier must be satisfied that all floor levels must be no lower than the 1% Annual Exceedance Probability flood plus 500mm of freeboard.

Construction Parking

- C23. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.

Biodiversity

- C24. Prior to the commencement of construction, the number and classes of ecosystem credits and species credits (like-for-like) set out in the BAM Biodiversity Credit Report contained in Table 6-1 and Table 6-2 of the Biodiversity Development Assessment Report, prepared by Travers Bushfire and Ecology and dated 19 July 2024 must be retired.
- C25. The requirement to retire like-for-like ecosystem credits and species credits in **Condition C24** may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits and species credits.
- C26. Evidence of the retirement of credits in satisfaction of **Condition C24** or payment to the Biodiversity Conservation Fund in satisfaction of **Condition C25** must be provided to the Planning Secretary prior to commencement of construction.
- C27. The Applicant shall undertake the mitigation measures specified in the Biodiversity Development Assessment Report at section 5.4 prior to any clearing works or the commencement of construction. This includes:
- (a) The preparation of a Vegetation Management Plan to be provided to the reasonable satisfaction of the consent authority, to identify mitigation actions within the outer 10m portion of the site, which should have a minimum lifespan of 5 years, with annual monitoring reported to the consent authority.
 - (b) The preparation of a Sediment and Erosion Control Plan to be provided to the reasonable satisfaction of the consent authority, to manage areas of cut and fill operations, which is required to be implemented on an ongoing basis during all exposed soil stages until the associated landscaping is completed.

Site Contamination.

- C28. Prior to the commencement of construction, the Applicant must engage a NSW EPA-accredited Site Auditor to provide advice throughout the duration of works to ensure that any work required in relation to soil or groundwater contamination is appropriately managed.

Compliance

- C29. 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.

Pre-clearance surveys

- C30. Prior to works commencing, a detailed habitat and hollow search is to be undertaken by a suitably qualified person to identify any habitat resources to retain or recover and relocate into the landscape buffers.

Marking of Trees for Clearing

- C31. Prior to the works commencing, a suitably qualified arborist is to mark all trees to remove with a large 'X' on the trunk. Arborist to be present and sign off of tree removal works in accordance with the Arboriculture Impact Assessment Report prepared by Travers Bushfire and Ecology dated 18 July 2024.

Ground Anchors

- C32. Prior to the commencement of works, the applicant must submit an application to Council for approval under the Roads Act to install ground anchors, should ground anchors within a road reserve be required for construction of this development.

The application to Council for Works Approval under Section 138 of the Roads Act must be made using an Application for Subdivision Works Certificate or Construction Certificate, Roads Act Works Approval and other Development related Civil Works form.

The application is to be accompanied by detailed design drawings, reports and other documentation endorsed by a suitably qualified professional. General requirements for anchoring proposals can be obtained from Council's Engineering Assessment Section.

PART D DURING CONSTRUCTION

Site Notice

- D1. A site notice must be prominently displayed at the Racecourse Road frontage of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice must be durable and weatherproof and must be displayed throughout the works period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (d) the site notice must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- D2. 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.

Demolition

- D3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by **Condition C9**.

Construction Hours

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.
- No work may be carried out on Sundays or public holidays.
- D5. Construction activities may be undertaken outside of the hours in **Condition D4** if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers; or
 - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.
- D6. Notification of such construction activities as referenced in **Condition D5** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

Implementation of Management Plans

- D8. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

Construction Traffic

- D9. All construction vehicles are to 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

- D10. The following hoarding requirements must be complied with:
- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
 - (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

No Obstruction of Public Way

- D11. 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

- D12. The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- D13. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site outside of the construction hours of work outlined under **Condition D4**.
- D14. 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

- D15. 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).
- D16. 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 D15**.
- D17. The limits in **Conditions D15** and **D16** apply unless otherwise outlined in a CNVMSP required by **Condition C14**,

Tree Protection

- D18. 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 property 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 satisfaction of Council;
 - (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arboriculture Impact Assessment prepared by Travers Bushfire & Ecology dated 18 July 2024; and

- (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, 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 former protective fencing, whichever is the greater.

Air Quality

- D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D20. During construction, the Applicant must ensure that:
- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads 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

- D21. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP required by **Condition C15**.

Imported Fill

- D22. The Applicant must:
- (a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, 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.

Excavated Material

- D23. Ensure all excavated material removed from the site is transported to a site that is a lawful waste facility and/or a site that meets the requirements of the Resource recovery Exemptions under Part 9, Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014.

Disposal of Seepage and Stormwater

- D24. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management

- D25. 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

- D26. 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) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;

- (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
- (e) works may only recommence with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Historic Heritage

D27. If any unexpected archaeological relics are uncovered during the work, then:

- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary;
- (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 only recommence with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Burials

D28. In the event that a burial or skeletal remains are uncovered during work, then:

- (a) all works must cease immediately in that area and the NSW Police and Heritage NSW contacted;
- (b) a suitably qualified archaeologist must be contacted to determine the specific nature and significance of the skeletal remains;
- (c) the Applicant must consult with relevant stakeholders, the archaeologists and Heritage NSW to develop and implement appropriate management strategies for the skeletal remains; and
- (d) works may only recommence with the written approval of Heritage NSW.

Waste Storage and Processing

- D29. 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.
- D30. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D31. 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.
- D32. 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.
- D33. 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

- D34. 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.

Site Contamination

- D35. Remediation of the site must be carried out in accordance with the Remediation Action Plan prepared by Stantec dated 19 July 2024 and any variations to the Remediation Action Plan approved by an NSW EPA-accredited Site Auditor.
- D36. 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).
- D37. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

Fauna Specialist

- D38. During works, a suitably qualified fauna ecologist must be on call during clearance and demolition works to be able to search and relocate any resident fauna to nearby conservation area if required.

PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

Notification of Occupation

- E1. At least one month before the issue of the Occupation Certificate (or such lesser period as the Planning Secretary may allow), 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 (or such lesser period as the Planning Secretary may allow) 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

- E2. 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.
- E3. 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 – Protection of Public Infrastructure

- E4. Prior to the issue of the Occupation Certificate, the Applicant must engage a suitably qualified and experienced expert to prepare a Post-Construction Dilapidation Report. This Report must:
- (a) ascertain whether the construction works created any structural damage to public infrastructure by comparing the results of the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by **Condition C5** of this consent;
 - (b) have, if it is decided that there is no structural damage to public infrastructure, the written confirmation from the relevant public authority that there is no adverse structural damage to their infrastructure (including roads).
 - (c) be submitted to the Certifier;
 - (d) be forwarded to Council for information; and
 - (e) be provided to the Planning Secretary when requested.

Repair of Public Infrastructure

- E5. Unless the Applicant and the relevant public authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged as a result of the carrying out the construction works; and/or
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development; and/or
 - (c) pay compensation for the damage as agreed with the owner of the public infrastructure.

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

Road Damage

- E6. Prior to the issue of an Occupation Certificate, 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.

Post-Construction Survey – Adjoining Properties

- E7. Where a pre-construction survey has been undertaken in accordance with **Condition C7**, prior to the commencement of operation the Applicant must engage a suitably qualified and experienced expert to undertake a post-construction survey and prepare a Post-Construction Survey Report, but only to the extent that the owners of the relevant residential or commercial buildings provide access on reasonable terms. This Report must:
- (a) document the results of the post-construction survey and compare it with the pre-construction survey to ascertain whether the construction works caused any damage to buildings surveyed in accordance with **Condition C7**;

- (b) be provided to the owner of the relevant buildings surveyed;
 - (c) be provided to the Certifier; and
 - (d) be provided to the Planning Secretary when requested.
- E8. Where the Post-Construction Survey Report determines that damage to the identified property occurred as a result of the construction works, the Applicant must repair, or pay the full costs associated with repairing the damaged buildings, within an agreed timeline between the owner of the identified property and the Planning Secretary. Alternatively, the Applicant may pay compensation for the damage as agreed with the property owner.

Roadworks and Access

- E9. Prior to the issue of an Occupation Certificate, the Applicant must complete all required construction works within the road reserve under the issued *Roads Act 1993* approval. The applicant must obtain necessary approvals from Council or the relevant roads authority under section 138 of the *Roads Act 1993*. A copy of the approval must be provided to the Certifier for information.

Works as Executed Plans

- E10. Prior to the issue of the 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.

Work Place Travel Plan

- E11. Prior to the commencement of operation, the Applicant must prepare a Work Place Travel Plan to the satisfaction of the Planning Secretary. The Work Place Travel Plan must:
- (a) be prepared in consultation with TfNSW;
 - (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
 - (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.
- E12. The Applicant must not commence operation until the Work Place Travel Plan the Planning Secretary informs the Applicant that the Plan is satisfactory.

Evacuation and Emergency Planning

- E13. Prior to the issue of an Occupation Certificate, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* December 2014.

Mechanical Ventilation

- E14. 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.

Operational Noise – Design of Mechanical Plant and Equipment

- E15. Prior to the issue of an Occupation Certificate, the Applicant must submit evidence to the Certifier that the noise mitigation recommendations in the assessment undertaken under **Condition B11** have been incorporated into the design of mechanical plant and equipment to ensure the development will not exceed the project noise trigger identified in the Noise and Vibration Impact Assessment prepared by E-LAB Consulting dated 16 December 2022

Car Parking, Service Vehicles and Bi-cycle parking Arrangements

- E16. Prior to the issue of an Occupation Certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the Certifier, which demonstrates that:
- (a) the car-parking, service vehicle areas, bi-cycle parking facilities comply with **Condition B13** and **Condition B14**;

- (b) appropriate pedestrian and cyclist advisory signs are to be provided;
- (c) all works/regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority;
- (d) the bi-cycle 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.

Fire Safety Certification

- E17. Prior to the issue of an Occupation Certificate, 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 Council. The Fire Safety Certificate must be prominently displayed in the office building.

Structural Inspection Certificate

- E18. Prior to the issue of an Occupation Certificate of the relevant parts of any new or refurbished buildings, a certification from a structural engineer must be submitted to the Principal Certifier as to the compliance of the structural works with the final design drawings. A copy of the letter with an electronic set of final drawings must be submitted to the Certifier after:
- (a) the site has been periodically inspected by the structural engineer and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed in the engineer's letter have been checked with those listed on the final construction certificate.
- E19. Prior to the issue of an Occupation Certificate the applicant is to provide certification from a geotechnical engineer to the Principal Certifier that all works have been carried out in accordance with the recommendations contained within the geotechnical report(s) listed as supporting documentation in this development consent.

Stormwater management system

- E20. Prior to the issue of an Occupation Certificate, the applicant must complete construction of the stormwater management system in accordance with the Stormwater Management Plan and Australian Standard AS 3500.3-*Stormwater drainage systems*. Certification of the construction by a suitably qualified consultant must be provided to the Principal Certifier.

Stormwater Quality Management Plan

- E21. Prior to the issue of the Occupation Certificate, an Operation and Maintenance Plan (OMP) is to be submitted to and approval obtained from 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;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Warm Water Systems and Cooling Systems

- E22. Prior to the issue of an Occupation Certificate the Applicant must demonstrate that the installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) comply with the *Public Health Act 2010*, *Public Health Regulation 2012* and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

Mechanical Certification

- E23. Provide certification from a mechanical engineer to the Principal Certifier that the construction, installation and operation of the exhaust hood ventilation system meet the requirements of:
- (a) Australian Standard AS 1668 Part 1-2015: The use of ventilation and air-conditioning in buildings - Fire and smoke control in buildings.

- (b) Australian Standard AS 1668 Part 2-2012: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.
- E24. Provide certification from a suitably qualified and experienced mechanical engineer that all spray booths, spray painting areas and paint mixing rooms have been designed, installed, and tested in accordance with the:
 - (a) AS 4114.1 -2003: Spray painting booths, designated spray-painting areas and paint mixing rooms – design, construction, and testing,
 - (b) AS 4114.2 – 2003: Spray painting booths, designated spray-painting areas and paint mixing rooms – installation and maintenance,
 - (c) AS 1668.2 – 2012: The use of ventilation and air conditioning in buildings- mechanical ventilation for buildings.

Outdoor Lighting

- E25. Prior to the issue of an Occupation Certificate, 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.

Signage

- E26. Prior to the issue of an Occupation Certificate, way-finding signage and signage identifying the location of staff car parking as approved under Condition A2 must be installed.
- E27. Prior to the issue of an Occupation Certificate, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- E28. Prior to the issue of an Occupation Certificate, all signage required under the Operational Management Plan as approved under Condition E37 must be installed.

Operational Waste Management Plan

- E29. Prior to the issue of an Occupation Certificate, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
 - (a) detail the type and quantity of waste to be generated during operation of the development;
 - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
 - (c) detail the materials to be reused or recycled, either on or off site.

Site Contamination

- E30. Prior to issue of an Occupation Certificate, 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 Contaminated Site 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.
- E31. Prior to issue of an Occupation Certificate, the Applicant must obtain confirmation from the Certifier in writing that the requirements of **Condition E30** have been met.
- E32. Where changes are made to the Remedial Action Plan under **Condition D37**, 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.

Landscaping

- E33. Prior to the issue of an Occupation Certificate, landscaping of the site must be completed in accordance with landscape plan(s) listed in **Condition A2**.
- E34. Prior to the issue of the Occupation Certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping.
- E35. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

Flood Emergency Response Plan

- E36. Prior to the issue of the Occupation Certificate, an appropriate flood emergency response plan is to be prepared by consulting engineers, experienced in flood management and put in place by the Applicant. Such plan is to be effectively updated and maintained by the occupiers; to include an education and awareness component for the workforce and detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved. A flood emergency response plan is to describe the following components:
- (a) Likely flood behaviour
 - (b) Flood warning systems
 - (c) Education awareness program
 - (d) Evacuation and evasion procedures
 - (e) Evacuation routes and flood refuges and
 - (f) Flood preparedness and awareness procedures for staff and visitors
- Considerations should include the full range of flood risks, the proposed use of the site, site access constraints and local area evacuation routes to high ground. As much as possible, the plan is to be aimed at self-directed evacuation or evasion to minimise the draw on limited State Emergency Services resources.

Operational Management Plan

- E37. Prior to the issue of an Occupation Certificate, the applicant must prepare an Operational Management Plan and submit the plan to the Planning Secretary to confirm that it is satisfactory. The Plan must:

- (i) be prepared with regard to the Preliminary Operational Management Plan, approved under **Condition A2**,
- (ii) provide details on how the site will be managed to reduce the risk of environmental impacts,
- (iii) include, at a minimum, details on site security, complaints handling procedure, lighting, noise control, site maintenance, and general operational details, and
- (iv) include details of the specific location and contents of the driveway signage on the northern access (bus) to restricted left out movements for egressing vehicles between the hours of 7am and 6pm Monday to Friday.
- (v) include a requirement for waste contractors, maintenance and regular service/delivery personnel to be inducted prior to their first arrival at the facility, including site access arrangements.

The Operational Management Plan, once confirmed to be satisfactory by the Planning Secretary, applies in lieu of the Preliminary Operational Plan approved under **Condition A2**.

Lot Consolidation

- E38. Prior to the issue of an occupation certificate, the Applicant must lodge a plan of consolidation with Land Registry Services for the consolidation of all the Lots into a single lot. Documentary evidence of the lodgement of the plan of consolidation with NSW Land and Property Information can be accepted by the Principal Certifier as satisfying this requirement.

Deposited Plan amended include 88B Instrument

- E39. Prior to the issue of an occupation certificate, the applicant must provide an 88B Instrument with the plan of consolidation or a plan of easements creating the following:
- (a) Create a 'Restriction on the use of Land' over all lots containing an on-site stormwater detention system and / or a nutrient / pollution facility restricting any alteration to such facility or the erection of any structure over the facility or the placement of any obstruction over the facility.
 - (b) Create an easement to drain water in accordance with Council's requirements over the drainage system draining Erina Street West through the site.
 - (c) Create an easement for support for support of the Faunce Street West and Young Street.
 - (d) Include an instrument under the *Conveyancing Act 1919* for the following positive covenants; with Council having the benefit of these covenants and Council's approval being required to release and modify. Covenant(s) required:
 - (i) To ensure on any lot containing on-site stormwater detention system and / or a nutrient / pollution facility that:
 - the facility will remain in place and fully operational.
 - the facility is maintained in accordance with the operational and maintenance plan so that it operates in a safe and efficient manner.
 - Council's officers are permitted to enter the land to inspect and repair the facility at the owner's cost.
 - Council is indemnified against all claims of compensation caused by the facility.

Note: Standard wording, acceptable to Council, for covenants can be obtained by contacting Council Subdivision Certificate Officer.

The 88B instrument Submit to the Principal Certifier copies of registered title documents showing the restrictive and positive covenants.

Section 307 Certificate

- E40. Prior to the issue of an Occupation Certificate, the applicant must obtain the Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Central Coast Council as the Water Supply Authority.

All water supply and sewer works for the development must be completed and all other conditions of the Section 306 letter satisfied. Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance

documentation and payment of a maintenance / defects bond to Council in accordance with Council's adopted fees and charges.

Install CCTV

- E41. Prior to the issue of an occupation certificate, the applicant must Install a system of Closed Circuit Television (CCTV) of a type and in locations on the site that will provide high-quality images of all public areas within the site.

Certificate of Compliance for Plumbing and Drainage

- E42. Prior to the issue of an occupation certificate the applicant must submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.

Plumbing and Drainage Final inspection

- E43. Prior to the issue of an Occupation Certificate, the applicant must obtain a satisfactory plumbing and drainage final inspection in accordance with the requirements of the *Plumbing and Drainage Act 2011*. This condition only applies if installation / alteration of plumbing and / or drainage works are proposed (excludes stormwater drainage). This condition does not apply to swimming pool plumbing that does not physically connect / break into the sewer system.

PART F POST OCCUPATION

Operation of Plant and Equipment

- F1. 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

- F2. 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.

Operational Noise Limits

- F3. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Noise and Vibration Impact Assessment prepared by E-LAB Consulting dated 16 December 2022.

Unobstructed Driveways and Parking Areas

- F4. 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.

Work Place Travel Plan

- F5. The Work Place Travel Plan required by **Condition E11** of this consent must be updated annually and implemented unless otherwise agreed between the Applicant and the Planning Secretary.

Landscaping

- F6. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by **Condition E34** for the duration of occupation of the development.

Signage

- F7. All signage approved under this consent must be continuously maintained in a structurally sound and tidy manner by the Applicant for the duration of the development.

Loading Activities

- F8. All loading and unloading activities associated with the development must be undertaken wholly within the subject site.
- F9. Deliveries and/or waste collection are only permitted to occur between Monday to Friday from 7:00am to 5:00pm.

Permissible Vehicles On-Site

- F10. The site is not to be accessed by a vehicle larger than that represented by a 12.5m rigid vehicle as defined in AS2890.2
- F11. All vehicles must enter and exit the subject site in a forward direction.

Servicing and Repairs of Buses

- F12. All servicing and repairs of buses must occur within the maintenance building. This does not include the cleaning, washing, refuelling or inspection of buses.

Stormwater Management

- F13. All stormwater management systems including the bio-basin must be maintained in accordance with the approved Operation and Maintenance Plan for the life of the development.

Vehicle Movements During Peak Periods

- F14. All bus movements exiting the site are limited to a Left turn only movement during the following periods:
- (a) 7:00am to 6:00pm Monday to Friday, the details of which shall be outlined in the Operational Management Plan.
 - (b) The security gate to the site must be kept open during all operating hours to allow vehicle entry and exit to the site.

Bunded Area

- F15. Ensure all hazardous materials, fuels, oils, chemicals, or fertilisers are stored in a bunded area. The bunded areas must be constructed from an impervious material, must be covered and large enough to hold the contents of the largest container plus 10%.

Do not obstruct loading bays

- F16. Do not obstruct loading bays when not in use.

Encroachment of garbage / recycling bins

- F17. Ensure the garbage / recycling bins do not encroach on the car parking or vehicle manoeuvring areas.

Manage anti-social behaviour or nuisance on-site

- F18. Manage any incidences of anti-social behaviour or nuisance on the site by implementing appropriate responses to such incidences if they occur.

Maintain Fencing

- F19. Maintain all security and perimeter fencing for the life of the development in the approved location.

Do not park, store or stand vehicles in public street

- F20. Do not, park, store or otherwise stand vehicles in a public street that are awaiting repair, under repair or awaiting delivery.

Mark and maintain line-marking

- F21. Maintain internal pavement and pavement marking.

Maintain CCTV

- F22. Maintain the installed system of Closed Circuit Television (CCTV) that monitors / records all public areas within the site.

Remove Graffiti

- F23. Maintain the external finishes of the building(s), structures, walls and fences for the life of the development and remove any graffiti within seven (7) days.

Wastewater

- F24. Ensure that all wastewater generated from the designated bus wash bay is not permitted to enter the stormwater system at any time.

Spill Control Kit

- F25. Ensure a sufficient supply of appropriate spill kit control equipment is always kept on the premises. All materials used in the clean-up of a spill must be disposed of to an appropriately licensed waste facility.

Storage of Dangerous Good

- F26. Store all Dangerous Goods in accordance with: AS 1940-2017: *The Storage and Handling of Flammable and Combustible Liquids*.

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 \$250,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Corporation 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 any relevant service providers when such approvals are required.

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 (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.

Discharge of sediment pollution

AN13. Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.

Public authorities' requirements

AN14. The following public authorities may have separate requirements in the following aspects:

- (a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
- (b) Jemena Asset Management for any change or alteration to the gas line infrastructure
- (c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
- (d) The NBN Co for access to their telecommunications infrastructure
- (e) Central Coast Council in respect to the location of water, sewerage and drainage services.

Carry out work in accordance to WH&S Act

AN15. Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.

Dial Before You Dig

AN16. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Install backflow prevention device

AN17. Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website: www.centralcoast.nsw.gov.au

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary 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 A19** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.

